



12KBW'S RACE ACTION PLAN: END OF YEAR REVIEW

In 2022 we published our [Race Action Plan](#). This is an ambitious plan intended to improve access, retention and career progression for those under-represented at the Bar in terms of race and ethnicity, recognising the need for an intersectional approach.

After publishing our Plan, we sent out a survey to the whole of chambers to gather the data we needed to implement our plan. We asked barristers and staff to provide us information on their race and ethnicity and we sought their consent to store their data and use it for the implementation and monitoring of our Plan. There was a high level of engagement with this survey: 19/22 staff and 93/95 barristers responded.

We have formed a group of barristers and staff to implement the Plan and monitor its progress. This group meets quarterly.

We are pleased to share our first end of year review.

The Race Action Plan is subdivided into four chapters. However, because there is overlap both between those chapters and with other chambers initiatives, the responsibilities of the Race Action Plan group have been subdivided as follows:

1. Culture at 12
2. Access and recruitment to 12 (including external mentorships)
3. Career progression at 12
4. Staff at 12
5. Fair allocation of work
6. Internal mentorships

Short reports on each chapter are provided below for the year 2023.

Culture at 12

Key actions and targets

1. Form a focus group or groups comprised of ethnic minority members, with the intention of those groups holding confidential discussions and giving anonymised feedback.
2. Use the feedback and information gained from the focus group to:
 - a. Make chambers more supportive of those of different races and ethnicities
 - b. Identify any discriminatory and/or non-inclusive behaviour
 - c. Review the complaints/grievance procedure
 - d. Ensure transparency
 - e. Identify any issues faced by barristers outside chambers where further support might be required
 - f. Institute and provide internal workshops for barristers and/or staff based upon issues identified in the feedback and information provided
 - g. Review the informal and formal complaints procedure and/or address any systemic issues raised
3. Implement and regularly provide race and diversity training.

Steps taken, progress and problems

The provision of general race and diversity training is now well-established in chambers. No revision to that process is required. Diversity data collection is similarly well-established.

The precursor to taking all other steps relating to Culture is the formation of voluntary focus groups comprised of barristers from ethnic minority backgrounds. Having obtained the necessary diversity data to identify such members, emails were sent to those members requesting focus group participation.

We do not currently have a sufficient number of racially and ethnically minoritised barristers who feel able to participate in a focus group. As such, it has not been possible to implement the actions under the Race Action Plan on the basis of focus group discussion feedback.

In the New Year, chambers will organise a speaker to come into chambers to host a discussion on inclusion in terms of both race and in terms of intersectionality more widely. It is hoped this may go some way to providing an alternative source of feedback and/or encourage engagement with the Plan.

In the meantime, in lieu of the focus group feedback, the group has identified the following actions that could reasonably be said to be constructive responses to some of the issues identified:

- Ensure that chambers events do not clash with religious holidays where possible. A list of holidays has already been prepared.
- Look at the Complaints Procedure and see if amendments can be made so as to encourage reporting. This will be discussed by the group in the New Year.
- Actively encourage barristers and staff to use the complaints procedure and remind them of available channels of complaint. The group considers that an annual email to this effect is appropriate.

Access and recruitment to 12 (including external mentorships)

Key actions and targets

1. Increase the percentage of black pupillage applicants to 10%
2. Offer pupillage/tenancy to at least one black applicant by the end of 2025
3. Take on at least 1 black pupil by the end of 2027
4. Enable an average of 25% of pupillage offers to be made to EM candidates by the end of 2027
5. Initiate at least 100 mentorships by the end of 2023.

Steps taken, progress and problems

Readers are referred to the [annual report of the pupillage committee](#) for information on the work done by the pupillage committee in relation to the Race Action Plan. Chambers remains committed to the targets 1-3 and determined to achieve them if possible.

Further discussions are required as to the steps needed to realise target 4. There is optimism that although an average of 25% may not be met by the end of 2027, a lesser percentage can be met.

As to target 5, unfortunately the figure of 100 has not been reached. We believe that the actual figure is closer to about 20. The group is engaged in discussions with the Sutton Trust, PIBA and the four Inns of Court. It may be a question of time to persuade all barristers of the positive aspects of mentoring. 100 mentorships in one year was an ambitious target!

While consideration has been given to a specific mentorship scheme, enthusiasm for such a scheme is limited. Initiatives such as mini-pupillage weeks already require much time and commitment from barristers and staff.

The group considers that the targets should remain unaltered for 2024 and re-visited in 12 months' time, at which point the Race Action Plan will be more developed and, hopefully, better integrated into the Chambers community.

Career progression at 12

Key actions and targets in respect of ethnically minoritised barristers

1. Have at least 3 barristers ranked and/or 3 rankings in new practice areas by the end of 2027
2. Have at least 1 barrister on ManCom by the end of 2023
3. Have all barristers take on a position on a committee or working group by the end of 2024
4. Have at least 1 barrister appointed to silk by the end of 2027
5. Have at least 1 barrister appointed to full or part-time judicial office by the end of 2027
6. Discuss directory rankings for all barristers at practice manager reviews
7. Create a system where all emails to and from clerks are retained for at least 6 months
8. Support all barristers to write and publish articles, books texts and blogs and undertake speaking engagements
9. Encourage all barristers to take positions of management in chambers
10. Encourage all barristers to join our pathway schemes for silk.

Steps taken, progress and problems

Good progress has been made in this chapter. In 2022, we achieved 6 ethnically minoritised barristers ranked in the directories. Two further barristers have confirmed that they will make applications in the coming year. 4 ethnically minoritised barristers have taken on a position on another committee or working group. We have one ethnically minoritised barrister currently on the chambers silk pathway. Another has applied for a role as a Deputy Judge of the Upper Tribunal (Immigration & Asylum). Mimecast has been rolled out within chambers so that all staff emails are archived and retained indefinitely.

Head of Chambers, William Audland KC, has sent emails to all ethnically minoritised barristers encouraging them to take up speaking engagements and write articles/blogs etc

and offering support if needed. Barristers have been reminded about the silk pathway scheme within chambers. Encouragement has been given to ethnically minoritised barristers to apply for management positions.

The group recognises that the target of having all ethnically minoritised barristers taken on a position on a committee or working group may be difficult to meet and this will be reviewed in the New Year. We will increase our target for directory rankings as we have surpassed this target by some way. The remaining targets, which are long-term, will be kept under review.

Staff at 12

Key actions and targets

1. Provide all staff with basic equality & diversity, race and fair recruitment training
2. Review and update all staff policies to ensure the promotion of ethnic diversity
3. Produce an annual report for 2022 of staff diversity data
4. Increase the diversity of the clerks room
5. Form voluntary focus groups among staff.

Steps taken, progress and problems

All staff are up to date on fair recruitment training. 12 members of staff are either due their equality & diversity training or about to be due their refresher. 2 members of staff have not completed their training. The annual report on staff diversity will be submitted to the Management Committee in January 2024. A new employee handbook should be ready by end of January 2024 which will contain all staff policies, fully updated.

Fair allocation of work

Key actions and targets

1. Collect diversity data for earnings and allocation of work
2. Monitor that data regularly
3. Conduct an annual analysis of the data, investigate the reasons for unexplained discrepancies, formulate a plan to remedy unexplained discrepancies, and report to the Equality & Diversity Officer annually.

Steps taken, progress and problems

The first step was to produce a data diversity survey to obtain consent for the collection and processing of data for this purpose. As mentioned above, there was a high level of engagement with this process (19/22 staff and 93/95 members).

Then we analysed the earnings data using Lex. The Bar Council have recently (October 2023) published revised guidance as to possible income models to be used in relation to both sex and race.

Due to the numbers involved, it is not possible to publish or share financial data broken down into call bands without the earnings of individual barristers being identified. However, it has been possible to analyse the financial data at a chambers level (for the year 2022/23) and the results are as follows:

- Barristers (not excluded from the analysis) identifying as white: 84.8%
- Barristers (not excluded from the analysis) who do not identify as white: 15.2%
- Earnings of barristers identifying as white (as a proportion of total earnings): 83.8%
- Earnings of barristers who do not identify as white (as a proportion of total earnings): 16.2%

The above data excludes barristers that left or joined in the course of the relevant period, door tenants or dual tenants that do not put the majority of their earnings through chambers, and barristers who did not consent to their data being used for this purpose.

We are pleased to report that the earnings of barristers who do not identify as white are not disproportionately lower than those of white members. Next, we propose to undertake further work through Lex to identify data other than financial information.

Internal mentorships

Key actions and targets

1. Encourage all ethnically minoritised barristers and staff to take up an internal mutual mentorship with a senior barrister or staff member
2. Actively encourage staff and barristers to offer mentoring.

Steps taken, progress and problems

We emailed all ethnically minoritised barristers in July 2023 giving details of the 12KBW internal mentoring scheme, the Plan's aims regarding mentoring, and inviting them to take part as mentor/mentee.

A further email was sent to barristers in November 2023 setting out details of 12KBW's internal mentoring scheme and other wellbeing resources for barristers.

We have 9 formally registered mentorships within chambers. So far, there is only one ethnically minoritised barrister mentee formally placed with a mentor. There are 5 ethnically minoritised barristers who are registered as internal mentors but are yet to be paired up with a mentee.

No progress has been made with mentorship arrangements for staff.

Steps taken, progress and problems

We are hopeful that, with time and successful mentoring relationships, the internal mentoring scheme will gain a wider interest.

The current quasi-mentorship arrangements for staff are as follows:

- The Director of Clerking and Business Operations Manager both have an open-door policy where staff can discuss any matters with them
- Each member of staff has an annual review with quarterly progression meetings
- Senior Practice Managers are responsible for development of Assistant Practice Managers and this rotates quarterly

There is no formal mentoring scheme for staff. This is because a written mentoring policy for staff would be needed, there has been little interest expressed in such a scheme, and a mentor scheme is unlikely to offer more than the current arrangements.

We will continue to encourage the formation of internal mentorships among barristers. At this stage, mentorships within the staff team are not achievable but the set out arrangements above will continue.

Conclusion

When the Race Action Plan was published it was stated to be a 'Living Document'. The first year of work on the Plan has revealed that there are targets that need amending because they cannot be achieved, and there are targets that need updating because they have been achieved already. Amending and updating the Plan is essential to ensure its continued viability so that it remains relevant for years to come. We are looking forward to reviewing the Plan in the New Year and making changes as required. In the meantime, we would like to extend our thanks to everyone in the Race Action Plan group who has given up their time, and to everyone else who has responded to requests for information, taken part in initiatives and offered their support to this most ambitious project.