

Gross earnings by sex and practice area at the self-employed Bar 2024



Contents

Executive summary	2
Key findings	
Recommendations	3
Introduction and methodology	6
Earnings by sex at the self-employed Bar	11
Earnings by sex and PQE	12
Earnings by sex and practice area	16
Crime	16
Family	17
Commercial and Chancery	19
General civil	20
Earnings by sex – trend data	22
Annex 1	

Executive summary

The data in this report is the most comprehensive overview of information we have on barrister earnings at the self-employed Bar. The underlying data on gross earnings is self-reported to the Bar Council as part of each barrister's annual renewal of their practising certificate, during the authorisation to practise (AtP) period. Data in this report was submitted in 2024 and relates to 2023 calendar year earnings.

Every barrister's practice and their personal choices and circumstances are individual, and no two practices can be directly compared. However, the advantage of this large dataset is that it allows overarching patterns to be identified.

Key findings

Based on 2023 earnings data:

- 1. Women were earning less than men at the self-employed Bar. Junior women were earning on average 77% of what junior men are earning. Women silks were earning on average 67% of their male colleagues' median gross earnings.
- 2. Earnings gaps persist across every post qualification experience (PQE) band, tending to be lowest at 0-3 years and highest at mid-career level and at KC level. The highest earning men were consistently earning more than the highest earning women.
- 3. There were earnings gaps in every area of practice. The widest gaps were in commercial and Chancery practice, where women at 11-15 years PQE were earning 57% of their male colleagues' median fee income.
- 4. During the previous 4 years (2020-2023), median earnings at the Bar had increased for men and women. However, women's earnings increased by less than men's. This means the gap is increasing.

These findings are disappointing.

That said, there are some positive developments. The data from 2023 hides real progress made in the last two years, including a lot of hard work at the chambers level, and it is important this is recognised, and others are incentivised to act.

In addition, the quality of data we have is improving each year and this means we are able to provide more reliable aggregated data against which we – and chambers - can measure progress.

We have made the case for some time that data at a chambers level is key to understanding and addressing earnings differences. This is because there are so many variables influencing each barrister's earnings. Meaningful assessment and comparison of earnings can only be made when there is an understanding of an individual barrister's practice.

Our work – directly with chambers and clerking teams – has also helped us to understand the causes of earnings disparities and some of the appropriate interventions that may address them. Local interventions demonstrate this is an issue that can be addressed at chambers level.

Making progress is reliant on different combinations of interventions. Bespoke solutions are required which account for:

- (i) individual barrister's career decisions/availability for work
- (ii) different areas of practice
- (iii) clerking practices and chambers management, and
- (iv) the approach of instructing clients

This work must be sustained. It will take time to reduce earnings gaps, but we will remain focussed on tackling this issue at both Bar-wide and chambers levels. On this basis we will continue to report the earnings gap regularly, and support and share what we are learning with members of the Bar.

We hope this report will encourage every chambers to start to monitor earnings (if they are not doing so already) and to start implementing changes that may be required to address any inequalities identified.

Recommendations

Recommendations for the Bar Council: based on these findings, the Bar Council will continue to:

- 1. Monitor earnings across the Bar, refining our methodology to ensure we provide baseline data for comparison.
- 2. Encourage chambers to monitor earnings

- 3. Highlight good practice in addressing earnings disparities by protected characteristics.
- 4. Work with public and private sector clients of the Bar to encourage monitoring of instructions by protected characteristics.

Recommendations for chambers: based on our experience of working closely with chambers who are monitoring earnings and addressing earnings gaps, we recommend chambers:

1. Monitor earnings

More and more chambers are monitoring earnings, with many more using the information that they find to identify patterns and target interventions intended to reduce gaps.

Resources: use our free <u>Earnings monitoring toolkit</u> to monitor earnings. Attend our <u>Work distribution and monitoring training</u> or <u>work directly with us</u> to get help to do this.

2. Identify any barriers to more equitable work distribution

Chambers and barristers need to establish reasons for earnings disparities on a case-by-case basis.

TIP

In addition to potentially discriminatory and/or unfair briefing practices by clients, and others – which must be understood and addressed – there may be other factors that may influence earnings differences.

For every barrister, and in every chambers, there may be multiple reasons for differences in earnings. For some it is capacity for work, for others it is competing priorities or commitments.

Some barristers need support to rebuild their practice after a period of leave, others need to shift their area of practice to better suit their style and interests. Some barristers are reluctant or slow to invoice for work done, and others understate the hours they've put into a case.

3. Introduce/formalise practice reviews

If the barrister wishes to address an earnings gap (it is sometimes a matter of choice) then chambers should work with the barrister to adjust their practice/approach. This is best achieved through formal practice reviews.

Resource: use our practice review guide for barristers and clerks.

TIP

Incorporate data showing earnings comparisons and benchmarks in practice review discussions. This is an effective way of triggering a conversation with individual barristers about the impact decisions they are making about their practice have on their earnings so they can better understand their earnings potential.

4. Consider other appropriate interventions

A comprehensive review should enable you to identify appropriate interventions.

Resource: if you need advice, contact the Bar Council's **EDI** team

TIP

Examples of interventions which have been put in place following analysis of earnings include:

- Targeting expertise and support for barristers whose earnings have fallen below their peers. This can be ensuring the most experienced clerks work with barristers with the least experience and those who need more support to build their practice
- Supporting better billing and time-recording practices to ensure all work is properly billed

Introduction and methodology

We have been monitoring earnings at the self-employed Bar by sex since 2020. This began off the back of grassroots work by women's groups across the Bar which identified systemic differences in women's access to the best-paying work, as well as their experience of working life. We hoped providing centralised, aggregated data could help inform and support activity at this local (chambers) level.

In 2020, 2021, and 2022, the Bar Council published analyses of Bar Mutual Indemnity Fund (BMIF) data showing comparative representation and income share by sex and practice area. All three reports demonstrated that women at the self-employed Bar earned less than men. The 2021 report – a longitudinal study – additionally found that, "the gap between men and women's average income has increased over the last 20 years".²

In 2023, we updated our methodology on reporting gross fee income by sex to take advantage of the fact our own data now allowed us to report on exact barrister fee income data, rather than banded income brackets.³ Our analysis found that in every call band and every area of practice, men's average (mean and median) gross fee income was higher than women's.⁴

This report looks at self-employed barrister gross earnings relating to sex, experience level and main practice area. It does not account for all the variables which determine a barrister's gross earnings, including (but not limited to), the type of cases they take on, the hours they work, their engagement in marketing activities and promotion, the amount of pro bono work they do, where they work and the quality of their work.

There are differences in working patterns between men and women at the Bar. More women (14%) than men (8%) describe themselves as working 'part-time'. This may

¹ <u>Voices of Women at Chancery Bar — Chancery Bar Association; WCWF Back to the Bar - Final</u> version

² The Bar Council (November 2020) Gender Pay Gap table <u>Bar Council Gender Pay Gap Table</u> <u>November 2020</u>; The Bar Council (September 2021) Barrister earnings by sex and practice area report 2021 <u>Barrister earnings data by sex and practice area report 2021 (barcouncil.org.uk)</u>; The Bar Council (November 2022) Barrister earnings by sex and practice area – 2022 update <u>Final BMIF</u> (barcouncil.org.uk)

³ Our Authorisation to Practise process in 2021 began to ask barristers to report exact fee income in addition to banded income

⁴ The Bar Council (November 2023) Gross earnings by sex and practice area at the self-employed Bar The Bar Council November 2023 earnings report FINAL

explain some of the disparity in earnings but is not large enough to explain the systemic disparity, particularly at early career stage and for KCs.⁵

The earnings gaps detailed in this report were calculated using the methodology recommended by the UK government to calculate pay and bonus gaps, ie as a percentage of men's earnings.⁶

The data presented in this report is intended as an overview and a guide. Work in chambers to analyse earnings at a local level (using the Bar Council's <u>earnings</u> <u>monitoring toolkit for chambers</u>) can take into account individual practices, preferences and working patterns, and can accompany targeted support to help individuals develop the practice they want.

Post qualification experience (PQE)

The data in this report cannot be directly compared with last year's report, as we have made the decision to use post qualification experience (PQE) rather than number of years' Call as the time metric to bracket barristers based on experience.

'Call' to the Bar refers to the date when a barrister has completed their Bar course, their required minimum qualifying sessions, Call declaration and criminal record checks, and is called to the Bar.

It may take up to 5 years (longer if an aspiring barrister secures a waiver from the Bar Standards Board) after Call for a barrister to start pupillage (become fully qualified) and begin earning money from their practice.

PQE is a more direct measurement of professional activity as it simply refers to the time spent working/earning money after the completion of pupillage.

PQE is a clearer place to start when measuring the length of a career as it indicates time spent working, rather than Call, which is imprecise in this respect.⁷

In April 2024 we published analysis of barrister earnings right at the start of careers at the Bar in the report, 'New practitioner earnings differentials at the self-employed

⁵ In 2023, 14% of female and 8% of male self-employed barristers described themselves as working 'part-time'.11% of women and 18% of men described their working patterns as full-time with no extended hours. An equal number of men and women worked extended hours, including over weekends. The Bar Council/IES Barristers' Working Lives 2023: https://www.barcouncil.org.uk/resource/bar-council-barristers--working-lives-report-2023-pdf.html

⁶ See calculation 3 on the 'Making your calculations' guidance from the Government Equalities Office: <a href="https://www.gov.uk/government/publications/gender-pay-gap-reporting-guidance-for-pay-gap

employers/making-your-calculations

⁷ Neither Call nor PQE takes account of time spent on career breaks.

<u>Bar</u>'. We realised that while the choice between Call and PQE does not make a significant difference to most of the trends we see, it does make a substantial difference when considering the earnings of those in the 0-3 years band.

We have therefore elected to use PQE in this report and in future earnings reporting.

Annual earnings

Data is presented for the financial year covered by a barrister's practising certificate for earnings during the previous calendar year. For example, barristers renewing their practising certificate during the annual authorisation to practise (AtP) process for the financial year 2024/25 are declaring their earnings for the calendar year 2023.

Barristers not renewing their practising certificate are not required to declare their earnings, so will be missing from the data.

Gross earnings

This report uses gross earnings data which are self-reported to the General Council of the Bar by self-employed barristers each year when they renew their Practising Certificate.

For self-employed barristers 'gross earnings' is the total gross fees generated (excluding VAT) before they pay rent, expenses, professional insurance, and the other costs/expenses associated with being self-employed.

Gross earnings should not be confused with income, which is the taxable amount barristers earn, and is considerably less than the figures discussed in this report. It is also important to remember that self-employed barristers need to make their own provision for pension contributions and sick leave.

In this report we use the terms 'gross earnings', 'gross fee income' and 'earnings' interchangeably to refer to the amount of money barristers are generating in fees before any expenses, tax, national insurance or other costs are deducted.

Expenses

The direct expenses that barristers pay before reaching their income threshold typically amount to 20%-40% of gross earnings.

In a sample of 692 barristers with a range of practices the middle 50% of barristers had expenses ratios of 20%-30%, and the median was 25%.

More junior barristers and those based in London tend to pay a higher proportion of their fees in expenses.⁸

Median

Throughout this report we use median rather than mean as the standard average for gross earnings. The median average is the middle value in the series, with 50% of barristers earning less than this, and 50% earning more.

The mean is easily skewed by barristers with very high gross earnings, and this happens for almost every data split we look at in this paper: the mean figure is above the median and does not reflect what a typical barrister could expect to earn.

Practice area

Barristers are grouped by practice area according to earnings. Those barristers considered in any one area (eg crime, family, commercial and Chancery) are those who self-declared that 80% or more of their gross fee income was in that area of practice in the preceding calendar year.

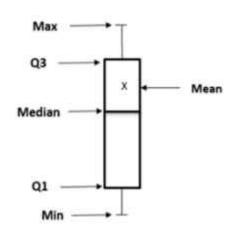
Many barristers have a mixed practice and do not specialise to any one area to this extent.

Box and whisker charts

Throughout this report we have used box and whisker charts to represent how the data is distributed.

In a box and whisker chart, the box represents the range of gross earnings if you exclude the top 25% and bottom 25% of earners. Those highest and lowest earners are represented by a line (whisker) extending above and below the box.

The mean is represented by a **X** and the median is the **line** in the box.



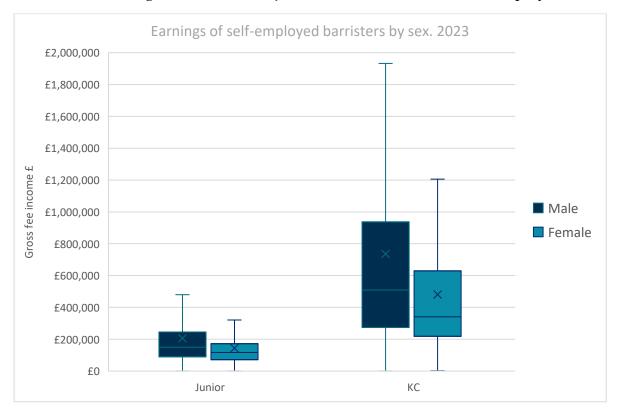
⁸ Sir Christopher Bellamy (2021) Independent Review of Criminal Legal Aid Annexes A-N. A discussion of barrister expenses is in Annex L. <u>Independent Review of Criminal Legal Aid - Annexes (publishing.service.gov.uk)</u>

The data excludes outliers which are datapoints beyond 1.5 times the inter-quartile range. This means the length of the whisker can be up to 1.5 times the height of the box.

Using this method ensures most barristers are counted and focuses attention on the typical range of gross earnings for a particular group.

Earnings by sex at the self-employed Bar

Women are earning less than men at junior and silk level at the self-employed Bar.



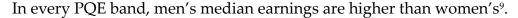
At junior level, men's average (median) earnings are just over £150,000, while women's are a little over £116,000. Women are earning 77% of men's earnings on average – over a fifth less.

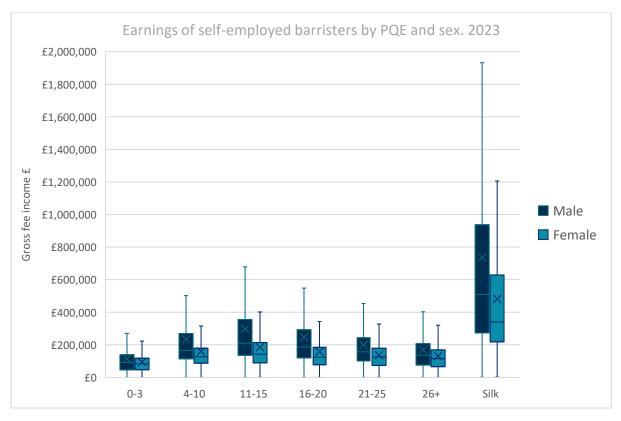
The earnings of junior women in the top quartile (the highest earning 25%) are significantly (35%) less than those of men in the top quartile.

At KC level, men's average earnings are around £510,000, while women's are lower at around £340,000. Women silks are earning on average 67% of their male colleague's median gross earnings.

The lower earning male silks are not earning much more than the lower earning women silks. However, the top range of earnings for male silks extends considerably higher. The highest 25% of male earners are earning on average over £937,000, while the highest earning 25% of women silks are earning over £630,000.

Earnings by sex and PQE





Right at the beginning of a barrister's career, women are earning 9% less than men. To put it another way, women are earning on average 91% of what men are earning in the 0-3 PQE band. This gap widens and peaks at 16-20 years, when women are earning 34% less than men. The gap then shrinks again among senior juniors.

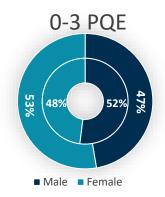
If a barrister reaches silk, both men and women see a significant increase in earnings. Yet the earnings gap between men and women widens again. Women silks are earning 33% less on average than their male counterparts.

In every PQE band, the highest earning men reach a higher level of earnings than the highest earning women. Again, the disparity in gross earnings does not appear to be a result of more men working at the self-employed Bar as the following doughnut charts show.

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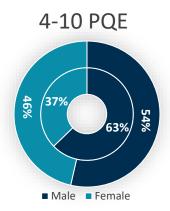
⁹ See also annex 1

In the charts below the outer ring represents the total number of barristers, the inner ring is total gross earnings.



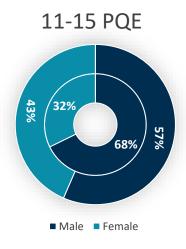
53% of barristers in the 0-3 years PQE band are women. They account for 48% of the gross earnings.

The gap between men's and women's median gross earnings in this PQE band is 9%.



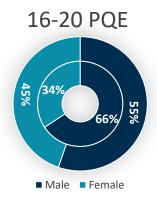
46% of barristers in the 4-10 years PQE band are women. They account for 37% of the gross earnings.

The gap between men's and women's median gross earnings in this PQE band is 24%.



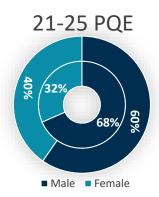
43% of barristers in the 11-15 years PQE band are women. They account for 32% of the gross earnings.

The gap between men's and women's median gross earnings in this PQE band is 32%.



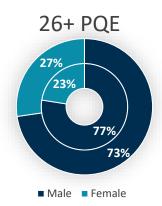
45% of barristers in the 16-20 years PQE band are women. They account for 34% of the gross earnings.

The gap between men's and women's median gross earnings in this PQE band is 34%.



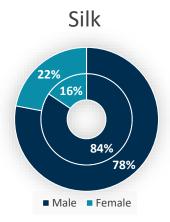
40% of barristers in the 21-25 years PQE band are women. They account for 32% of the gross earnings.

The gap between men's and women's median gross earnings in this PQE band is 20%.



27% of barristers in the 26+ years PQE band are women. They account for 23% of the gross earnings.

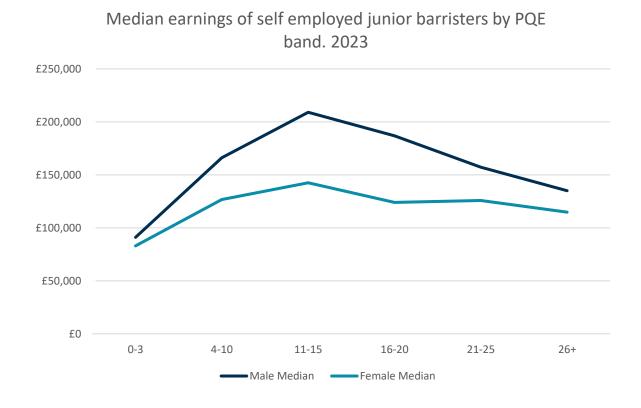
The gap between men's and women's median gross earnings in this PQE band is 15%.



22% of KCs are women. They account for 16% of the gross earnings.

The gap between male and female KC's median gross earnings is 33%.

The chart below shows the pattern in median earnings of men and women across the PQE bands. It shows the gap is present right at the start of a barrister's career, widens in mid-career and narrows again amongst senior juniors. For barristers who take silk, the gap widens again, with male silks median earnings reaching £509,063 and women's only reaching £340,703.



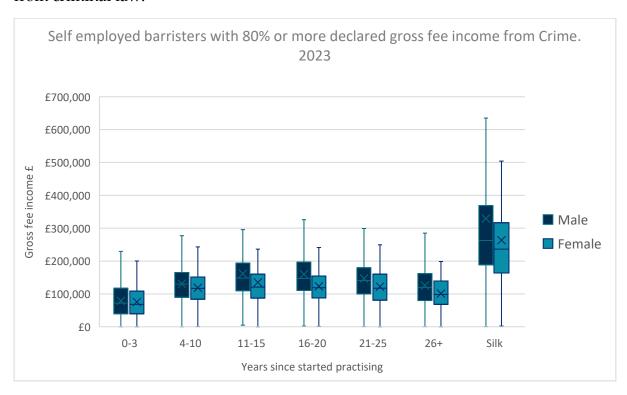
This data above shows the patterns at the whole Bar, the following charts show the patterns within different practice areas.

Earnings by sex and practice area

Earnings gaps persist across every practice area, tending to be lowest at 0-3 years and highest at mid-career level and at KC level. The highest earning men are consistently earning more than the highest earning women.

Crime

This group covers 3,010 barristers declaring 80% or more of their gross fee income from criminal law.

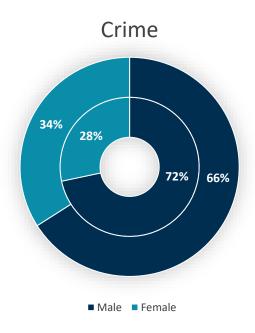


Women's median gross earnings are below men's at all experience levels in criminal practice.

The gap is smallest at the start of a barrister's career, at 6% in the 0-3 years PQE band. It peaks at 19% in the 16-20 years PQE band.

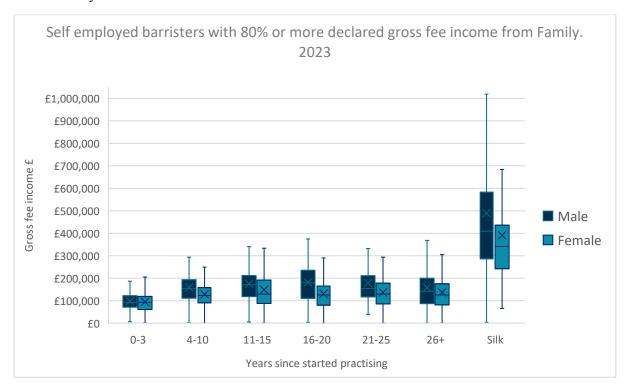
At silk, women are earning a median average of 10% less than their male colleagues. The highest earning quartile of male silks have a median gross fee income of over £369,000, while women in the highest quartile earn over £317,000.

Overall, women make up 34% of barristers with 80%+ of their practice in crime and earn 28% of the earnings in that practice area.



Family

This group covers 2,452 barristers declaring 80% or more of their gross fee income from family law.



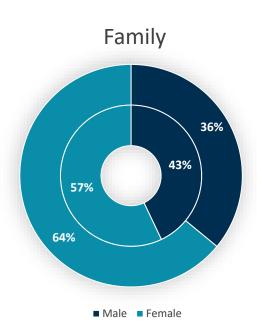
64% of family barristers are women. Family is the only area of practice at the Bar where there are more women than men. Yet at each PQE band after 0-3 years, men's median gross fee income is higher than women's.

At the start of a barrister's career in the 0-3 years PQE band, women are earning a little more (2%) than men and the very highest earning women are earning more than the highest earning men.

By 16-20 years PQE the earnings gap is 30% - women are earning on average 70% of what men are earning.

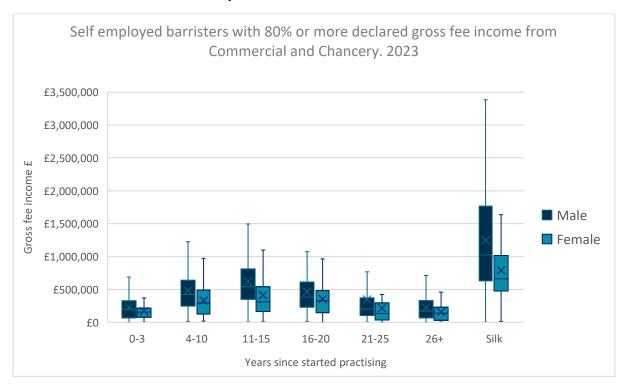
At KC level, there is an 16% gap in the median earnings between men and women. The highest earning women are earning 39% less than the highest earning men.

Overall, women make up 64% of barristers with 80%+ of their practice in family and earn 57% of the earnings in that practice area.



Commercial and Chancery

This group covers 1,146 barristers declaring 80% or more of their gross fee income from commercial and Chancery law.



At 24% women, there is a lower representation of women in commercial and Chancery than in any other of the main areas of practice considered in this report. We also see the highest overall earnings and the widest earnings gaps.

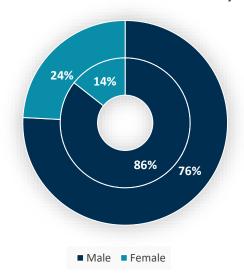
During the early years of practice (0-3 years), women's median gross fee earnings are 22% less than men's. Notably, the top quartile of women's earnings at this experience level starts at 41% lower than the top quartile of men's earnings.

The earning gap grows and peaks at 11-15 years PQE, when women are earning 57% of their male colleagues' median earnings (a 43% earnings gap).

The earnings gap is almost as pronounced at KC level, when women silks are earning 65% of what male silks are earning (a 35% earnings gap).

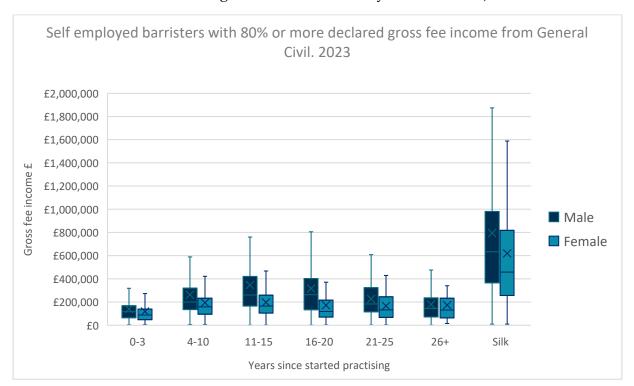
Overall, women make up 24% of barristers with 80%+ of their practice in commercial and Chancery and earn 14% of the earnings in that practice area.

Commercial & Chancery



General civil

This group covers 2,428 barristers with no specific civil specialism (ie those who do not declare over 80% of their gross fee income in any one civil area).



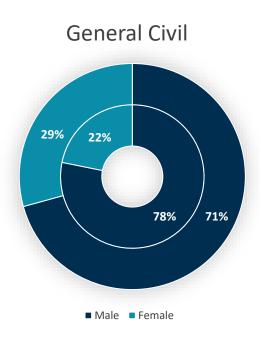
Women new practitioners (0-3 years PQE) are earning 75% of what their male colleagues are earning (a 25% earnings gap).

At mid-career level (11-15 and 16-20 years PQE) the highest earning men are earning very much more than the highest earning women. At 16-20 years the women with

the very highest fee incomes are still earning less than the top end of the middle 50% of male earners.

Among KCs, women's median gross fee incomes are 72% of their male colleagues' median gross fee incomes (a 28% earnings gap).

Overall, women make up 29% of barristers with 80%+ of their practice in general civil and earn 22% of the earnings in that practice area.



Earnings by sex – trend data

In the last 4-year period for which we have data (2020-2023) median earnings at the Bar increased for men and women. However, women's earnings increased by less than men's.

Junior men's median earnings increased by an average of 41% and junior women's by 32%.



Male KCs median earnings increased by an average of 13% and women KCs by 11%.



Any disparity in earnings growth will result in the earnings gap continuing to widen over time.



For more information about the data, to see more detailed data specific to practice areas, or to learn more about modernising the Bar initiatives, please contact equality@barcouncil.org.uk

Annex 1

Data chart showing median earnings by PQE band and sex

PQE group	Male median	Female median	Gap
0-3	£91,057	£83,004	9%
4-10	£166,146	£126,687	24%
11-15	£209,095	£142,572	32%
16-20	£186,897	£124,029	34%
21-25	£157,335	£125,825	20%
26+	£135,043	£114,795	15%
Silk	£509,063	£340,703	33%