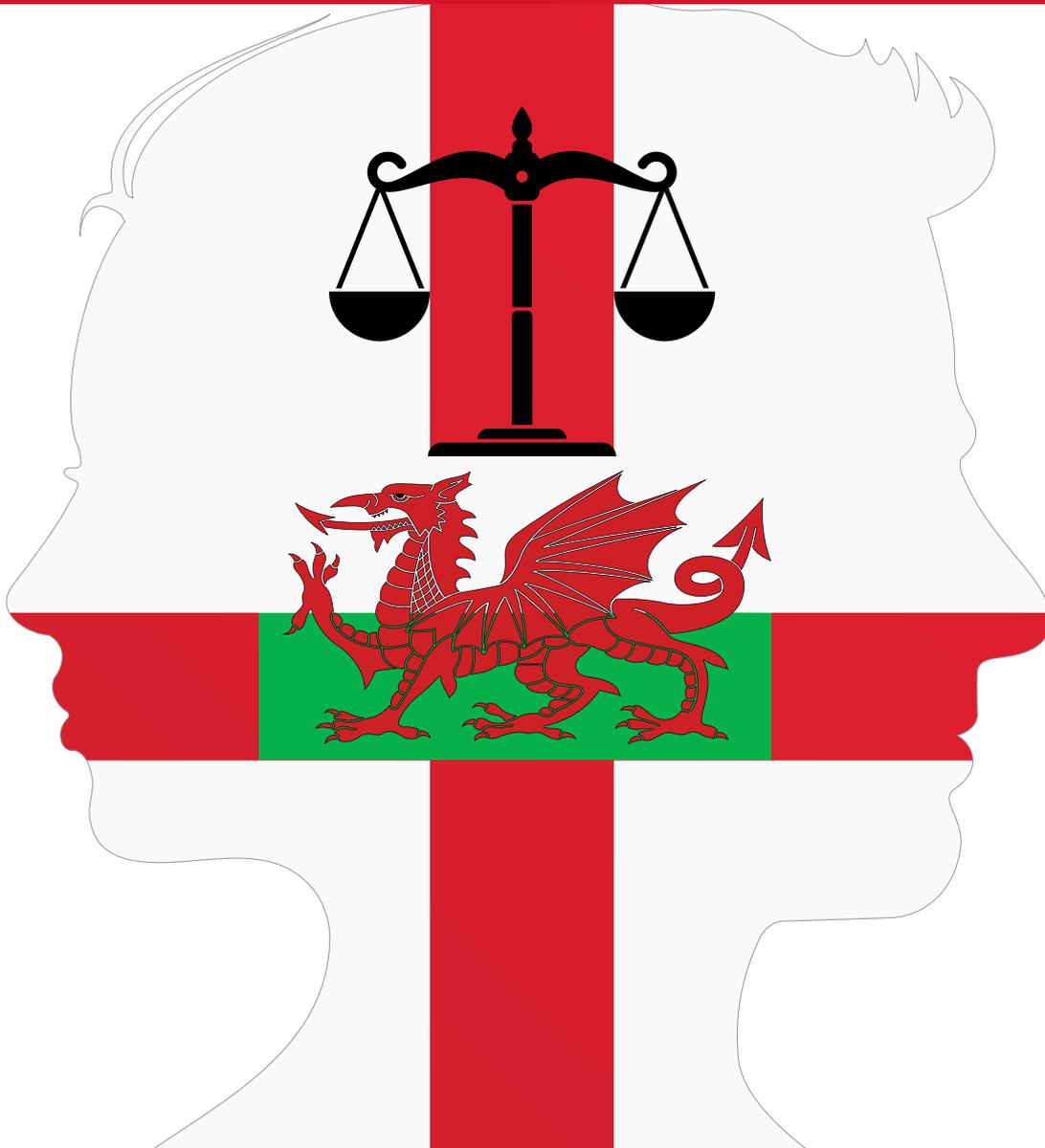




the global voice of
the legal profession®

50:50 by 2030: A longitudinal study into gender disparity in law



ENGLAND AND WALES PILOT RESULTS REPORT

International Bar Association Legal Policy & Research Unit
with the support of the LexisNexis Rule of Law Foundation

The International Bar Association (IBA), established in 1947, is the world's leading international organisation of legal practitioners, bar associations, law societies, law firms and in-house legal teams. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 lawyers, 190 bar associations and law societies and 200 group member law firms, spanning over 170 countries. The IBA is headquartered in London, with offices in São Paulo, Seoul, The Hague and Washington, DC.

The IBA Legal Policy & Research Unit (LPRU) undertakes research and develops initiatives that are relevant to the rule of law, the legal profession and the broader global community. The LPRU engages with legal professionals, law firms, law societies and bar associations, governments, non-governmental organisations and international institutions to ensure innovative, collaborative and effective outcomes.

This report considers sensitive issues, which may cause distress among some readers. Readers are encouraged to seek appropriate support. In many countries, free telephone and online counselling services are available.

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Forewords

We live in a world where significant challenges persist for women in their efforts to progress in the workplace, across all industries and all countries, with some being more challenging than others. Research has shown that women have been disproportionately affected by the pandemic and the home-working demands imposed by lockdown measures.

The role of the legal profession and lawyers is integral to every society. Whether law makers or law enforcers, legal advisors or human rights defenders, it is critical that a gender-balanced voice emerges within those areas. The legal profession should reflect the make-up of the society that it serves.

More than half of all law school graduates and trainees are female, but there is still a notable disparity between representation at the most senior levels of the legal profession. Our unique and ground-breaking gender project, which we have launched with the LexisNexis Rule of Law Foundation (LNROLF), seeks to facilitate an informed and effective gender policy blueprint which should benefit all legal sectors globally. I would like to express our gratitude to the LNROLF for their technological, analytical and employee support for this important project.

The legal profession must lead the way in its efforts to create gender parity at all levels and, with this in mind, our work will look to identify entrenched barriers, assess the measures being taken to correct the imbalance and draw up a blueprint of best practice across different legal sectors. This work will take place over nine years in 16 jurisdictions – an unprecedented scale for a gender study in the global legal profession but chosen to run alongside the decade of action for the United Nations Sustainable Development Goals, notably Goal 5 on gender equality.

Our first study has looked at the position in England and Wales and the findings are interesting, notably in terms of perception versus reality, and the difference between private and public sectors. I am grateful to all those who have participated and supported our work to date and look forward to the next set of results from Spain.

The International Bar Association will continue its efforts to address matters of diversity, mental wellbeing, bullying and sexual harassment in the legal profession as ongoing matters of utmost importance. The IBA is particularly well-placed to lead this challenging work and we are committed to our special responsibility for guiding the legal profession.

We must lead the way, knowing that what we do, our dedication and our progress, will be watched and judged accordingly.

Almudena Arpón de Mendivil

Vice-President, International Bar Association

In 2018 the IBA committed to support diversity and inclusion within the membership and activities of the IBA and to promote equality, respect, justice and the fulfilment of human rights upon which the profession is founded. It resolved to create a Diversity & Inclusion Council to pursue this work.

The Diversity & Inclusion (D&I) Council has worked since that time on projects that reach across our membership and benefit the entire profession, to eliminate discrimination and bias and to support and promote the full and equal participation of all persons within the IBA and its membership.

Data concerning women's participation in the legal profession is concerning. Research demonstrates that diversity improves decision-making, problem-solving, creativity, innovation and productivity. Bright young law graduates are entering the profession in record numbers. And, yet, the representation of women at senior levels of the global profession remains persistently low despite decades of work on recruitment, retention and promotion of women lawyers in many countries, including programmes to tackle discrimination, bullying and harassment, flexible working practices, equitable procurement policies and unconscious bias.

One of the priority projects of the D&I Council has been to evaluate the measures undertaken globally by the legal profession, in order to identify the causes of this attrition and to understand and promote effective retention and advancement projects. Those selected programmes and practices have a demonstrable positive effect on individual lawyers, through encouraging their full participation and eliminating bias and discrimination.

Working closely with the IBA Legal Policy & Research Unit (LPRU) and assisted by the LNROLF, the D&I Council has designed and initiated this ambitious landmark work to uncover and address the root causes of the lack of gender parity at the most senior levels of the legal profession across all sectors. Our ambition is to achieve gender parity at the highest levels by 2030, consistent with UN Sustainable Development Goal 5 to achieve gender equality and empower all women and girls by 2030.

The results of this pilot provide a snapshot of the situation in England and Wales. The learnings of the pilot will be applied in the next phase of the work as we examine the situation in other countries. It will be fascinating to compare and learn from the experiences in Australia, Chile, India, Japan, Mexico, Nigeria, the Netherlands, Republic of Korea, Singapore, South Africa, Spain, Uganda, Ukraine, United Arab Emirates and the United States.

The final report will guide the work of the D&I Council in future years and contribute to the aspiration of the IBA for a fair and inclusive profession best able to serve the interests of the community, just outcomes and the rule of law.

Fiona McLeod AO SC and Chris Watson

Co-Chairs, Diversity & Inclusion Council

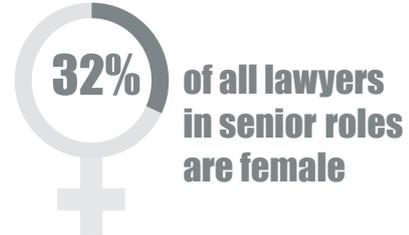
Main findings – England and Wales



The IBA has received responses across the four sectors of the legal profession (private practice, including barristers' chambers, in-house legal teams, the public sector, and the judiciary).



Gender representation across the legal profession:



There is a 19% point drop between female representation at all levels and female representation at senior levels.

Gender initiatives

95% of respondents reported monitoring gender balance in senior positions and overall.

The 3 most popular initiatives across the legal profession are:

- Flexible working arrangements
- Coaching/mentoring
- Unconscious bias training

Quota setting is the least popular.

Flexible working is the most popular initiative, the one perceived to be the most effective and the one in place the longest (6.6 years on average).



The public sector has the strongest female representation. The public sector has been implementing gender initiatives for the longest period of time.

64%

64% of all lawyers in the public sector are female.

57%

57% of all lawyers in a senior role in the public sector are female.



Quota setting is the least popular initiative but is perceived to be 'somewhat' or 'very effective'.



Unconscious bias training is widely used but perceived to be the least effective of all the initiatives.



Introduction

Gender balance in the legal profession

While women now make up the majority of law students globally, this is not reflected in the statistics of those working at senior levels, where women still constitute a far smaller minority compared to their male counterparts. This long-term global project seeks to address this gap, identifying on a global scale the disparity between men and women at senior levels in the legal profession, and then further identifying whether diversity initiatives introduced to address this disparity are having any impact. This study will be the first of its kind in terms of scope and timeline, and will build on the work already done by the IBA in this field, including the 2017 *Women in Commercial Legal Practice*¹ report, the 2019 report *Us Too? Bullying and Sexual Harassment in the Legal Profession*² and the 2021 *Mental Wellbeing in the Legal Profession*³ report.

Considering the societal importance of the topic, several leading institutions in the UK have conducted research on gender representation in the legal profession. The Solicitors Regulation Authority's study in 2019 identified an overall gender balance of 49 per cent female in the legal profession but did not home in on gender representation at the senior level.⁴ In the same year, the Law Society's (Women in Leadership in Law) project hosted roundtable discussions among lawyers, focusing on unconscious bias, the gender pay gap and flexible working.⁵ Acritas and Thomson Reuters' research looked at gender diversity at senior levels of ten representative law firms. The final paper identified key areas of importance to facilitate improvement, such as making gender diversity a strategic priority and ensuring women lawyers have fair access to matter experience and client exposure.⁶

These important contributions highlight the problem and key areas for focus, which are the starting points for this project.

The project

On 8 March 2021 (International Women's Day), the IBA and the LNROLF launched an ambitious, first-of-its-kind, nine-year global project (referred to henceforth as the 'Gender Project'), which aims to uncover and address the root causes of the lack of gender parity at the most senior levels of the legal profession across all sectors.

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- 1 Jane Ellis and Ashley Buckett, 'Women in Commercial Legal Practice' (IBA, December 2017), www.ibanet.org/MediaHandler?id=9a9d8fe6-347f4a1d-b441-2900085b197c.
 - 2 Kieran Pender, 'Us Too? Bullying and Harassment in the Legal Profession' (IBA, May 2019), www.ibanet.org/bullying-and-sexual-harassment.
 - 3 'Mental Wellbeing in the Legal Profession: A Global Study' (IBA, October 2021), www.ibanet.org/Mental-wellbeing-in-the-legal-profession.
 - 4 'How diverse is the legal profession?' (Solicitors Regulation Authority, 20 March 2020), www.sra.org.uk/sra/equality-diversity/key-findings/diverse-legal-profession/#:-:text=Gender,with%20no%20change%20since%202017.
 - 5 'Influencing for impact: The need for gender equality in the legal profession' (Law Society, 8 March 2019), www.lawsociety.org.uk/en/topics/research/women-in-leadership-in-law-report-need-for-gender-equality.
 - 6 Lisa Hart Shepherd, 'Are some diversity initiatives actually making gender diversity worse?' (Thomson Reuters, 25 June 2019), <https://blogs.thomsonreuters.com/legal-uk/2019/06/25/are-some-diversity-initiatives-actually-making-gender-diversity-worse>.

The project aims to provide a blueprint for achieving gender parity at the highest levels of the legal profession by 2030. Several other organisations have the same broad mandate in their jurisdiction, or around the world, and this project seeks to collaborate with their wider aims. The project is linked to the UN Global Compact Target Gender Equality Global Coalition,⁷ the BBC's 50:50 initiative⁸ and Women's Empowerment Principles.⁹ Underpinning all of these projects is UN Sustainable Development Goal 5 to achieve gender equality and empower all women and girls.¹⁰

Under the anticipated IBA Presidency of Almudena Arpón de Mendivil¹¹ in 2023–2024, the Gender Project will be a Presidential priority project, supported and led by the IBA LPRU and the IBA D&I Council, in collaboration with the LNROLF.¹²

This project is unique in scope and depth, both within individual jurisdictions and across the world. The aim is to create a holistic and long-term vision of how gender initiatives are (or are not) positively impacting gender diversity at the top of the legal profession. Covering the whole legal profession and involving a large number of legal workplaces will allow for the collection of the data needed to assess impact, in addition to noting interesting trends as they emerge. The global nature of the study invites cross-jurisdictional comparison of lessons to be learned and ideas to be shared. The extended timeframe of the project is intended to allow for gender initiatives currently in place to potentially yield a measurable impact.

It was decided to undertake two pilot studies in the first year of the project, to confirm the methodology and approach. The first study began in May 2021 in England and Wales, and the data gathered from that research forms the basis of this report.

We would like to thank all of those who have participated in the pilot study. Logos of those entities who agreed to be named are available on the IBA Gender Project webpage.¹³

Methodology

Research for this project will be undertaken from 2021 to 2030. During that time, law firms, barristers' chambers (in countries where the profession is bifurcated), in-house legal teams, public sector institutions and the judiciary in selected jurisdictions will be asked to fill out surveys to gather data on initiatives. Respondents in all jurisdictions will be asked to fill out the same online survey to provide information about the gender balance at each organisation, both in general and at senior levels, in addition to details of relevant initiatives and their perceived impact and effectiveness.

7 'Target Gender Equality' (UN Global Compact), www.unglobalcompact.org/take-action/target-gender-equality, accessed 17 January 2022. The IBA joined the coalition in 2021.

8 '50:50 The Equality Project' (BBC), www.bbc.co.uk/5050, accessed 17 January 2022.

9 Women's Empowerment Principles www.weps.org, accessed 17 January 2022.

10 'Goal 5: Achieve gender equality and empower all women and girls' (UN Department of Economic and Social Affairs), <https://sdgs.un.org/goals/goal5>, accessed 17 January 2022.

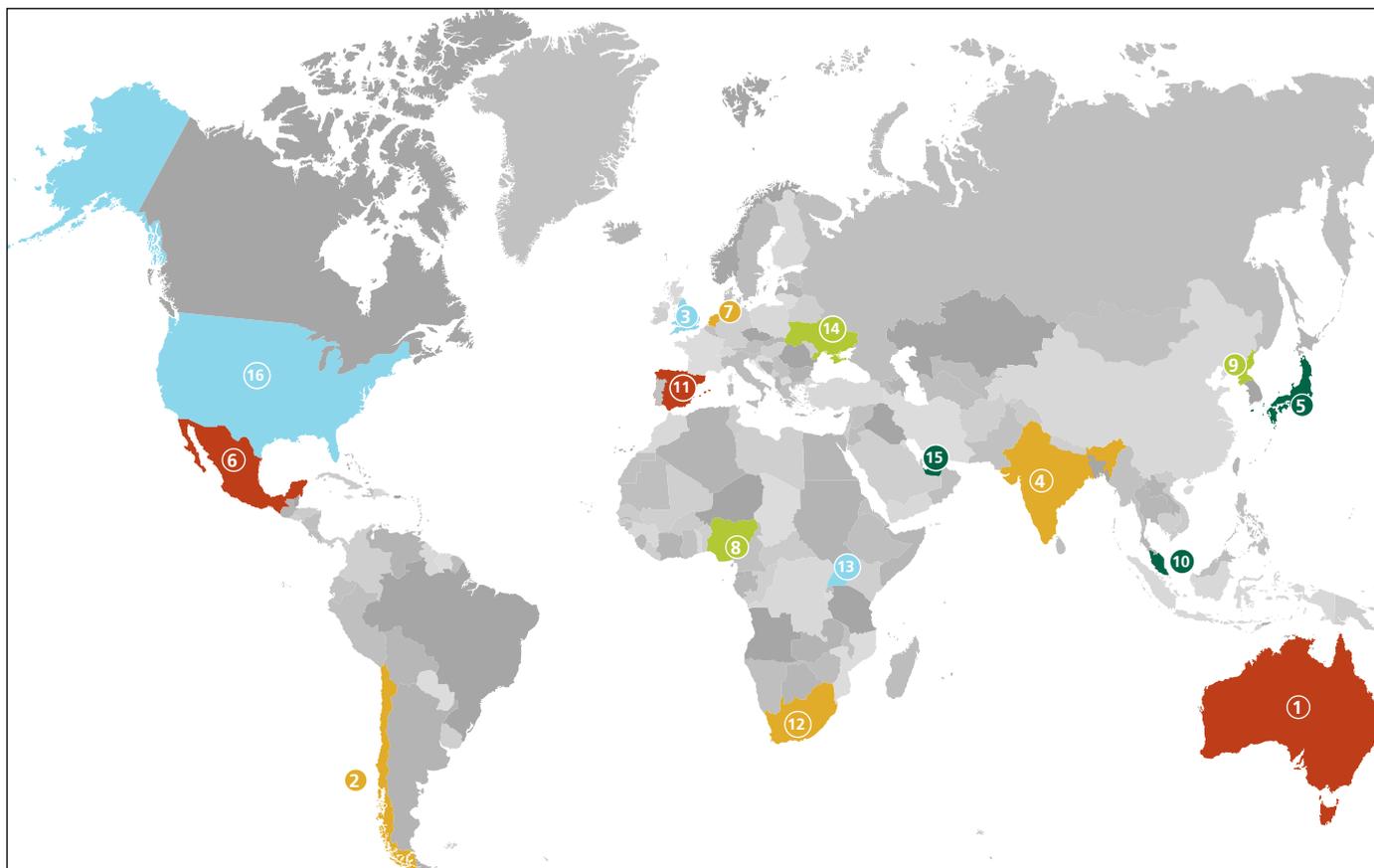
11 'Almudena Arpón de Mendivil' (Gómez-Acebo & Pombo), www.ga-p.com/en/lawyers/almudena-arpon-de-mendivil-aldama, accessed 17 January 2022.

12 A Steering Committee comprising Arpón de Mendivil, D&I Council Co-Chair Fiona McLeod AO SC, IBA Director of Legal Projects Sara Carnegie and IBA project lawyer Beatriz Martinez conceived and developed the project.

13 See www.ibanet.org/gender-equality-in-the-legal-profession.

Research is expected to take place in a total of 16 jurisdictions, including:

- 1 Australia; 2 Chile; 3 England and Wales; 4 India; 5 Japan; 6 Mexico; 7 the Netherlands;
- 8 Nigeria; 9 the Republic of Korea; 10 Singapore; 11 Spain; 12 South Africa; 13 Uganda;
- 14 Ukraine; 15 United Arab Emirates; and 16 the United States (selected states).



These jurisdictions were selected due to a variety of factors, including: size of the legal profession; IBA or LNROLF membership and presence; key contacts/relationships in the jurisdiction; and geographic location.

The results and experiences of the pilot studies in England and Wales, and then Spain, will inform and refine the future research methodology.

England and Wales pilot

The pilot study in England and Wales began in May 2021 and concluded in October of that year.

Seniority in the four legal sectors (categorising law firms and barristers' chambers as 'private practice' for the purposes of the study) has been determined as follows:

- *law firms*: partnership level and above (with specific information also sought about representation at executive level);
- *barristers' chambers*: QC level;

- *corporate sector (in-house legal teams)*: senior management level, general counsel, board members;
- *public sector*: senior civil servant level (SCS1 and above); and
- *judiciary*: senior members of the judiciary – High Court and Court of Appeal

The following groups were approached and asked to partake in the survey:

- top 200 law firms;¹⁴
- top 20 barristers’ chambers;¹⁵
- FTSE 100 index companies;¹⁶
- four key government departments employing legal professionals in England and Wales:
 - Crown Prosecution Service (CPS)
 - Her Majesty’s Revenue and Customs (HMRC)
 - Government Legal Department (GLD)
 - Serious Fraud Office (SFO); and
- the Judicial Office.

The basis for this approach was to ensure that a cross section of the legal profession was considered, in addition to being able to assess the results in each sector and make appropriate comparisons.

The overall response rate is outlined in the table below:

Organisation	Population	No	%
Law firms	200	50	25%
Barristers’ chambers	21	11	52%
Corporate sector (FTSE)	104	16	15%
Public sector*	5	5	100%

*CPS, SFO, GDL, HMRC and the Judicial Office

Figure 1: Participation in IBA/ LNROLF 50:50 by 2030 Gender Project Survey

Respondents were sent a unique link to a short survey containing a range of questions on institution/ firm composition and female representation. There were multiple choice questions on gender balance monitoring and initiative effectiveness, and open questions designed to allow respondents to describe specific initiatives, elaborate upon how each works, and the impact they are having. The data collected has been analysed and is presented in this report.

14 ‘The Lawyer’s top 200 law firms revealed’ (*The Lawyer*, 1 January 2021), www.thelawyer.com/top-200-uk-law-firms (excluding firms with offices only in Scotland).

15 ‘Leading sets by number of rankings’ (Chambers and Partners), <https://chambers.com/guides/uk-bar/leading-sets>, accessed 17 January 2022.

16 ‘FTSE 100: Market Overview’ (Hargreaves Lansdown), www.hl.co.uk/shares/stock-market-summary/ftse-100, accessed 17 January 2022.

Gender representation across the legal profession: 2021 status

Overall picture: all lawyers

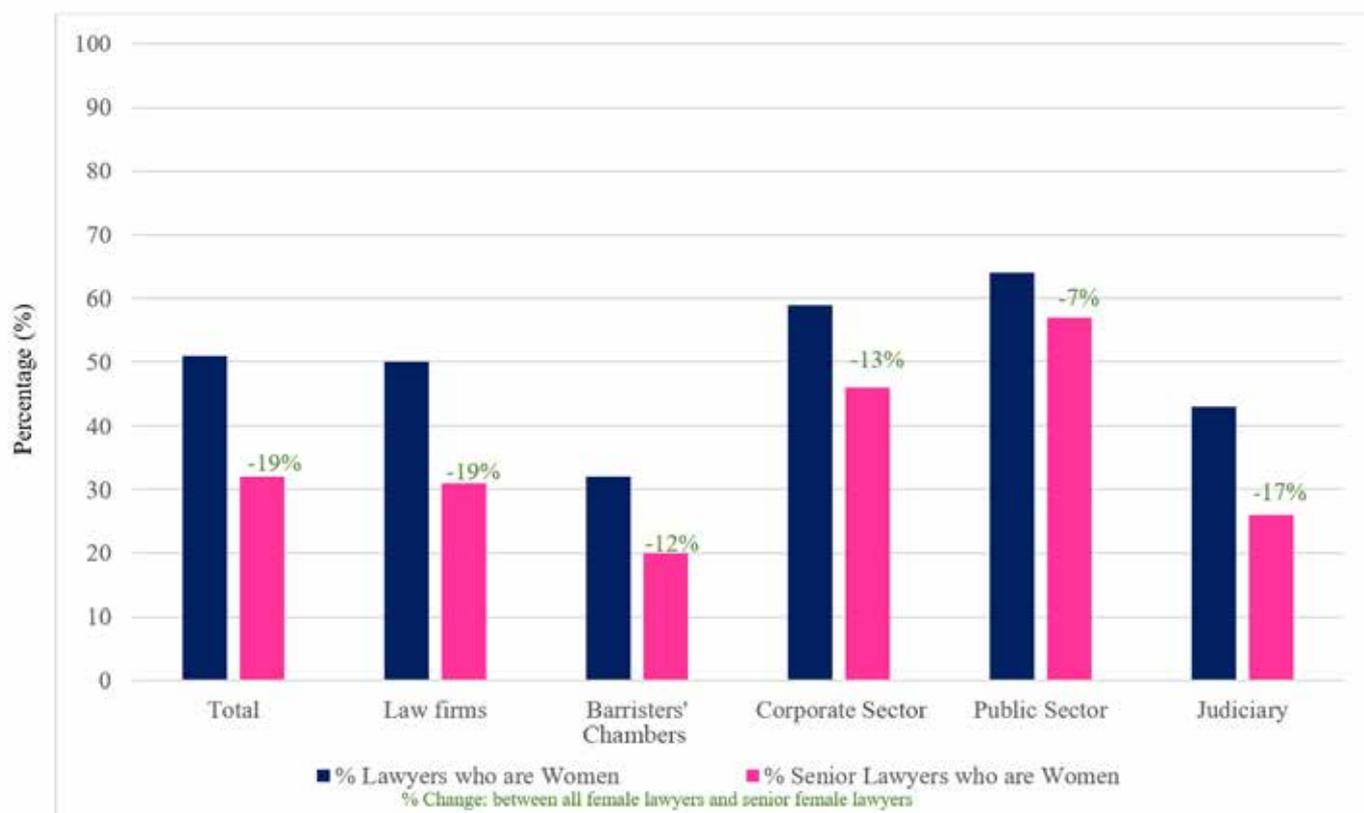


Figure 2: Representation of women at different levels in sectors of the legal profession

The overall gender balance among lawyers across the legal profession evens out to a 51:49 split, with 51 per cent women. While this is a positive overall representation, the representation of women varies significantly within different sectors. The public sector has the highest percentage of women (64 per cent), followed by corporate in-house teams (59 per cent). The median and the average female representation in the corporate sector are the same (59–60 per cent), suggesting a symmetrical distribution of firms. Overall, barristers’ chambers have the lowest percentage of women (total average of 32 per cent). The median across all chambers is 26 per cent.

At a senior level, the ratio of women to men in the legal profession drops by 19 per cent, to 32 per cent. The order of sectors according to representation of women remains unchanged: the public sector has the highest representation, followed by corporate in-house legal teams, law firms, the judiciary and finally barristers’ chambers. The percentage drop between all female lawyers and senior female lawyers is greatest in law firms (19 per cent) and the smallest change is in the public sector (seven per cent). The percentage change for barristers’ chambers and corporate firms are almost the same (12 per cent/13 per cent). Only 20 per cent of senior barristers are women, which is the lowest representation among the sectors.

Overall picture: part-time lawyers



Figure 3: Representation of women working part-time in the legal profession

Part-time working in the legal profession is less common than the national average of 22 per cent.¹⁷ The dominance of women among all (including senior) part-time lawyers is notable; there is only a small percentage change between all part-time female lawyers and those at a senior level.

In the public sector, the relatively high percentage of part-time employees among all lawyers suggests a stronger culture and acceptance of part-time working patterns. It is therefore unsurprising that the smallest percentage change between all female lawyers working part-time and senior female lawyers working part-time is in the public sector. In contrast, part-time working is very uncommon among working barristers (three per cent); however, this could reflect the reality that barristers are self-employed and are able to choose how much work they take on.

In the corporate sector, part-time working is not widely practised (ten per cent) but there is a more even distribution across genders at the aggregate level (66 per cent female) – although women still make up the majority. The distribution of part-time working shifts towards greater female representation (+12 per cent to 78 per cent) at a senior level. This is the greatest percentage change in all the surveyed sectors.

Meanwhile, part-time working is slightly more common in law firms than in corporate firms (12 per cent) but the difference between all women working part-time and senior women working part-time is quite small, suggesting the continued trend across levels of seniority. It is beyond the scope of this report to speculate reasons for these trends in part-time working.

¹⁷ 'Part-time employment rate' (Organisation for Economic Co-operation and Development), <https://data.oecd.org/emp/part-time-employment-rate.htm>, accessed 17 January 2022.

Gender representation initiatives: across the legal profession

Initiative popularity and perceived effectiveness

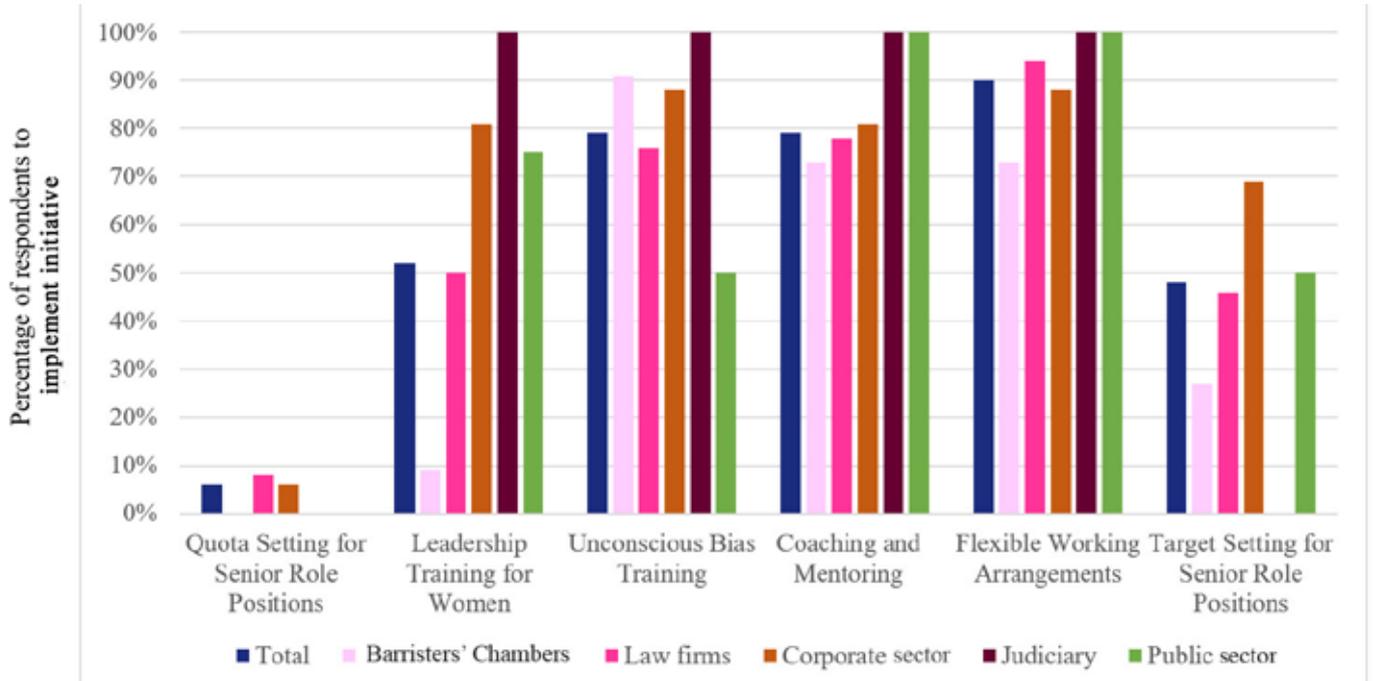


Figure 4: Popularity of gender balance initiatives across the legal profession



Figure 5: Perceived effectiveness of gender balance initiatives across the legal profession

The survey asked whether firms and institutions monitored the gender balance among their lawyers, at an aggregate and at a senior level. Almost all respondents (95 per cent) responded that they do monitor balance at both levels. All respondents, including those that do not actively monitor gender balance, reported that gender balance initiatives were in place.

On the whole, firms and institutions perceive their gender initiatives to have some success and most gender initiatives were classed to be ‘somewhat effective’ in achieving gender parity. Across the profession, flexible working arrangements, coaching and mentoring, and unconscious bias training are the most popular initiatives. The popularity of these initiatives is reasonably even across the sectors; with the exception of barristers’ chambers, flexible working is the most popular initiative for all sectors. Flexible working is also perceived to be the most effective measure, with 53 per cent of all respondents reporting that their flexible working initiatives are ‘very effective’. This is the only initiative that the majority of respondents consider to be ‘very effective’, and the average length of time that this initiative has been in place (6.6 years) indicates that this is a pre-pandemic trend.

In contrast, quota setting is clearly the least popular initiative, with very low uptake across the board; three sectors do not employ this initiative at all. Despite its unpopularity, 60 per cent of those who do implement quota setting perceive it to be ‘somewhat effective’ in achieving outcomes, with the other 40 per cent classing the initiative as ‘very effective’. This is a stronger result than that of unconscious bias training which, despite its popularity, is perceived to be the least effective measure. Significantly more respondents than any other initiative regarded unconscious bias training to be ‘not effective’ (13 per cent). This is interesting in the context of the recent InterLaw Diversity Forum report findings, which suggest that a significant percentage of women believe that unconscious bias still impacts their workplace.¹⁸

18 ‘Career Progression in the Legal Sector Report 2021’ (InterLaw Diversity Forum), https://5aa06e50-1b3c-4843-b70a-a841ab933579.usrfiles.com/ugd/5aa06e_0e95456a2f564054be786cfd67356f95.pdf, accessed 22 January 2022.

Initiative popularity and longevity

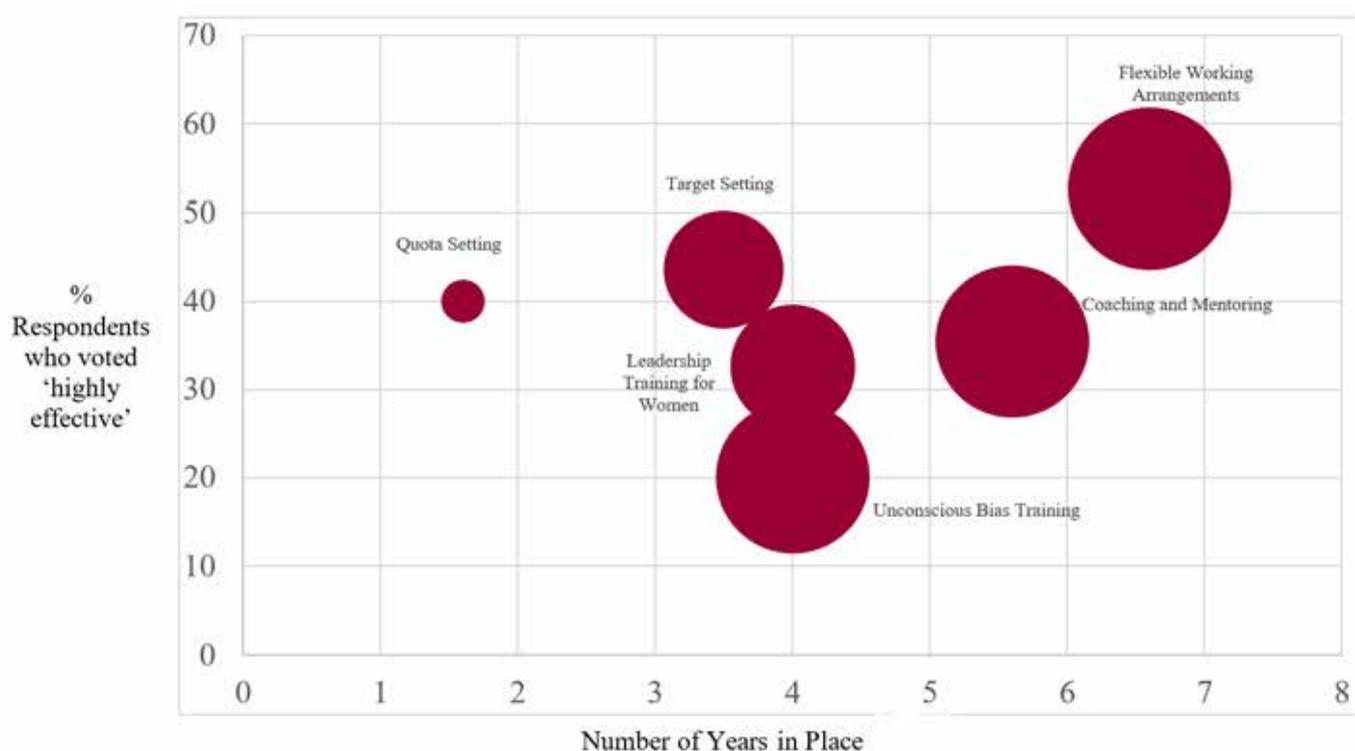


Figure 6: Percentage of respondents who voted that their gender initiative is 'highly effective' in relation to the number of years that the initiative has been in place

On average, all initiatives have been in place for less than ten years. Flexible working is the oldest initiative, having been in place for an average of 6.6 years. Coaching and mentoring programmes have also been in place for an average of 5.6 years, which is significantly longer than leadership and unconscious bias training, which have been in place for an average of four years. Quota setting, where used, has been in place for the shortest period (1.4 years, on average).

Figure 6 suggests a very loose relationship between the historical implementation of the policy and its perceived effectiveness. However, as all initiatives have been in place for a relatively short period of time, it may be too early to fully assess their effectiveness, especially for particularly new initiatives such as quota setting. This highlights the value of this long-term and longitudinal study, which aims to draw out such results.

Gender Initiatives: Sector Breakdown

Law firms



Figure 7: Popularity and effectiveness of gender balance initiatives among law firms

Law firms are investing in gender initiatives, as demonstrated by the high popularity of flexible working arrangements (94 per cent), coaching and mentoring (78 per cent) and unconscious bias training (76 per cent). Figure 8 shows that, aside from flexible working arrangements and coaching and mentoring, law firms have been implementing their gender initiatives for longer than the average time across the wider profession.

	Flexible working arrangements	Target setting	Coaching and mentoring	Quota setting	Leadership training for women	Unconscious bias training
Average number of years in place at law firms (total average)	6.1 (6.6)	3.6 (3.5)	5.2 (5.6)	2 (1.6)	4.3 (4)	4.1 (4)

Figure 8: Average number of years each gender initiative has been in place in law firms

Most initiatives are deemed to be having a degree of impact and are classed as either ‘very effective’ or ‘somewhat effective’. Unconscious bias training is notable for its perceived ineffectiveness in comparison with the other initiatives, but firms remain committed to continuing with the policy and many referenced compulsory courses in the open answers. On trend with the overall picture of the legal profession, quota setting is the least popular initiative with only eight per cent of law firm respondents reporting this policy.

Despite this, the initiative is quite positively perceived, with a 50:50 split between ‘very effective’ and ‘somewhat effective’.

In the open answers, the range of more flexible policies and initiatives in use was impressive. There were frequent references to post-Covid-19 working from home policies, working parent coaching and mentoring, and coaching in preparation for partnership positions and promotion. The initiatives that were outlined can be broadly split into three categories: strategic, supportive and developmental.

Strategic initiatives

Firms have approached gender parity from a strategic perspective by prioritising D&I in business plan development and objective setting. Many firms set targets, with several referencing the aim for 30 per cent female representation at partnership level by 2030. Baker McKenzie’s goal to reach a global target of 40 per cent women, 40 per cent men and 20 per cent flexible (women, men or non-binary persons) representation at partnership and leadership level by July 2025, particularly stood out. The gender pay gap remains an issue and another firm identified its commitment to reducing the median gender pay gap to 20 per cent or below by 2024. In order to follow through on these commitments, one firm has recently created and recruited a Head of Talent Acquisitions and Diversity, with the explicit responsibility for ‘ensuring a diverse pipeline of top talent at all levels, and regularly reporting on progress’. The impact of target setting can be tangible, as demonstrated by Herbert Smith Freehills, which has increased the number of female partners across its global network by 67 per cent since first setting targets in 2014.

Strategically, firms are also reassessing their partner promotion processes: Michelmores noted its efforts to improve transparency around the criteria and processes for promotion. Managers at DWF are assessed against their ability and track record of promoting the firm’s culture and values on diversity and inclusion. In a similar vein, Allen & Overy partners undergo training to reflect upon how unconscious bias can influence their decision-making, relationships and culture.

Supportive initiatives

Supporting women to fulfil additional responsibilities without stepping back on their career progression is recognised as a critical aspect of achieving improved gender representation. Flexible working became normalised during the Covid-19 pandemic and respondents often referred to their future plans with regard to flexible working policies. Several firms, including Herbert Smith Freehills, identified the expectation to be in the office for 60 per cent of the working week, while working from home for the remainder. While some respondents outlined the benefits and impacts of flexible working, there was little to no reference of how the policy impacts women in reaching senior levels of the profession. Howard Kennedy recognised the importance of office presence for junior lawyer development, and outlined that it assesses the impact of flexible working arrangements through engagement surveys, feedback from leadership teams and exit interviews.

In addition to flexible working, firms have implemented initiatives to support future, new and working parents. Eversheds Sutherland’s ‘Working Parents Champions’ network seeks to support working parents and remove the link between gender and parenting/caring responsibilities. Formal coaching is also on offer; for example, Kingsley Napley offers four formal and structured parental leave coaching sessions tailored to individual needs. The topics include: building confidence in the transition period; practical

tips for maintaining productivity and professionalism; considering how new parents feel about returning to work; and offering support in the early days of returning to work and managing life as a new parent.

Finally, two firms, Fladgate and Eversheds Sutherland, identified specific networks for raising awareness of, and supporting women through, the challenges of menopause. Research shows that the symptoms of menopause felt by women can sometimes have a severe impact on their experience of and participation in the workplace.¹⁹ Fladgate’s ‘Don’t Suffer in Silence’ network, launched in 2019, is open to men and women. It seeks to support women and their colleagues by sharing help and guidance resources. Meanwhile, Eversheds Sutherland’s network works with external partners to provide training on the matter in addition to other women’s health issues.

Development initiatives

Finally, firms are seeking to improve gender balance at a senior level through professional development initiatives. Many respondents referred to such initiatives at partner level; Allen & Overy actively supports women with developmental training at every stage of their career and has set a target of achieving at least 40 per cent women at every stage in their talent pipeline. This aims to create a sustainable model for career progression of female talent.

Firms are also implementing reverse mentoring as a means of improving relationships and understanding across genders, ethnicities, ages and backgrounds. It was not widely reported in the survey, though one firm has partnered with a school to deliver ten-session mentoring programmes for senior members of staff.

Barristers’ chambers

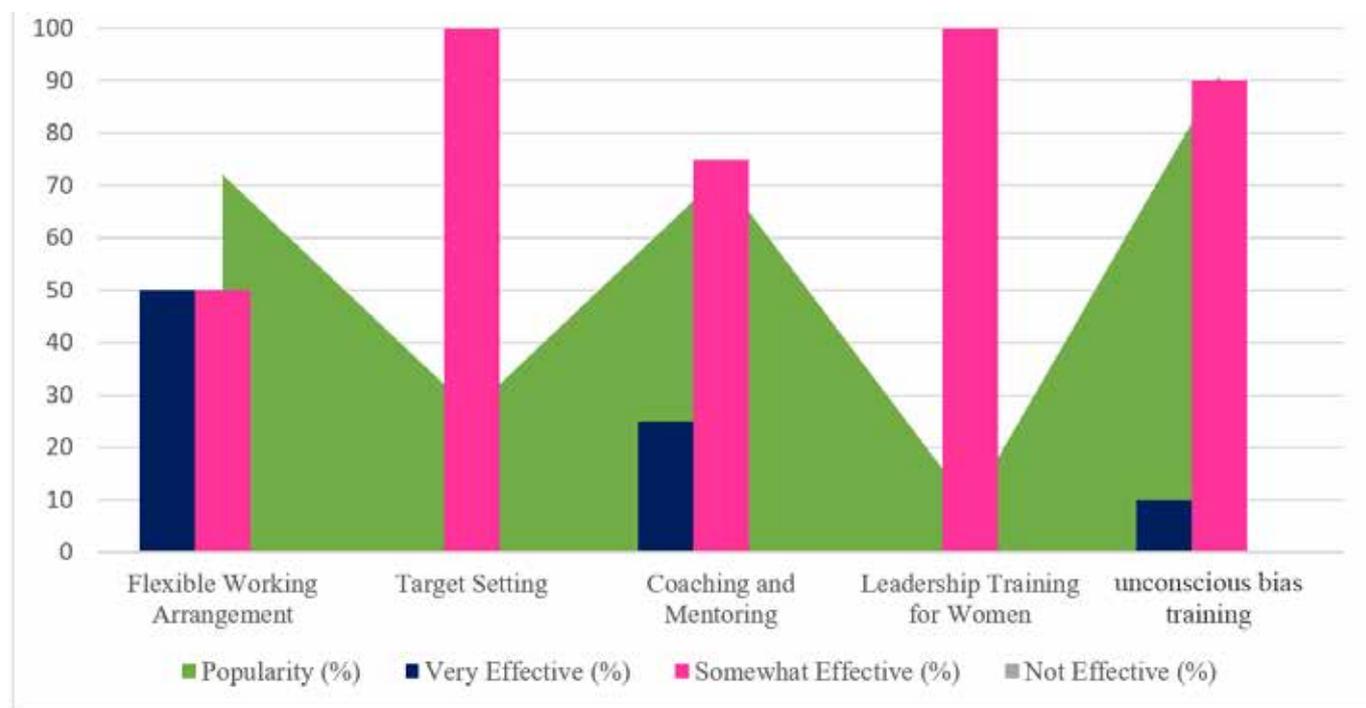


Figure 9: Popularity and effectiveness of gender balance initiatives among barristers’ chambers

19 Joanna Brewis, Vanessa Beck, Andrea Davies and Jesse Matheson, ‘Menopause transition: effects on women’s economic participation’ (Government Equalities Office, 20 July 2017), www.gov.uk/government/publications/menopause-transition-effects-on-womens-economic-participation.

The general uptake of gender initiatives by barristers' chambers, except for unconscious bias training, is proportionately lower than in other sectors of the legal profession. Quota setting is not feasible in chambers due to the self-employed structure, which explains its absence; however, a small number of chambers do actively set targets. By far the most popular initiative is unconscious bias training, which is generally thought to be 'somewhat effective'. This training is mainly focused on those who are involved with the recruitment process and usually renewed every three years. It is notable that in most chambers there is no requirement for all members of chambers to undertake the training – only those engaged in recruitment.

Flexible working arrangements yielded the highest response for being considered 'very effective'; however, many extended responses highlighted that all barristers are self-employed and are not bound to office hours in any event. They have the option to be unavailable for certain hours of the day for childcare duties, but some responses did note the commercial consequence of this flexibility. 3 Verulam Buildings outlined a standout initiative designed to encourage barristers to return to work after having children. In the scheme, barristers who are primary carers receive a chambers expenses holiday, plus a 'credit' against future expenses for a specified period and reduced chambers expenses when they return. This is coupled with a timetable of key meetings with practice managers to help to establish matters such as the working timetable, when they are willing to accept work, and parental leave. The aim is to create a strong dialogue to support flexible and accommodative working.

Office staff worked largely remotely during the pandemic and chambers are developing their working from home policies for support staff. Serle Court identified its new hybrid approach 'so employees can continue to enjoy the benefits of working from home, whilst the chambers is staffed sufficiently to provide the support needed to barristers and clients coming into chambers'.

Although target setting was not widely reported in the responses, Doughty Street Chambers outlined its 50 per cent target for female Queen's Counsel (QCs) as part of a wider set of ambitious targets. To achieve a better balance, Brick Court has appointed a part-time diversity and equality manager. Interestingly, a couple of responses focused on improving representation at a junior level, with the aim that this will filter up to QC level in due time. Essex Court identified an increase in female pupillage applicants – from 33 per cent to 43 per cent – in the time since it began unconscious bias training for recruiters. Retention rates are also important: Essex Court and Brick Court both reported a 100 per cent female pupil to tenancy retention rate. Due to the long time it takes to reach QC level, it is likely that the effects of improved gender ratios at a junior level will take decades to filter through to senior levels. Barristers' chambers may lag behind other sectors of the profession in the medium term as a result.

An important aspect of career progression to QC level is the application and interview process to take silk. Doughty Street Chambers offers an internal support panel to demystify the application process, as well as funding professional coaching support for interviews if selected. Another chambers noted how it is addressing the reality, as raised by female practitioners, that women generally feel less confident in submitting their QC applications. The resulting non-gender-specific initiative provides support through training sessions to advise on QC applications, as well as one-to-one mentoring from colleagues who have gone through the process relatively recently.

Finally, several chambers, including Red Lion, Kings and 39 Essex Chambers, referenced their mentoring programmes. Generally, most of these programmes are informal in nature and are not guided by a specific

framework. Kings outlined that it is forming a bespoke mentoring scheme which will spread across the three circuits where it has chambers. Meanwhile, Red Lion noted that the mentoring extends to mental wellbeing, maternity/paternity support and practice groups. The mentoring schemes are mostly available to all and are more focused on supporting junior lawyers, having just taken tenure, rather than women specifically or women in a senior position.

Corporate sector

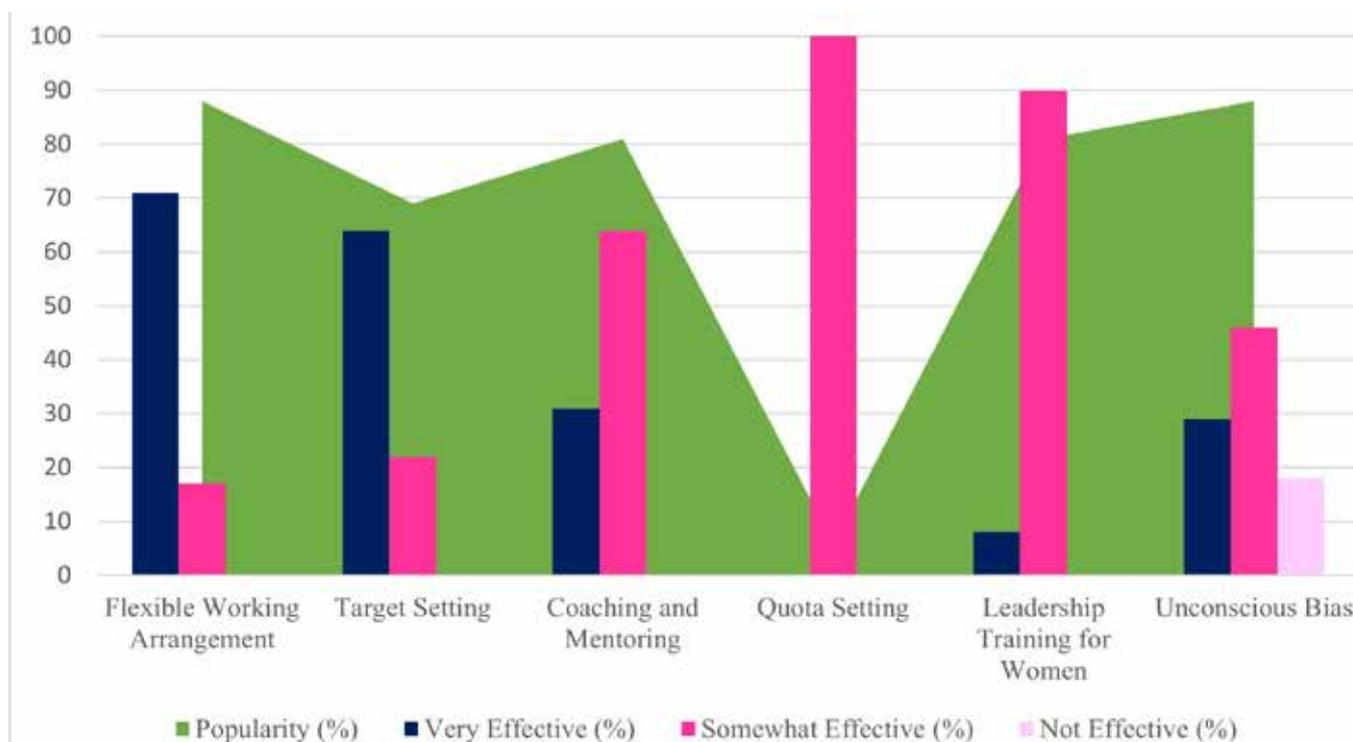


Figure 10: Popularity and effectiveness of gender balance initiatives among corporate in-house legal teams

The corporate sector has a high uptake of gender initiatives, with the notable exception of quota setting. The three most popular initiatives in the corporate sector mirror the top three across the legal profession. In comparison with other sectors of the legal profession, it is striking that flexible working and target setting are strongly perceived to be ‘very effective’. There is a mixed perception of unconscious bias training, despite its popularity.

Figure 10 shows that leadership training for women is more popular in the corporate sector than in any other sector. However, in comparison with other sectors, the corporate sector has been offering leadership training for women for the shortest period (see Figure 11). Analysis of the open responses reveals that many of the leadership initiatives are open to all genders and focus on nurturing future leadership talent in general. Imperial Brands mentioned that its aspiring female leadership programme is being trialled in the Polish market before global rollout. Meanwhile, Royal Dutch Shell’s ‘Senior Women Connect’ programme runs on a nomination basis and provides intra-firm networking opportunities and leadership training for women. Other firms mentioned structured guidance programmes for promotion processes and the fact that they recruit 60 per cent of their senior roles internally. The purpose of this policy is to internally develop and retain female talent into leadership positions. Relx has combined ethnic and gender representation improvement with their ‘Black Women Leading’ programme, which is designed for mid-career women of colour leaders and managers who aspire to grow into more senior leadership

roles in corporate and larger organisational spaces. The programme covers leadership development, self-awareness, healing and self-care and relationship management.

	Popularity (%)	Average number of years in place
Law firms	50%	4.3
Barristers' chambers	9%	0
Corporate sector	81%	3.0
Public sector	75%	8.3

Figure 11: Leadership training for women by popularity and average number of years in place

Mentoring programmes are also used as a means of building networks for women in senior leadership positions. At Royal Dutch Shell, coaching and mentoring in the legal department is ad hoc. Meanwhile, Rolls Royce mentioned voluntary 'female mentoring by senior females at all levels' but did not reference the popularity of this initiative. It is notable that several firms, including Rolls Royce and Imperial Brands, reference reverse mentoring programmes aimed at encouraging an understanding and appreciation of D&I issues, including gender.

Although flexible working is largely perceived to be 'very effective' (71 per cent) at improving the gender balance within in-house legal teams, the open responses mostly referred to new flexible working policies as a continuation of Covid-19 working circumstances. ITV noted that its flexible working policy is influenced by a staff engagement survey, which is important for ensuring that flexible working is appropriate and supportive. Across the corporate sector responses, there was no direct reference to flexible working around familial commitments or other responsibilities that in the past have fallen to women. The measurement of how flexible working has improved gender balance is therefore unclear.

In comparison with law firms, the expectation of time spent in the office post-Covid-19 appears to be lower. BHP Group cited an expectation of 30–50 per cent of working time based in the office, whereas law firms often expressed a requirement for at least 60 per cent time spent in the office. Imperial Brands outlined a more detailed breakdown of flexible working initiatives, including: location preference; start and finish times; options to work in another country (for up to five days per year); flexible hours for one day to accommodate other commitments; and the option to take time off when working unsociable hours.

This policy is much clearer and more granular than any other flexible working initiative outlined. Relx mentioned that it has extended the workday hours to between 0700 and 1900. This implicitly aims to offer greater flexibility of working, but it also risks encouraging even longer working hours.

In comparison with other sectors of the legal profession, target setting is the most popular with corporates. Some firms reported success towards achieving their targets. BHP Group mentioned its improvement towards their target, currently hiring 52.1 per cent male and 47.9 per cent female employees (in general, not just in the legal department), an increase of 37.5 per cent from their baseline in 2015. Additionally, it improved its women in leadership by 2.8 per cent compared with 2020, and currently stands at 25.5 per cent female leaders. Similarly, Imperial Brands noted that its female board representation had increased from 20 per cent to 33 per cent by the end of November 2021, ahead of its 2023 target.

Public sector

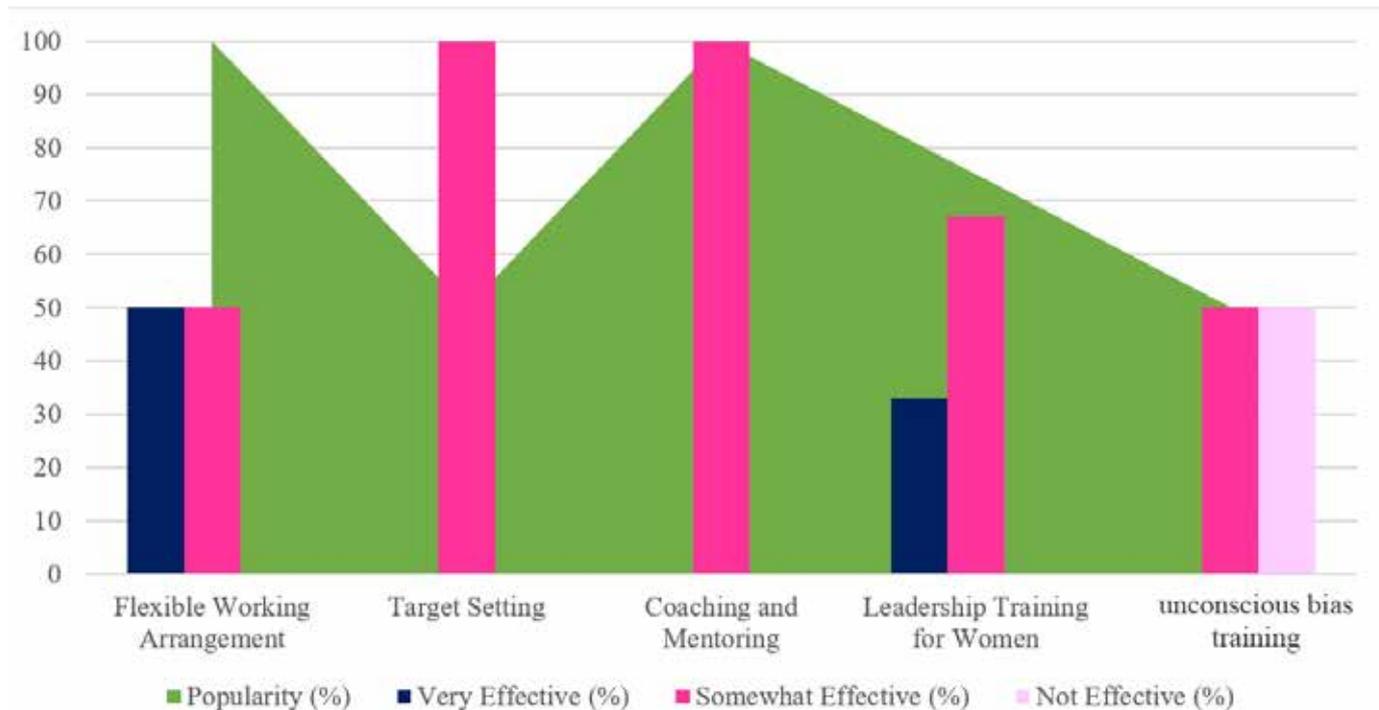


Figure 12: Popularity and effectiveness of gender balance initiatives among public sector divisions

The public sector of the legal profession is striking because of its excellent gender balance. One response from the Government Legal Department (GLD) noted that there are now efforts to attract men, to ensure that the balance does not tip too far. Despite these strong results, it is interesting that most gender initiatives in the public sector are perceived to be ‘somewhat effective’. The Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO) did not class any of their initiatives to be ‘very effective’.

Two departments (the CPS and GLD) reported target setting initiatives. Targets are measured against the local or national population in accordance with civil service guidelines. Employees in all offices have the capacity to work flexibly from home, with additional accommodation made for alternative working schedules and part-time working. Flexible working is perceived to be the most effective at improving gender parity and this is also reflected in the highest proportion of part-time employees across the legal profession.

While there are some gender initiatives still in place, they are limited and are often open to all genders. The public sector focus on D&I has now shifted to ethnic and racial inclusion, particularly at Her Majesty’s Revenue and Customs (HMRC) and the GLD. Coaching and mentoring, if offered, is conducted on a semi-informal basis. The GLD offers senior employees coaching and mentoring on any topic of their choice; hence, this is not a specific gender initiative. HMRC has turned the focus of its coaching and mentoring initiatives to improve ethnic and racial diversity, while the SFO offers coaching on a case-by-case basis, not specifically for gender inclusion. The CPS is the only public sector organisation to report gender-specific women in leadership programmes, which it regards to be ‘somewhat effective’. The GLD and HMRC offer leadership training to all applicants regardless of gender. HMRC was the only department to categorise its leadership training as ‘very effective’ in achieving gender parity, with all others perceiving the initiative to be ‘somewhat effective’.

Judicial sector

In the judiciary, women make up 43 per cent of all judges and hold 25 per cent of senior positions. The Supreme Court is the highest court in the UK hearing cases of the greatest public or constitutional importance affecting the whole population. There are 12 Supreme Court Justices, but of the current ten serving members, only one is female. Two recently retired Justices are female and their replacements have yet to be announced.²⁰ We have not looked explicitly at the Supreme Court in our study of the senior judiciary in England and Wales, but reference it here for clarity.

The judiciary offers a work shadowing and mentoring programme aimed at those currently under-represented in the judiciary, which is supplemented by workshops throughout the year that encourage first-time applicants and career progression for existing judges. There is also a cadre of 122 diversity judges who actively encourage women and those from under-represented groups to consider a judicial career. This has been in place for six years and is perceived to be ‘somewhat effective’ at improving gender balance across the judiciary.

Conclusion

Overall, these results from England and Wales suggest that the legal profession is making progress towards more equitable gender representation at a senior level, but there is plenty of scope for improvement. Despite the nearly equal aggregate ratio, the gaps in gender representation at senior levels across the legal profession are significant.

To date, the public sector has achieved notably improved ratios at a senior level and has consequently moved its focus beyond gender-specific initiatives. Meanwhile, law firms and the corporate sector are investing heavily in gender initiatives, and this report has identified those that are particularly creative and innovative. Currently, these initiatives are generally perceived to be at least ‘somewhat effective’, if not ‘very effective’ but, as they have been implemented for a relatively short period, it is likely too early to assess their full impact. Barristers’ chambers implement unconscious bias training widely, with a focus on recruitment processes, while some chambers are developing supportive coaching and mentoring programmes particularly focused on applications for QC level and supporting young barristers. The judiciary has also chosen to focus on coaching and mentoring to encourage greater diversity.

This pilot demonstrates the depth and breadth of gender initiatives in the legal profession in England and Wales, and a key value of this project is to trace the relative successes, challenges and learning points as these initiatives mature over the next decade.

²⁰ The most recent retirement was of Lady Justice Arden in January 2022, but we would like to acknowledge our supporter and first female President of the Supreme Court, Baroness Hale, who retired in January 2020. See www.supremecourt.uk/about/former-justices.html for more information.

Appendix 1: Data tables

Overall picture

All lawyers

	Female lawyers (%)	Female senior lawyers (%)	Change (%)
Law firms	50 (12921/25677)	31 (2121/6840)	-19
Barristers' chambers	32 (363/1148)	20 (77/384)	-12
Corporate sector	59 (1475/2491)	46 (235/512)	-13
Public sector	64 (3397/5281)	57 (174/305)	-7
Judiciary	43 (3591/8281)	26 (37/143)	-17
Total	51 (21747/42878)	32 (2644/8184)	-19

Part-time

	Total lawyers that are part-time (%)	Female part-time lawyers (%)	Female part-time senior lawyers (%)	Change (%)
Law firms	12 (3198/25677)	82 (2615/3198)	78 (473/604)	-4
Barristers' chambers	3 (33/1148)	70 (23/33)	0 (0/3)	-70
Corporate sector	10 (261/2491)	66 (172/261)	78 (7/9)	+12
Public sector	25 (1324/5281)	80 (1064/1324)	85 (47/55)	+5
Total	14 (4816/34597)	80 (3874/4816)	79 (527/671)	-1

Gender representation across the legal profession: 2021 status

Sector	Unconscious bias training (%)	Coaching/mentoring programmes (%)	Post-Covid flexible working arrangements (%)	Targets for senior roles (%)	Leadership training for women (%)	Quota setting for senior roles (%)	Other (%)
Law firm	78 (38/49)	80 (39/49)	94 (46/49)	47 (23/49)	51 (25/49)	8 (4/49)	31 (15/49)
Barristers' chambers	91 (10/11)	73 (8/11)	73 (8/11)	27 (3/11)	9 (1/11)	0	36 (4/11)
Corporate	88 (14/16)	81 (13/16)	88 (14/16)	69 (11/16)	81 (13/16)	6 (1/16)	4 (6/16)
Public sector	50 (2/4)	100 (4/4)	100 (4/4)	50 (2/4)	75 (3/4)	0	25 (1/4)

Judiciary	100 (1/1)	100 (1/1)	100 (1/1)	0	100 (1/1)	0	100 (1/1)
Overall	80 (65/81)	80 (65/81)	91 (74/81)	48 (39/81)	53 (43/81)	6 (5/81)	33 (27/81)

Efficacy of gender representation initiatives

Overall summary table

	Very effective (%)	Somewhat effective (%)	Not effective (%)	Number of responses	Average number of years in place
Flexible working arrangements	53	44	0	74	6.6
Target setting	44	51	3	39	3.5
Quota setting	40	60	0	5	1.6
Coaching/mentoring programmes	35	61	2	65	5.6
Leadership training for women	33	62	3	43	4.0
Unconscious bias training	20	65	13	65	4.0

Breakdown by initiative

Flexible working

	Very effective (%)	Somewhat effective (%)	Not effective (%)	Number of responses	Average number of years in place
Law firms	49	50	0	47/50	6.1
Barristers' chambers	50	50	0	8	13
Corporate sector	71	17	0	14	4.1
Public sector	50	50	0	4	9.8
Total	53	44	0	74	6.6

Target setting

	Very effective (%)	Somewhat effective (%)	Not effective (%)	Number of responses	Average number of years in place
Law firms	43	52	4.3	23	3.6
Barristers' chambers	0	100	0	3	1
Corporate sector	64	22	0	11	3.5
Public sector	0	100	0	2	6.5
Total	44	51	3	39	3.5

Coaching and mentoring

	Very effective (%)	Somewhat effective (%)	Not effective (%)	Number of responses	Average number of years in place
Law firms	44	54	3	39	5.2
Barristers' chambers	25	75	0	8	4.6
Corporate sector	31	64	0	13	6.3
Public sector	0	100	0	4	8.8
Total	35	61	2	65	5.6

Quota setting

	Very effective (%)	Somewhat effective (%)	Not effective (%)	Number of responses	Average number of years in place
Law firms	50	50	0	4	2
Barristers' chambers	N/A	N/A	N/A	N/A	N/A
Corporate sector	0	100	0	1	0
Public sector	N/A	N/A	N/A	N/A	N/A
Total	40	60	0	5	1.6

Leadership training

	Very effective (%)	Somewhat effective (%)	Not effective (%)	Number of responses	Average number of years in place
Law firms	48	48	4	25	4.3
Barristers' chambers	0	100	0	1	0
Corporate sector	8	90	0	13	3.0
Public sector	33	67	0	3	8.3
Total	33	62	3	43	4.0

Unconscious bias

	Very effective (%)	Somewhat effective (%)	Not effective (%)	Number of responses	Average number of years in place
Law firms	21	65	14	38	4.1
Barristers' chambers	10	90	0	10	4.6
Corporate sector	29	46	18	14	3.2
Public sector	0	50	50	2	5.5
Total	20	65	13	65	4.0

Appendix 2: Survey questions

1. What type of organisation do you work for?

- Corporation with in-house counsel
- Public sector
- Barristers' chambers
- Law firm
- Judiciary

2. We'd like to start by asking some general profiling questions about the lawyers who are employed in your organisation.

Remember, you can return to the survey at any point if you need to look up any figures

- a. Total number of lawyers
- b. Lawyers who work on a part-time basis
- c. Lawyers employed at a partner/management/QC (or equivalent) level
- d. Lawyers employed at a partner/management/QC (or equivalent) level who work part-time

3. This question asks about the lawyers who identify as female. Please enter approximate numbers for the following:

Remember, you can return to the survey at any point if you need to look up any figures

- a. Total number of lawyers who identify as female
- b. Female lawyers who work on a part-time basis
- c. Female lawyers employed at a partner/management/QC (or equivalent) level
- d. Female lawyers employed at a partner/management/QC (or equivalent) level who work on a part-time basis

4. How many individuals sit on your Partnership Council/Management Board/Executive Council (or equivalent)?

(Questions for law firms only)

5. Of these three, how many identify as female?

We'd like to start by asking some general profiling questions about the lawyers who are employed in your organisation. *(re-worded to fit the public sector)*

Remember, you can return to the survey at any point if you need to look up any figures

- a. Total number of lawyers
- b. Lawyers who work on a part-time basis
- c. Lawyers employed at a senior level
- d. Lawyers employed at a senior level who work part-time

This question asks about the lawyers who identify as female. Please enter approximate numbers for the following:

Remember, you can return to the survey at any point if you need to look up any figures

- a. Total number of lawyers who identify as female
- b. Female lawyers who work on a part-time basis
- c. Female lawyers employed at a senior level
- d. Female lawyers employed at a senior level who work on a part-time basis

We'd like to start by asking some general profiling questions about the judges who are employed in your organisation *(re-worded to fit the judiciary)*

Remember, you can return to the survey at any point if you need to look-up any figures

- a. Total number of judges
- b. Judges who work on a part-time basis
- c. Judges employed at a senior level
- d. Judges employed at a senior level who work part-time

This question asks about the judges who identify as female. Please enter approximate numbers for the following:

Remember, you can return to the survey at any point if you need to look up any figures

- a. Total number of judges who identify as female
- b. Female judges who work on a part-time basis
- c. Female judges employed at a senior level
- d. Female judges employed at a senior level who work on a part-time basis

6. Do you monitor the gender balance in your organisation overall? *(question not asked to the judiciary)*

Yes

No

7. Do you monitor the gender balance in your organisation for lawyers at the senior level?

Yes

No

Do you monitor the gender balance among the judiciary at senior level in your organisation overall? *(re-worded to fit the judiciary)*

Yes

No

8. Is this gender monitoring data shared with the leadership of the organisation?

Yes

No

Is this gender monitoring data shared with the leadership of the department or elsewhere within Government? *(re-worded to fit the public sector)*

Yes

No

9. Does your organisation have any of the following initiatives/policies in place addressing gender equality and/or seeking to increase the number of women reaching positions of seniority?

Quota setting for senior role positions

Availability of greater flexible working arrangements (post Covid-19 restrictions)

Leadership training for women

Target setting for senior role positions

Unconscious bias training

Coaching/mentoring programmes

Other: _____

None of the above

10. We have a couple of questions about your [measure]

Can you please provide a brief description of your [measure]?

Please include how it works, how it is measured, and the impact it is having.

11. Approximately, how long has your [measure] been in place?

Please enter the approximate number of years

12. In your view, how effective has each initiative/policy been in supporting gender equality and/or increasing the number of women reaching positions of seniority in your organisation?

Very effective

Somewhat effective

Not effective

13. Does your organisation have any other diversity-related initiatives in place (race, ethnicity, sexual orientation, disability, religion, etc.)?

Yes

No

14. Please describe how one of these initiatives or policies works.

Please include how it works, how long it has been in place, and the impact it is having.

15. What else do you want us to know about other initiatives coming in the future?

16. Would you like to associate your organisation's name with the feedback you have provided? This will enable the International Bar Association to highlight examples of programmes in its reporting. *(not applicable to public sector or judiciary)*

If you select 'No' below, your survey data will remain confidential and only reported in aggregate.

Yes

No



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