



BRIEFING PAPER

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Diversity in the UK's democratic institutions

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2. The legislature: the Houses of Parliament
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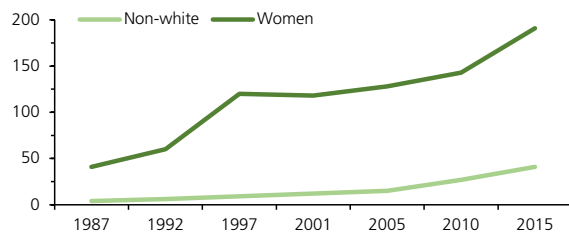
Summary

Democracy comprises three more or less separated powers: the legislature, the executive and the judiciary. This paper examines how diverse the institutions embodying these powers in the UK are.

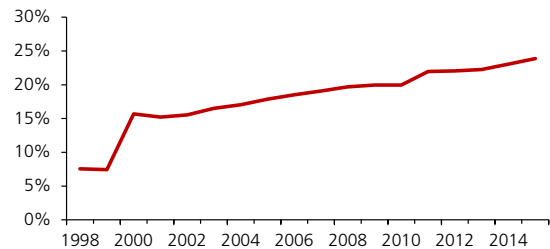
Diversity can be defined in terms of the nine ‘protected characteristics’ specified in the *Equality Act 2010*, which, among other things, prohibits discrimination on the grounds of these characteristics. Data on diversity in different organisations varies in completeness and extent. Selected headlines findings are included below.

- The legislature: women make up approximately 30% of Members of both Houses of Parliament.

MPs: number of women and ethnic minorities elected to Parliament at general elections since 1987

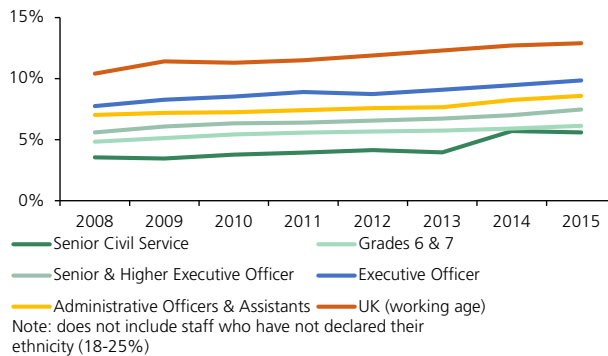


Peers: % female Members



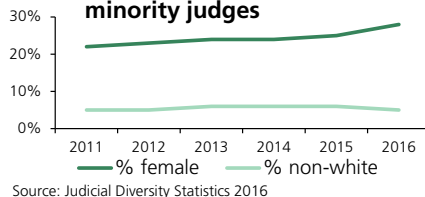
- The executive: the average age of the Cabinet is 53 and it includes eight women (including the Prime Minister). In the Civil Service, ethnic minorities are more likely to work in lower grades, as are women.

Civil Service: % ethnic minority, by grade

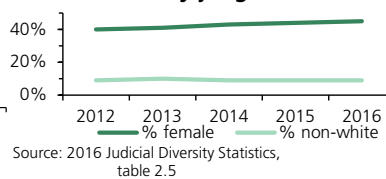


- The judiciary: the proportion of women and ethnic minorities among court and tribunal judges has remained relatively stable over the past five years.

Courts: % female and ethnic minority judges



Tribunals: % female and ethnic minority judges



1. The argument for diversity in democratic institutions

Recent governments have called for more inclusive and diverse workplaces in the private and the public sector. There are different arguments for promoting diversity, for example:

- overcoming unfair discrimination;
- increasing the effectiveness of organisations in delivering products and services;
- enhancing the reputation of organisations.

These reasons have equally been used to advocate greater diversity in the UK's democratic institutions. These can be defined as the institutions that embody the three (more or less separated) branches of government that democracy is broadly accepted to comprise:

- the legislature, which makes laws and holds the executive to account;
- the executive, which makes policy and day-to-day decisions; and
- the judiciary, which applies and interprets laws.

Arguments about representation have also been used to advocate diversity within the UK's democratic institutions. Underlying these is a notion that the people involved in the democratic governance of a country should in some sense also reflect the diversity of its people.

Box 1: Arguments for diversity

"Parliament and, indeed, the Government are to be successful and to be able to make the best decisions for the country, the people taking those decisions need more closely to reflect the society we purport to represent. I make that point because the desire for a Parliament made up of Members from a wide range of backgrounds comes not from some political correctness, but from the belief that a Parliament that does not reflect society will not be effective."¹

– Dame Anne Begg, former MP

"It must be right that we allow our most talented staff to progress through the organisation, whatever their background. And it must also be right that the Civil Service reflects the society we serve in modern Britain. But, above all, we need to be the best in the UK because it makes good business sense."²

– Sir Jeremy Heywood, Head of the Civil Service

"Judges drawn from a wide range of backgrounds and life experiences will bring varying perspectives to bear on critical legal issues. A judiciary which is more visibly reflective of society will enhance public confidence."³

– Baroness Neuberger, Chair of the Advisory Panel on Judicial Diversity

¹ HC Deb 12 Jan 2012, c403

² Sir Jeremy Heywood, 'Where we're going with diversity and inclusion', Civil Service Blog, 28 September 2015, <https://civilservice.blog.gov.uk/2015/09/28/where-were-going-with-diversity-and-inclusion/>

³ Quoted in Geraldine Morris, 'Gender equality and diversity in the judiciary – six years later and little has changed', Halsbury's Law Exchange, 9 March 2015, <http://www.halsburyslawexchange.co.uk/gender-equality-and-diversity-in-the-judiciary-2-years-on/>

1.1 Defining diversity: the *Equality Act 2010*

The *Equality Act 2010* consolidates earlier legislation prohibiting discrimination. It provides protection in the workplace and other specified sectors. The Act prohibits direct discrimination but also indirect discrimination, where provisions appear neutral but their effect is to disadvantage persons with certain characteristics. It also prohibits harassment and victimisation.

The Act protects diversity defined in terms of nine 'protected characteristics':

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex;
- Sexual orientation.

The Act also includes a duty for employers, service providers, public bodies and other groups regulated by the Act to make reasonable adjustments for disabled persons.⁴

Positive action

The Act's discrimination provisions apply equally to positive and negative treatment; that is to say, 'positive discrimination' is unlawful. However, the Act does include limited scope for what it describes as 'positive action', permitting steps to be taken to alleviate disadvantage encountered by people who share protected characteristics. This might include, for example, specialised careers training or public services targeted at particular groups.⁵

In relation to recruitment and promotion, the Act permits employers to take protected characteristics into account where doing so is intended to address disadvantage or under-representation. Employers may only do this when deciding between equally qualified candidates; they are prohibited from having policies that automatically afford preferential treatment to persons with particular characteristics. The scope for positive action in recruitment and promotion is therefore limited to circumstances akin to tie-break situations.⁶

Political parties – selection of candidates

Section 104 of the Act permits registered political parties to make arrangements for selecting election candidates with a view to

The Equality and Human Rights Commission is responsible for monitoring compliance with the 2010 Act in England, Wales and (in part) Scotland.

⁴ *Equality Act 2010*, sections 20-21 & Schedule 8

⁵ *Equality Act 2010*, section 158

⁶ *Equality Act 2010*, section 159

addressing inequality of representation.⁷ This could include reserving a number of seats on a shortlist for persons with a particular protected characteristic but, generally, cannot extend to shortlisting only such persons as have a particular protected characteristic. The exception to that rule is the use of single-sex shortlists, which is lawful, as had been the case under earlier equality legislation. Thus a political party may use women-only shortlists if women remain underrepresented among the party's MPs. The provision of the Act permitting single-sex shortlists will be repealed automatically at the end of 2030, although a Minister may by order substitute that for a later date.⁸

Public Sector Equality Duty

The *Equality Act* introduced the Public Sector Equality Duty, requiring public authorities, in the exercise to their functions, to have due regard to the need to eliminate discrimination, advance equality of opportunity across people with and without protected characteristics, and foster good relations between persons with and without protected characteristics.⁹ Before the Act, separate equality duties spanned different legislation and were restricted in their focus to sex, race and disability discrimination.¹⁰

In addition to the overarching Public Sector Equality Duty, certain public authorities in England are subject to specific duties, under the [Equality Act 2010 \(Specific Duties\) Regulations 2011](#). The specific duties set out in the Regulations support compliance with the overarching Duty by, for example, requiring identified authorities to publish equality information and objectives. The specific duties are devolved, with separate regulations applying in Wales ([Equality Act 2010 \(Statutory Duties\) \(Wales\) Regulations 2011](#)) and in Scotland ([Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)). Both the Welsh and Scottish Regulations are significantly more demanding than the English Regulations.¹¹

The Public Sector Equality Duty is intended to facilitate the mainstreaming of equality through embedding equality considerations into administrative decision making. It is enforced by way of judicial review and has proven to be a relatively common ground of review for claimants seeking to challenge public authorities. Although not expressly required by the Act, equality impact assessments are one of

⁷ For further information see: [All-women shortlists](#), Commons Briefing Paper SN05057, 7 March 2016

⁸ *Equality Act 2010*, section 105(2)

⁹ The 'marriage and civil partnership' characteristic is not included in the Duty. In evidence to the Joint Committee on Human Rights' examination of the Equality Bill, the Solicitor General explained that this characteristic was excluded from the Duty because (a) there was insufficient evidence of widespread disadvantage related to this ground and (b) such disadvantage that did exist could be dealt with via other protected characteristics, for example, sexual orientation discrimination - [Joint Committee on Human Rights, Twenty-sixth Report, 12 November 2009, HC 736/ HL Paper 169, 2008-2009, Ev 86](#)

¹⁰ *Sex Discrimination Act 1975; Race Relations Act 1976; Disability Discrimination Act 1995*.

¹¹ For a discussion, see [The Public Sector Equality Duty and Equality Impact Assessments](#), Commons Briefing Paper SN06591, May 2014

the chief means by which authorities evidence their compliance with the Act and insulate their decisions against such challenges.

1.2 Measuring diversity

This briefing paper uses publicly available information on diversity in the UK's democratic institutions. The amount of data available varies both by characteristic and by organisation:

- employers commonly hold information on some characteristics, such as age, whereas others characteristics, such as ethnicity or race, are difficult to define and rely on self-reporting, for example in staff surveys;
- some of the groups discussed in this paper are not employees but officeholders (Members of the House of Commons and the House of Lords) and therefore not subject to similar monitoring arrangements;
- some organisations collect data on a wider range of characteristics than others, and some started to do so earlier than others;
- the available data usually does not allow analysis of combinations of more than one protected characteristic.

1.3 Recent policy initiatives

2015 saw the establishment of the Women and Equalities Select Committee, charged with examining the expenditure, administration and policy of the Government Equalities Office. Since its creation the Committee has undertaken inquiries spanning issues such as transgender rights, Muslim employment, sexual harassment and pregnancy and maternity discrimination.¹²

The most significant recent policy development has undoubtedly been the publication of the draft *Equality Act 2010 (Gender Pay Gap Information) Regulations 2016*. The draft regulations follow the former Prime Minister, David Cameron's commitment to "end the gender pay gap in a generation".¹³ A consultation on the draft regulations closed on 11 March 2016, with the expectation that finalised regulations will be brought into force by April 2017.¹⁴ They will apply to large private and voluntary sector employers (those with 250+ employees), requiring them annually to publish gender pay gap data. Public sector employers are expected to be subject to a related legislative regime, imposing similar requirements and forming part of a separate consultation due to close on 30 September 2016.¹⁵

Alongside legislative measures to increase gender equality in the workplace, the Government has supported voluntary efforts to increase female representation on FTSE 100 boards, in a continuation of

¹² [Inquiries - Women and Equalities Committee](#), Parliament website [accessed 20 September 2016]

¹³ [Prime Minister: My one nation government will close the gender pay gap](#), Gov.uk, 14 July 2015

¹⁴ GEO, [Mandatory Gender Pay Gap Reporting](#), 12 February 2016

¹⁵ GEO, [Mandatory Gender Pay Gap Reporting – Public Sector Employers](#), 18 August 2016

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Coalition Government policy. The [Coalition Agreement](#) included a commitment to “look to promote gender equality on the boards of listed companies”,¹⁶ expanded on in the Coalition’s [Equality Strategy](#), which pledged to “develop business-led measures to promote more women on to the boards of listed companies”.¹⁷ Lord Davies of Abersoch was invited to lead a review, to assess what could be done to allow more women to reach board-level positions. This was followed by a series of reports, the first of which was published in 2011, at which time women made up 12.5% of the members of FTSE 100 corporate boards. On 29 October 2015 Lord Davies published a [5-year summary](#), noting that

There are more women on FTSE 350 boards than ever before, with representation of women more than doubling since 2011 - now at 26.1% on FTSE 100 boards and 19.6% on FTSE 250 boards.¹⁸

¹⁶ HM Government, *The Coalition: our programme for government*, May 2010, p18

¹⁷ HM Government, *The Equality Strategy - Building a Fairer Britain*, 2011, p15

¹⁸ Davies Review, [Improving the Gender Balance on British Boards](#), October 2015, p2

2. The legislature: the Houses of Parliament

The UK legislature comprises elected Members of the House of Commons, Members of the House of Lords, and the staff working to support both Houses of Parliament.

In 2008, the Speaker's Conference on Parliamentary Representation was convened to consider why women, ethnic minorities and people with a disability are underrepresented in the House of Commons. The Conference collected evidence and presented its [final report](#) in January 2010. The report made recommendations that were taken up, such as the establishment of a nursery in the House of Commons and an extension to the legal provision to allow all-women shortlists at elections. The report also recommended actions that were not implemented, such as establishing an agreed job description for MPs and introducing parental leave arrangements.

Some of these themes resurfaced in Professor Sarah Childs' report [The Good Parliament](#), published in July 2016, which resulted in the creation of the Commons Reference Group on Representation and Inclusion. Recommendations made in the report include a target for a representative Parliamentary Press Gallery, gender quotas for select committee chairs, and the commencement of Section 106 of the *Equality Act 2010*, which requires political parties to provide diversity data about candidates.

2.1 The House of Commons

Members of Parliament

The House of Commons does not systematically collect information on the diversity of its elected Members. Data are available on the age and gender of MPs. Estimates of the ethnic diversity of MPs, based on self-reporting, are available from Library Briefing Paper 1156 [Ethnic Minorities in Politics and Public Life](#).

The table below shows the number and proportion of ethnic minorities and women among the MPs elected at the 2015 General Election. There were 41 MPs from an ethnic minority background and 191 female MPs. The table on the right shows the age profile of the 2015 Parliament. The largest number of MPs was between 46 and 55 years old.

MPs: number and proportion of non-white and female MPs elected at the 2015 General Election, by party

	Non-white		Female*	
	Number	%	Number	%
Con	17	5.2%	68	20.6%
Lab	23	9.9%	99	42.7%
LD	0	0.0%	0	0.0%
Others	1	1.3%	24	30.0%
Total	41	6.3%	191	29.4%
<i>Working age population</i>	<i>13.1%</i>		<i>50.8%</i>	

* as per 21 July 2016
 Source: House of Commons Library data, Labour Force Survey 2015 Q2

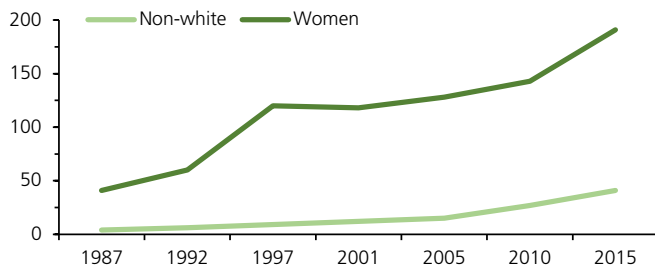
MPs: age groups by party, age at time of 2015 General Election

	16-25	26-35	36-45	46-55	56-65	65+
Con		21	105	117	70	17
Lab		25	45	68	64	25
LD			2	4	1	1
Others	2	11	20	27	19	3
Total	2	57	172	216	154	46
%	0%	9%	27%	33%	24%	7%

Source: House of Commons Library data
 Note: 2 MPs elected at by-elections since the 2015 General Election are not included

The number of female and ethnic minority MPs elected at recent general elections has increased over time, as shown in the chart below.

MPs: number of women and ethnic minorities elected to Parliament at general elections since 1987



Source: House of Commons Library data

Research by Professors Rosie Campbell (Birkbeck University) and Sarah Childs (Bristol University) found female MPs were more likely (45%) than male MPs (28%), and the UK population (20%), to remain childless. They were also more likely to have fewer children than male MPs, and to enter Parliament when their children are older.¹⁹

More information on ethnic minorities and women in Parliament is available from Library Briefing Papers 1156 [Ethnic Minorities in Politics and Public Life](#) and 1250 [Women in Parliament and Government](#).

(Deputy) Speakers and Chairmen of Ways and Means

Parliamentary Information List 4637 [Speakers of the House of Commons and Chairmen and Deputy Chairmen of Ways and Means](#) includes information on the gender of Speakers and (Deputy) Chairmen of Ways and Means.

¹⁹ Rosie Campbell and Sarah Childs, 'This ludicrous obsessions, parents in Parliament: the motherhood trap', *The Huffington Post blog*, 18 March 2014, http://www.huffingtonpost.co.uk/dr-rosie-campbell/women-in-politics_b_4608418.html

MPs: number of female (Deputy) Speakers and (Deputy) Chairmen of Ways and Means

	Female	Male
Speaker*	1	138
Chairman of Ways and Means & Deputy Speaker**	0	34
First Deputy Chairman of Ways and Means***	3	34
Second Deputy Chairman of Ways and Means****	4	8

* since 1258, ** since 1885; *** since 1902; **** since 1971

Source: Parliamentary Information List 4637, Speakers of the House of Commons and Chairmen and Deputy Chairmen of Ways and Means

Select Committee Chairs

Following 2015 General Election, elected Chairs of 26 select committees and the Backbench Business Committee were [announced on 17 June 2015](#). Of these 27 Committee Chairs, six were women and one had declared an ethnic minority background.²⁰

Shadow Cabinet

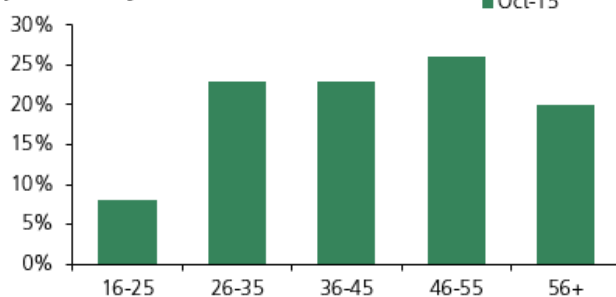
Of the 25 members of the Shadow Cabinet listed on the [Labour Party's website](#), 10 are women, and 3 had declared an ethnic minority background.²¹

House of Commons staff

The House of Commons started to monitor and report on the diversity of its staff in 2007. Since 2013, diversity data covering a broader range of characteristics has been published. Data published since 2014 no longer includes agency workers, secondments-in and contractors, which means comparisons to earlier data are imprecise and should be used with caution.

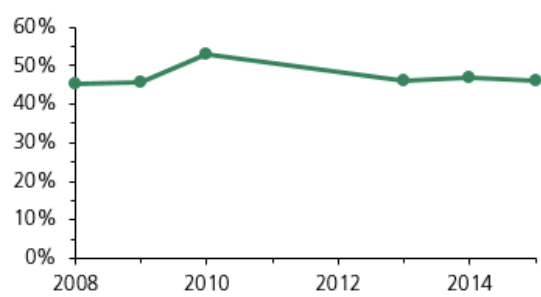
The chart below shows that in 2015, the largest proportion of House of Commons and PICT (Parliamentary Information and Communications Technology, now the Parliamentary Digital Service) staff was between 46 and 55 years old. The chart on the right shows that the proportion of women among House of Commons and PICT staff remained relatively stable between 2008 and 2015.

House of Commons & PICT staff: age profile, July 2014 - October 2015



Source: Diversity Report, 2016

House of Commons & PICT staff: % female



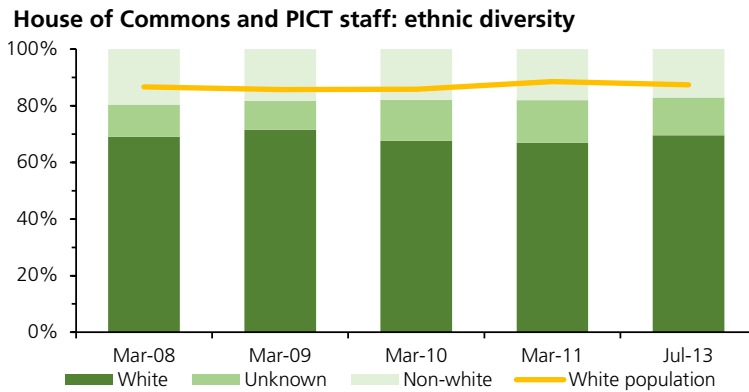
Source: House of Commons Commission Annual Reports, 2013 Diversity Report

²⁰ Keith Vaz; he resigned as Chair of the Home Affairs Committee on 6 September 2016

²¹ As at 28 September 2016

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The chart below shows the ethnic composition of House of Commons and PICT staff between 2008 and 2013. The yellow line represents the proportion of the UK working age population that is White. Even if all staff who had not declared their ethnicity were White, the proportion of White people is lower among House of Commons and PICT staff than among the UK population.



Sources: [House of Commons Commission Annual Reports](#) (2007/08, 2008/09, 2009/10, 2010/11), [House of Commons & PICT Diversity Report](#) (July 2013), Labour Force Survey 2008 Q1, 2009 Q1, 2010 Q1, 2011 Q1, 2013 Q3)

The ethnic diversity of staff varies significantly between pay bands (or levels of seniority), as shown in the table below. Non-white staff are less likely to hold more senior positions: in 2015, 6% of staff in the SCS and A pay bands were Non-white, compared to 63% of staff in pay band E. This is also true for women. The pattern for people with a disability is less clear.²²

House of Commons & PICT staff: % non-white, women and disability, by pay band

Payband	% Non-White		% Women		% Disabled	
	Jul-14	Oct-15	Jul-14	Oct-15	Jul-14	Oct-15
SCS			29%	28%		4%
A	6%	6%	49%	48%	2%	2%
B	15%	15%	48%	48%	5%	4%
C	13%	14%	56%	54%	5%	4%
D	18%	24%	49%	48%	4%	2%
E	56%	63%	49%	52%		6%
Catering	40%	40%	41%	42%		0%
Other	8%	9%	17%	5%	2%	2%
Total	15%	18%	47%	46%	4%	3%
<i>Working age population</i>	<i>13%</i>	<i>13%</i>	<i>51%</i>	<i>51%</i>	<i>23%</i>	<i>23%</i>

Note: does not include staff who have not declared or preferred not to say

Sources: [House of Commons & PICT Diversity Report](#) (April 2015), [House of Commons & Parliamentary Digital Service Diversity Monitoring Report](#) (March 2016), Labour Force Survey 2014 Q3, 2015 Q4

Note that the figures in the table above do not include staff who have not declared their ethnicity and whether or not they have a disability.

²² The figures for the working age population in the table below are estimates from the Labour Force Survey. Disability is measured using the 'Disability: equality act' variable. Note that employment is lower among people with a disability. Information on roles within pay bands in the House of Commons Service can be found in [House of Commons & PICT Diversity Report](#) (April 2015)

The proportion of staff for which information on ethnicity and disability is not known remains relatively high: 15% and 41% in 2014, and 13% and 41% in 2015.

Non-declaration rates also remain relatively high for survey questions on sexual orientation and religion and belief. 4% of staff said they were bisexual, gay or lesbian in 2015 (38% did not give information). Christianity was the largest religious group in 2015 (28%), followed by atheism (21%) (38% did not give information).

2.2 The House of Lords

Peers

The House of Lords does not systematically publish data on the diversity of its Members. Gender data is available, and a range of other organisations collate information on the ethnicity of peers.

The table below shows that 6.4% of Members of the House of Lords is from an ethnic minority background.

Peers: ethnic minority peers, by gender and Party/group, June 2016

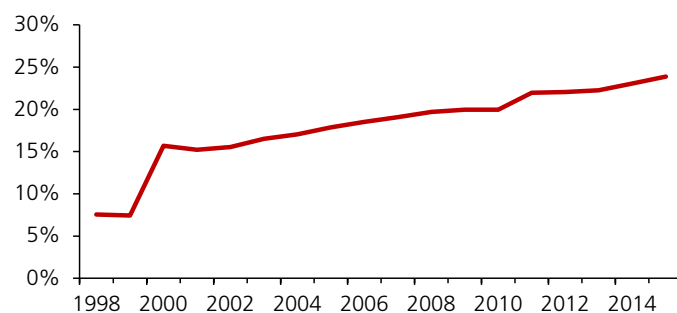
Party/group	Non-white			% of total by group	All Members of House of Lords		
	Male	Female	Total		Male	Female	Total
Bishops	1	0	1	3.8%	24	2	26
Conservative	5	3	8	3.3%	188	56	244
Crossbench	8	5	13	7.5%	134	39	173
Labour	9	6	15	7.1%	144	66	210
Liberal Democrat	4	5	9	8.3%	71	37	108
Non-affiliated	4	1	5	21.7%	20	3	23
Other	-	-	-	-	14	2	16
Total	31	20	51	6.4%	595	205	800

Sources: House of Lords (2016) 'Lords by party, type of peerage and gender', June 2016; Parliament (2016) 'List of Members of House of Lords', published May 2016; Operation Black Vote (2016) 'BME peers', as at June 2016.

23% of Conservative peers are women, compared to 31% of Labour peers and 34% of Liberal Democrat peers.

The chart below shows that the proportion of women in the House of Lords has increased since 1998.

Peers: % female Members



Source: [House of Lords annual reports](#)

House of Lords staff

The House of Lords did not publish information about the diversity of its staff until recently. The 2015/16 House of Lords Resource Accounts are the first to include information on the gender of employees. While there are more women than men overall, women are less likely to hold senior roles.

House of Lords staff: women, by level of seniority		
	Female	% Female
Management Board	1	13%
Other Senior Staff (SCS or equivalent)	8	35%
Other employees	249	52%
Seconded in	7	78%
Total	265	51%

Note: headcount as at 31 March 2016

Source: [House of Lords Resource Accounts, 2015-16](#)

The [BBC](#) reported in May 2015 on a Freedom of Information request that showed there were no ethnic minority staff in the top seven pay levels of the House of Lords administration. In contrast, five out of six workers in the lowest pay grade were found to be from an ethnic minority background.²³

²³ [BBC News](#), 'No senior black staff in the House of Lords', 29 May 2015

3. The executive: the Government and its administration

The executive comprises the politicians that make up the Government, and the Civil Service that executes its policies. More information on ethnic minorities and women in the executive is available from Library Briefing Papers 1156 [Ethnic Minorities in Politics and Public Life](#) and 1250 [Women in Parliament and Government](#).

The National Audit Office (NAO) published a report on [Equality, diversity and inclusion in the civil service](#) in June 2015. The report found that while the proportion of women, ethnic minorities and people with disabilities in the Civil Service has increased, some do not experience it as having an open and inclusive culture. The report also noted that a succession of government strategies had not brought about sustainable change, and made recommendations to improve the delivery of the current Cabinet Office Talent Action Plan.

3.1 The Government

Statistics on diversity in the Government are not collected centrally. Data are available on gender, age and ethnicity (where self-declared).

The average age of the Cabinet is 53. The oldest member of the Cabinet is 67 years old, the youngest is 40. The table on the right shows that most members of the Cabinet were between 45 and 50 years old.²⁴

In July 2016, Theresa May became the second woman UK Prime Minister. Currently there are eight women in the Cabinet (including the Prime Minister), which is 36% of 22 Cabinet posts. This is the highest number recorded. Tony Blair appointed the same number of women to his Cabinet in 2006.

Cabinet: age profile

Age	No.
40-45	3
45-50	7
50-55	5
55-60	1
60-65	5
65+	1

Source: House of Commons Library data

Cabinet: number of women

Prime Minister	Year	Women
Tony Blair	1997	5
	2006	8
David Cameron	2010	4
	2015	7
Theresa May	2016	8

Source: House of Commons Library Briefing Paper 1250 [Women in Parliament and Government](#)

Five non-Cabinet ministers, all men, also attend Cabinet meetings. Of the 120 individuals who hold posts as Government Ministers and Whips in the House of Commons or House of Lords, 30 (25%) are women.

2 members of the Cabinet (9%) are from an ethnic minority background.

²⁴ Ages were calculated on 27 September 2016

3.2 The Civil Service

Statistics on diversity in the Civil Service are published yearly by the [Office for National Statistics](#). They are based on an annual employment survey.²⁵

The largest proportion (32%) of Civil Servants employed in March 2015 were in the 50-59 age band, followed by the 40-49 age band.

The proportion of Civil Servants who declared a disability in 2015 was 6%, compared to 23% of the working age population in the UK.

However, a relatively large proportion of Civil Servants (31%) did not declare whether or not they had a disability.

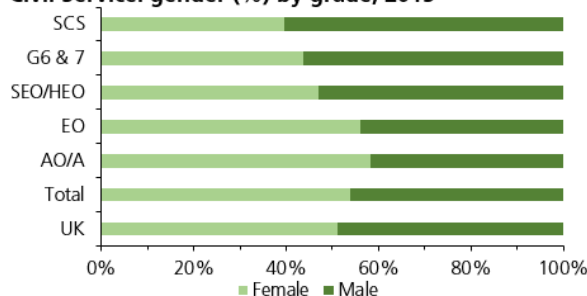
The charts below show that there were no large variations in the proportion of staff with a disability working at different grades (levels of seniority). Larger differences existed in terms of the proportion of women, who are more strongly represented in lower grades.

Civil Service: age profile, 2015

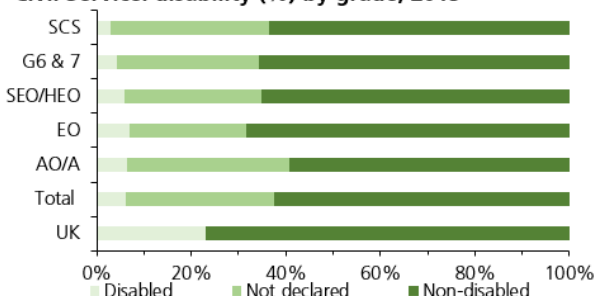
Age	%
16-19	0%
20-29	9%
30-39	21%
40-49	29%
50-59	32%
60-64	7%
65+	2%

Source: Civil Service Employment Survey

Civil Service: gender (%) by grade, 2015



Civil Service: disability (%) by grade, 2015

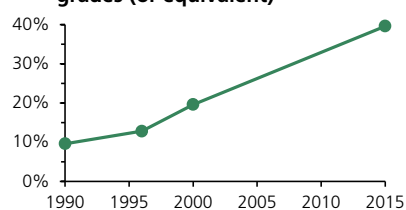


Note: the UK figure represents the working age population
Sources: Civil Service Employment Survey 2015; Labour Force Survey 2015 Q1

Archived data on women in the Civil Service is available from 1970, when women made up 32% of the Civil Service.²⁶ Historically, most women worked in lower grades. When the SCS grade was introduced for the most senior positions in 1996, women made up 12.8% of these positions.²⁷

In 1996, 0.3% of the most senior civil servants reported a disability.²⁸ This rose to 1.7% in 2000,²⁹ and to 2.8% in 2015. Note that significant proportions of staff did not report whether or not they had a disability in these years.

Civil Service: % women in SCS grades (or equivalent)



Sources: Civil Service Statistics 1996, 2000, 2015

Overall, 8% of Civil Servants in post in 2015 were from an ethnic minority. The chart below shows that people from ethnic minority backgrounds were also more likely to be working in the lower grades in the Civil Service. Note, however, that a significant proportion of Civil Servants have not declared their ethnicity.

²⁵ The methodology behind the survey is explained on the ONS' website: <http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/publicsectorpersons/qmis/civilservicestatisticsqmi>

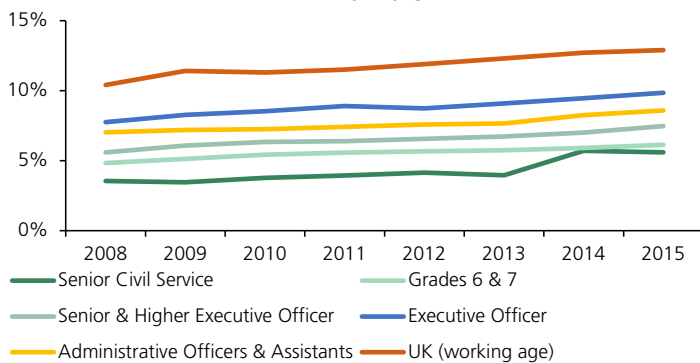
²⁶ National Archives, Civil Service, Statistics Archive, <http://webarchive.nationalarchives.gov.uk/20110620155535/www.civilservice.gov.uk/about/resources/stats-archive/archived-reports.aspx> [18 August 2016]

²⁷ Civil Service Statistics, 1996 Report

²⁸ Civil Service Statistics, 1996 Report

²⁹ Civil Service Statistics, 2000 Report

Civil Service: % ethnic minority, by grade

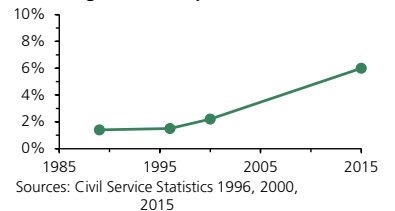


Note: does not include staff who have not declared their ethnicity (18-25%)

Sources: Annual Civil Service Employment Survey, Labour Force Survey

In earlier years, there were also significant proportions of staff who did not report their ethnicity. The graph on the right, however, shows that the proportion of ethnic minorities in the most senior (SCS) positions has risen since 1989. While the Civil Service Statistics for 2015 suggest that 6% of people employed in the Senior Civil Service grade were from an ethnic minority background, recent research by [Green Park](#) suggests this figure is 3% (in 2016).³⁰

Civil Service: % ethnic minority in SCS grades (or equivalent)



Sources: Civil Service Statistics 1996, 2000, 2015

The figures above do not show the difference in the proportion of women, ethnic minorities and people with a disability between Government Departments. As the table below shows, these differences can be significant.

Civil Service: top 5 Departments with highest and lowest % women, ethnic minority and disability, 2015

Lowest		Highest	
Women			
Food Standards Agency	34%	Work and Pensions ¹	68%
Security and Intelligence Services	35%	Attorney General's Departments	63%
UK Export Finance	36%	Health ¹	63%
Defence ¹	36%	Office of Qualifications and Examinations Regulation	61%
National Crime Agency	39%	Office for Standards in Education	61%
Total (All Departments) 54%			
Ethnic minorities²			
Scottish Government ¹	1%	UK Export Finance	28%
Welsh Government ¹	2%	Home Office ¹	22%
Security and Intelligence Services	3%	UK Supreme Court	20%
Defence ¹	3%	HM Treasury ¹	18%
United Kingdom Statistics Authority	4%	Chancellor's Other Departments	18%
Total (All Departments) 8%			
People with disabilities³			
Cabinet Office ¹	2%	HM Revenue and Customs ¹	10%
Office of Gas and Electricity Markets (2%	Charity Commission	9%
Health ¹	3%	Home Office ¹	8%
Chancellor's Other Departments	3%	Transport ¹	8%
National Crime Agency	3%	UK Export Finance	8%
Total (All Departments) 6%			

1. Including agencies

2. Numbers under 5 are suppressed. The Northern Ireland, Scotland and Wales Offices and ESTYN employed fewer than 5 people from a declared ethnic minority background

3. Numbers under 5 are suppressed. The Northern Ireland, Scotland and Wales Offices, ESTYN and the UK Supreme Court employed fewer than 5 staff with a declared disability

Source: Civil Service Employment Survey, 2015

³⁰ Reported in Ben Willis, 'UK civil service 'going backwards on diversity, survey finds'', *Global Government Forum*, 26 September 2016, <http://www.globalgovernmentforum.com/uk-civil-service-going-backwards-on-diversity-survey-finds/>

4. The judiciary: Courts, Tribunals and the legal profession

The judiciary comprises judges working in courts and tribunals. Generally, judges are drawn from the legal profession (particularly from among solicitors and barristers).

Diversity in the judiciary is a longstanding issue that has been the subject of a number of reports, consultations and reform efforts.³¹ In 2010, the [report of the Advisory Panel on Judicial Diversity](#) argued against quotas but recommended actions to improve diversity in the legal professions more generally (the pool from which judges are drawn). A Taskforce to implement the Panel's recommendations was set up, and published its final [report](#) in 2014. It was replaced by the Judicial Diversity Forum.

The House of Lords Constitution Committee published a [report](#) on judicial appointments in 2012 that noted the low rate of representation of ethnic minorities and women among judges. The Committee recommended that the Lord Chancellor and Lord Chief Justice should have a duty to encourage diversity amongst the judiciary.

4.1 The Courts

The Government publishes yearly statistics on the diversity of the judges in the UK's courts and tribunals. The latest data (giving information for April [2016](#)) shows that while women and ethnic minorities remain underrepresented among judges, their proportion is increasing among those under 49.

The table below shows that the proportion of female judges in courts varies from zero to 37% depending on level of seniority. Larger proportions of women and ethnic minorities work in the less senior positions. The largest proportion of judges at all levels is aged 60 and over.

³¹ See for example: Professor Cheryl Thomas, Understanding Judicial Diversity, June 2009, <https://www.laws.ucl.ac.uk/wp-content/uploads/2014/12/Understanding-Judicial-Diversity-FINAL3.pdf>

Courts: % female, ethnic minority and age bands, by level of seniority (1 April 2016)

Appointment name (ordered by tier of court in post)	Total	% Female	% Non-white ¹	Under 40	40-49	50-59	60 and over
Heads of Division	5	0%	0%	0%	0%	0%	100%
Lords Justices of Appeal	39	21%	0%	0%	0%	13%	87%
High Court Judges	106	21%	5%	0%	1%	39%	60%
Judge Advocates, Deputy Judge Advocates	10	10%	0%	0%	0%	30%	70%
Masters, Registrars, Costs Judges and District Judges (Principal Registry of the Family Division)	37	27%	0%	0%	8%	30%	62%
Deputy Masters, Deputy Registrars, Deputy Costs Judges and Deputy District Judges (PRFD)	53	36%	4%	0%	9%	21%	70%
Circuit Judges	626	26%	4%	0%	6%	33%	61%
Recorders	1,035	20%	6%	2%	17%	36%	45%
District Judges (County Courts)	430	36%	7%	1%	17%	37%	45%
Deputy District Judges (County Courts)	627	37%	5%	8%	24%	32%	36%
District Judges (Magistrates' Courts)	133	33%	5%	3%	13%	37%	47%
Deputy District Judges (Magistrates' Courts)	101	31%	6%	2%	19%	29%	50%
Total	3,202	28%	5%	3%	15%	34%	48%

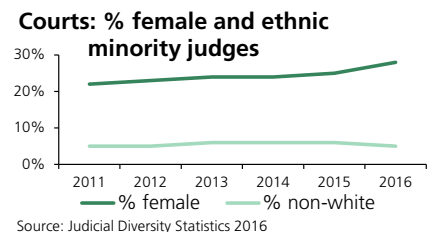
1. Ethnicity data is incomplete as collection on a voluntary basis began in 1991. Overall, ethnicity is not known for 15% of judges. This proportion ranged from 6 to 60% between different levels of seniority.

Source: [2016 Judicial Diversity Statistics](#), table 1.1

Women make up a larger proportion of Court judges aged under 49: 51% of judges under 40 are women, and 47% of judges aged 40-49. These figures hide significant variation in the proportion of women between levels of seniority; while there are no women in these age groups in the top four levels of seniority, 80% of District Judges (County Courts) under 40 are women, and 67% of Masters, Registrars, Costs Judges and District Judges (Principal Registry of the Family Division) aged 40-49 are women.³²

There are also more ethnic minorities among judges under 49 years old: 8% of Court judges under 49 are from an ethnic minority background.³³

The proportion of female and ethnic minority judges has remained relatively stable between 2011 and 2016, as the chart on the right shows. On average, 24% of judges were female, compared to approximately 51% of the UK working age population. On average, 6% of judges were from an ethnic minority, compared to approximately 12% of the UK working age population.



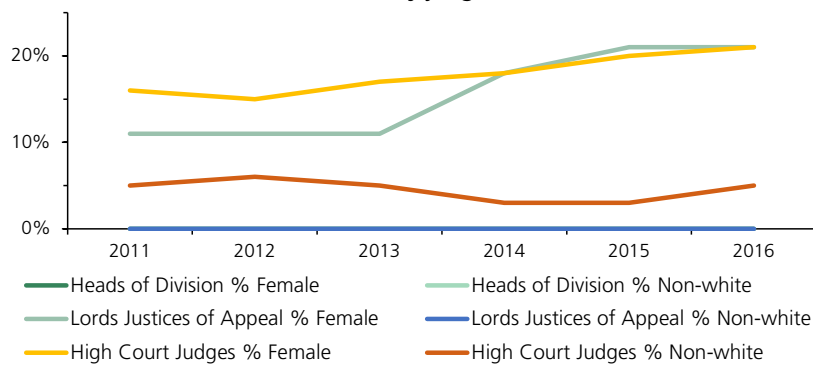
Source: Judicial Diversity Statistics 2016

The chart below shows that the proportion of women and ethnic minorities among judges in the most senior positions also remained relatively stable, although the proportion of female Lords Justices of Appeal and High Court Judges has increased since 2011. The proportion of High Court Judges from an ethnic minority has decreased. The proportion of female and ethnic minority Heads of Division has remained stable at zero percent, like the proportion of Lords Justices of Appeal from an ethnic minority background. Note, however, that information on the ethnicity of judges is incomplete as reporting is voluntary.

³² 2016 Judicial Diversity Statistics, table 1.2

³³ This calculation is based on the number of judges who have declared their ethnicity

Courts: % female and ethnic minority judges, 2011-2016



Source: [2016 Judicial Diversity Statistics](#), table 1.3

Magistrates

The proportion of women and ethnic minorities is higher among the 17,552 magistrates serving as at April 2016.

Magistrates: % women, ethnic minorities and disability and average age

Women	Non-white	Disability	Average age
53%	11%	4%	58

Source: [2016 Judicial Statistics - serving magistrates statistics](#)

4.2 Tribunals

Women and ethnic minorities make up a greater proportion of judges on tribunals than in the courts. As the table below shows, the largest proportion of women was found among Tribunal Judges (47%). The largest proportion of ethnic minorities was found among Upper Tribunal Judges (14%). The plurality of judges in most categories were aged over 60, although the largest share of Employment Judges (42%) was between 50 and 59 years old.

Tribunals: % women, ethnic minorities and age bands, by Tier (1 April 2016)

Appointment name	Total in post	% Female	% Non-white	Under 40	40-49	50-59	60 and over
Judges							
Presidents, Chamber Presidents, Deputy and Vice Presidents	14	29%	0%	0%	0%	36%	64%
Upper Tribunal Judge	79	35%	14%	1%	14%	38%	47%
Deputy Upper Tribunal Judge	24	33%	8%	0%	8%	29%	63%
Tribunal Judge	1,411	47%	10%	3%	15%	34%	48%
Regional, Deputy Regional Tribunal Judge	17	24%	6%	0%	0%	35%	65%
Employment Judge	338	41%	7%	3%	21%	42%	34%
Regional Employment Judge	11	36%	9%	0%	9%	18%	73%
Total	1,894	45%	9%	3%	16%	36%	46%
Non-Legal Members							
Tribunal Members	3,466	47%	14%	3%	9%	27%	61%
Total Judges and Non-Legal Members	5,360	46%	12%	3%	11%	30%	55%

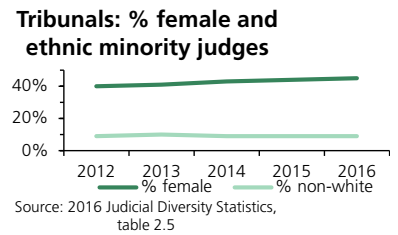
1. Ethnicity data is incomplete as collection on a voluntary basis began in 1991. Overall, ethnicity is not known for 7% of judges. This proportion ranged from 4 to 24% between different levels of seniority.

Source: [2016 Judicial Diversity Statistics](#), table 2.3

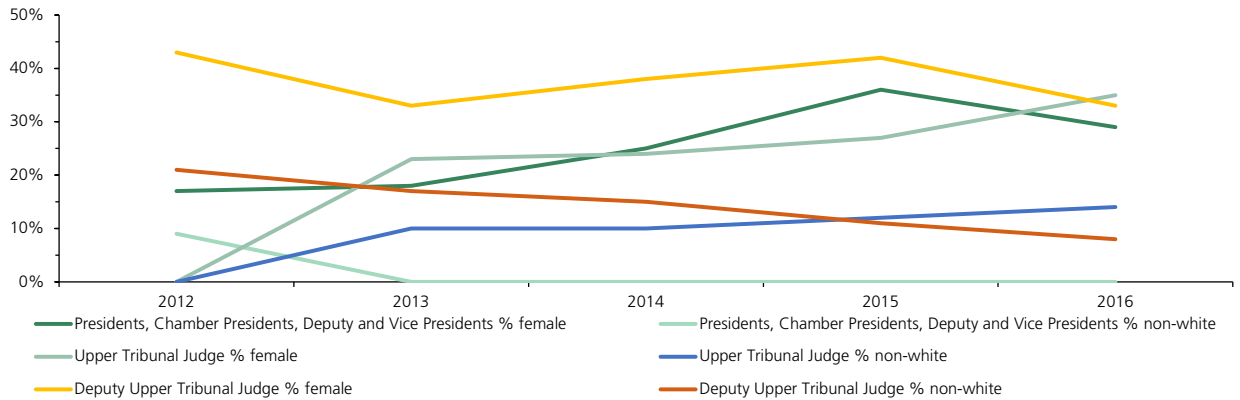
Women and ethnic minorities make up a larger proportion of tribunal judges in younger age groups. Whilst 33% of judges aged 60 and over are women, and 5% are from an ethnic minority, these figures rise to

53% and 12% in the 50-59 age group, and to 64% and 14% for judges under 40.³⁴

The chart on the right shows that the proportion of female and ethnic minority tribunal judges remained stable between 2012 and 2016. This was also the case among the most senior judges appointed to tribunals, as the chart below shows. Note, however, that ethnicity is not known for all tribunal judges, as it is reported on a voluntary basis.



Tribunals: % female and ethnic minority judges by appointment, 2011-2016



Source: [2016 Judicial Diversity Statistics](#), table 2.5

4.3 Barristers and solicitors

Barristers and solicitors prepare and advocate legal cases, and most judges were previously barristers or solicitors: in 2016, 65% of court judges were barristers, and 34% were solicitors. Among tribunal judges, 13% were barristers and 23% were solicitors.

The Bar Standards Board

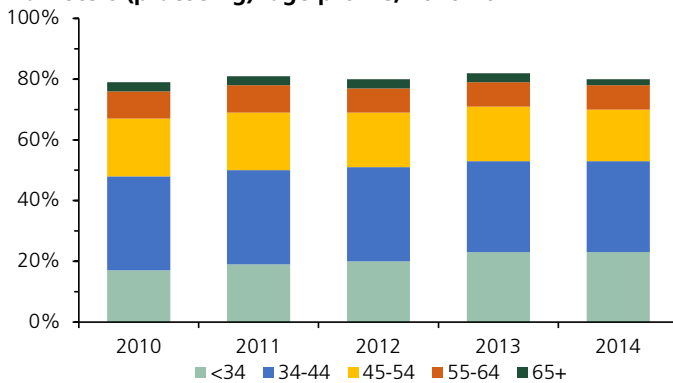
The Bar Standards Board publishes information about the diversity of practising barristers.

Between 2010 and 2014, the proportion of female practicing barristers remained stable at 35%. The proportion of ethnic minorities rose slightly from 11% (2010-2013) to 12% in 2014 (but note that ethnicity was not known for 10% of practicing barristers).

The figure below shows that the largest proportion of practicing barristers was between 34 and 44 years old. The proportion of barristers under 34 years old rose slightly. Age is not known for approximately 20% of practising barristers.

³⁴ [2016 Judicial Diversity Statistics](#), table 2.4

Barristers (practising): age profile, 2010-2014



Source: Bar Standards Board, [practising barrister statistics](#), Data spreadsheet 2010-2015

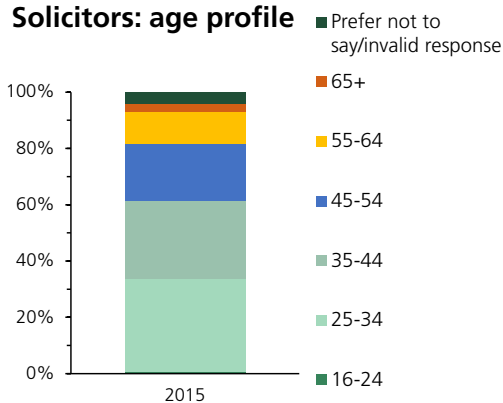
The Solicitor Regulation Authority

The Solicitor Regulation Authority (SRA) publishes diversity data on solicitors (and other lawyers) working in law firms in England and Wales. This covers approximately 73% of all solicitors in England and Wales.

In 2015, 88% of law firms responded to the SRA’s survey, with an average response rate of 75% of employees per firm. The total sample included 66,373 solicitors (combining the categories of solicitor (sole practitioner, partner, member or director) and solicitor).

As the chart below shows, most solicitors were between 25 and 34 years old. The table on the right shows that there were more female solicitors (47%) than barristers (35%, see above), and also more solicitors from an ethnic minority background (14% compared to 12%). 3% of solicitors reported having a disability, compared to 23% of the UK’s working age population.

Solicitors: age profile



Solicitors: gender, disability and ethnicity, 2015

	% female	% disability	% non-white
Respondents	47%	3%	14%
Prefer not to say/invalid response	3%	10%	9%
<i>UK working age population</i>	<i>51%</i>	<i>23%</i>	<i>12%</i>

Sources: Solicitor Regulation Authority [Diversity statistics](#) (raw data), Labour Force Survey 2015 Q3

The survey also asked about religion and belief. The largest proportion of solicitors was Christian (45%), followed by those with no religion or belief and atheists (26%) and Muslims (4%).

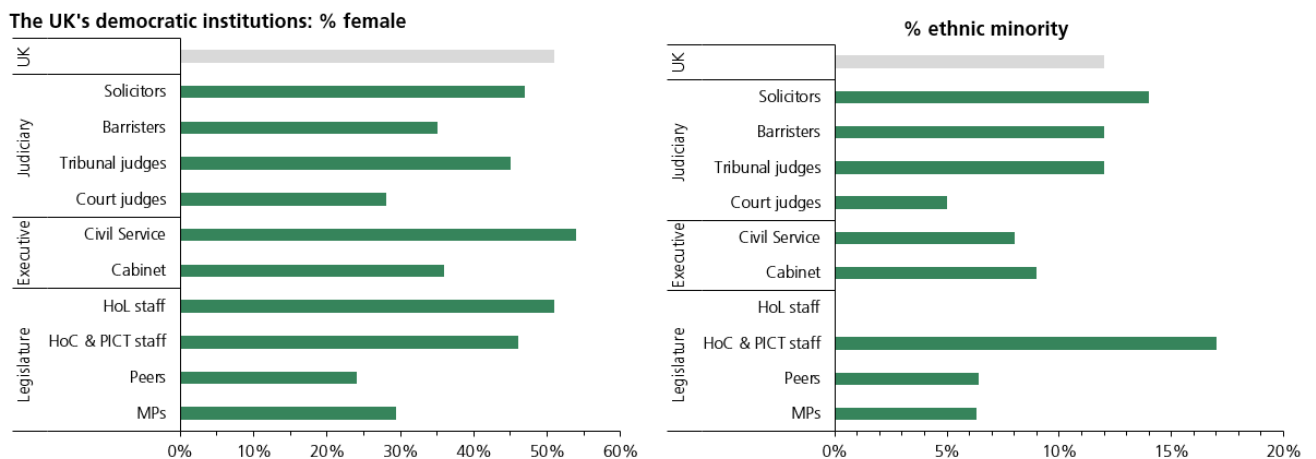
82% of solicitors declared their sexuality as straight.³⁵

³⁵ For more information, see the [Law Society's](#) 2015 Diversity and Inclusion Charter Biennial Report

5. Comparison

Overall, some parts of the UK's democratic machinery are more diverse than others, and there are variations within each branch of democracy. Because of differences in the availability of data, the most systematic comparisons that can be made are about the proportion of women and ethnic minorities that different institutions employ.

As the graphs below show, only the Civil Service and the House of Lords employ a proportion of women that is equal to or surpasses the proportion of women in the UK working age population. The proportion of ethnic minorities in the UK working age population is equalled or surpassed among solicitors, barristers, tribunal judges, and House of Commons and PICT staff. However, as the sections above show, women and ethnic minorities tend to be less likely to hold senior positions.



Note: latest available data

Sources: Labour Force Survey 2015 Q3, Solicitor Regulation Authority [Diversity statistics](#) (raw data), Bar Standards Board, [practising barrister statistics](#), Data spreadsheet 2010-2015, [2016 Judicial Diversity Statistics](#), Civil Service Employment Survey 2015, [House of Lords Resource Accounts, 2015-16](#), House of Lords annual report 2015-16, [House of Commons & Parliamentary Digital Service Diversity Monitoring Report](#) (March 2016), House of Commons Library data

5.1 Sources of further information

- Library Briefing Paper 1156 [Ethnic Minorities in Politics and Public Life](#)
- Library Briefing Paper 1250 [Women in Parliament and Government](#)
- [House of Commons & Parliamentary Digital Service Diversity Monitoring Report](#)
- [House of Lords Resource Accounts, 2015-16](#)
- [Civil Service Statistics](#)
- [Judicial Diversity Statistics](#)
- Solicitor Regulation Authority [Diversity statistics](#)
- Bar Standards Board, [practising barrister statistics](#)

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