



Apples & Pears:
How Dodgy Diversity Data
Divides Us

About Us

The Campaign for Common Sense (CCS) exists to bring together those who want to have grown up discussion and debate.

We will conduct research, and organise events online and across the country, involving experts in all fields and bring them to the widest possible audience.

We will be champions for free speech and tolerance

We believe that...

...nobody has a monopoly on what is right and wrong.

...we all have far more in common than it sometimes seems.

...common sense and fair play are the best way to approach controversial Issues.

...sensitive topics should be discussed frankly & calmly, without trading insults.

Table of Contents

Foreword - Mark Lehain	4
Summary	5
Analysis – the population by age & ethnicity	7
Example one – College leadership	11
Example two – Headteachers	14
Example three – The Colour of Power Index	19
Recommendations	24

Foreword

Mark Lehain

Barely a day goes by without a well-meaning person or organisation commenting upon the lack of diversity in some sector or another.

Of course, genuine diversity *is* important. Avoiding groupthink and keeping an open mind is essential if we are to avoid pitfalls, find new solutions, and perform at our best.

To be at their most effective, teams need people to share common goals and values, but also to have a range of expertise and experiences between them. This requires diversity – but only if it is seen in its broadest sense, and not a narrow one based on arbitrary characteristics.

This is where many organisations get things wrong, adopting a thin version of diversity that categorises people by ethnicity, sex, sexuality, and other characteristics defined in the Equality Act - ignoring really important stuff like expertise, experience, and outlooks.

As such, we end up with organisations celebrating achievement of greater ethnic or sex diversity, when often the people concerned come from the same background, went to the same elite universities, share the same outlook on life, and vote the same way.

It's diversity Jim, but not as we know it in the real world...

There is another issue though, which is the focus of this report: all-too-often people are making incorrect comparisons.

We regularly see reports claiming that X or Y profession is under-representative in terms of the proportion of a particular group.

Putting aside the ethical issue of presuming that individuals will be completely defined by such



grouping, it is clear from the examples analysed in this report that too many conclusions are based on incorrectly comparing different segments of the population.

They also overlook the importance of other factors such as geography, age, and experience. This leads to dubious findings, and headlines that report huge disparities without evidence.

As someone who taught maths for 15 years, this really upsets me!

More importantly though, it gives a false impression of the world and leads to actions that may be ineffective or counterproductive. And it creates a narrative of unfair disparities that ultimately causes discord and division.

The government is starting to address this issue – the work of the Equalities Hub and Commission for Race & Ethnic Disparities is driven by statistics, not prejudices. But we all need to play our part.

If we are to bring people together, we must understand the world as it is, not as our prejudices would have it.

Avoiding dodgy diversity data is the first step in this, and we hope this report both encourages organisations – especially in the media – to do better in this regard, and create a more harmonious and happy society as a result.

Summary

Too many are making dodgy comparisons when considering questions of diversity and inclusion.

There is a tendency for activists and organisations to compare specific segments of the population with seemingly similar but very different segments, or even the population as a whole.

(For instance, comparing the proportion of Headteachers who are black with the proportion of the whole UK population who are non-white.)

This leads people to draw incorrect conclusions about how unrepresentative sectors or organisations are compared to the groups they draw from or serve.

We do not believe that these incorrect comparisons are made for partisan reasons. Instead, we think they arise for three main reasons:

- 1) **Poor statistical understanding** - people fail to compare to relevant population *segments*, adjusting for factors such as age, sex, ethnicity, qualifications, geographical spread etc.;
- 2) **Difficulties in accessing relevant data** – the data needed to make correct comparisons is not always easily accessible, or in formats that are straightforward to interrogate; and
- 3) **Confirmation bias and issue sensitivity** – simple but invalid comparisons often give ‘findings’ that support common views or misunderstandings, especially with sensitive issues, so there is a tendency to accept them uncritically.

None of these issues are unique to the world of diversity activism. However, because of the particularly important and sensitive nature of the issues covered, they can have a particularly pernicious effect here.

They warp our understanding of the world as it actually is, lead to poor decision-making, and create a false narrative that is negative and divisive. And they distract us from analysing other factors “upstream” that could be more relevant causes of the disparity observed. Over time these problems undermine the general public’s trust in research, and in the media’s impartiality too.

The examples analysed in this report focus on race, as this is an area which receives lots of attention from activists, organisations, and the media, particularly in recent times. However, the habit of incorrect

comparisons being made, and these going unchallenged by the media, is endemic across the whole of the diversity industry.

If dodgy comparisons were stopped, it would:

- improve the quality of research produced;
- provide a better understanding of the disparities that genuinely exist;
- enable more effective action to be taken to address such disparities;
- provide a better basis to bring people together, instead of feeding grievances; and
- make for a healthier and more trusted media.

With this in mind we make the following recommendations:

- 1) **RESEARCHERS AND ACTIVISTS** should ensure that where they make observations regarding the under or over representation of groups, they make comparisons with appropriate demographics, and not the overall population or another inappropriate segment.
- 2) **THE EQUALITIES HUB** should identify the most useful data sets and publish more of them in easy-to-interrogate formats that allow age- and qualifications-stratified comparisons to be made more easily.
- 3) **JOURNALISTS, EDITORS & PRODUCERS** should check the analysis made in press releases and reports, before publication or broadcast, to ensure that the relevant demographic segments have been compared, or where this was not possible, appropriate caveats given.
- 4) **THE UK STATISTICS AUTHORITY** should build on their existing activities and publish guidance as to how organisations can improve the level of validity and reliability of research they publish.

Analysis - the population by age & ethnicity

A common starting point for disparity comparisons is to say something like so:

“only % of this profession is BAME when Y% of the population is BAME.”

In order to ensure that an appropriate and useful comparison is made, even this relatively simple statement requires us to ask, and then answer, several simple but important questions, including but not limited to:

- 1) Which population is the comparison being made to – the UK? England & Wales? England?
- 2) What age groups are relevant for the comparison – all ages? Adults only? “Working age”?
- 3) Are ethnicity categories applied consistently between samples?
- 4) Do we need to adjust for factors such as age, qualifications achieved, or geography?

The analysis that follows is intended to illustrate the kind of basic steps that can be taken by individuals or organisations to make *reasonable* comparisons and present them with the necessary caveats so that any limitations as to validity are made clear.

It is not meant to be definitive or perfect by any means. Indeed, it is generally enough to be able to make broad observations, provided one is clear as to the assumptions made, and limitations these impose on conclusions.

To start then: what data is available to people about the population and its makeup?

Some organisations will have the ability to access Office of National Statistics (ONS) data on the 2011 census beyond that published on the [Census 2011 website](#). Anyone can put in a request for data, but it’s much easier to do if you have specialists who understand the process as part of their day-to-day job and know specifically how they want the data sliced. Most comparisons made by diversity campaign groups are not based on data obtained this way.

Let’s take a look at a data available on the [Ethnicity Facts and Figures](#) site on Gov.uk. This is a really good depository of handy data. With a bit of exploring, one can find the “[UK population by ethnicity](#)” page. This has a sub-section for Demographics – and we can find here the population [broken down by](#)

[ethnicity and age](#). (Note though that this data is for England & Wales, not the UK, and that it is from the 2011 Census - so it's useful as a proxy for the UK today, but we need to bear these limitations in mind.)

As this screen snip shows, in this section we can see “Percentage and number of people within each broad ethnic group that falls into each age group.” (Note – this is just a partial snip of the table.)

Percentage and number of people within each broad ethnic group that falls into each age group												
Age ↓	All		Asian		Black		Mixed		White		Other	
	% ↓	Number ↓	% ↓	Number ↓	% ↓	Number ↓	% ↓	Number ↓	% ↓	Number ↓	% ↓	Number ↓
Age 0 to 4	6.2	3,496,750	8.7	365,207	9.5	176,849	18.0	219,796	5.6	2,684,720	8.9	50,178
Age 5 to 9	5.6	3,135,711	7.7	323,251	8.4	156,365	13.3	162,596	5.1	2,451,735	7.4	41,764
Age 10 to 14	5.8	3,258,677	6.9	290,690	7.8	145,649	11.5	141,390	5.5	2,645,470	6.3	35,478
Age 15 to 17	3.7	2,079,229	4.2	176,135	4.7	88,220	6.5	79,614	3.6	1,713,250	3.9	22,010
Age 18 to 24	9.4	5,267,401	12.9	543,338	10.6	197,321	13.6	167,126	8.9	4,291,624	12.1	67,992
Age 25 to 29	6.8	3,836,609	10.7	450,383	7.9	146,941	8.1	98,861	6.4	3,076,127	11.4	64,297
Age 30 to	6.6	3,683,915	10.7	449,113	8.5	158,230	6.5	79,486	6.1	2,931,879	11.6	65,207

Table 1

This is useful data, but the percentages given here show the breakdown of each broad ethnic group by age group e.g. 9.5% of black people are aged 0 to 4, 8.4% are aged 5 to 9.

It doesn't show us what percentage within each age group that falls into each broad ethnic group e.g. what proportion of 18 to 24 year olds are white or Asian etc

We've taken the data here and reworked it. The table below shows a number of things, including:

- The % of the overall (England & Wales) population (in 2011) in each of the broad ethnic groups e.g. 3.3% of the population is black, 7.5% is Asian
- The % of each age group that falls into each of these ethnic groups

- Generally, as you go up in age, the proportion of the population that is white increases i.e. the older age groups are “more white”

	Asian	Black	Mixed	White	Other
Age	(%)	(%)	(%)	(%)	(%)
Age 0 to 4	10.4%	5.1%	6.3%	76.8%	1.4%
Age 5 to 9	10.3%	5.0%	5.2%	78.2%	1.3%
Age 10 to 14	8.9%	4.5%	4.3%	81.2%	1.1%
Age 15 to 17	8.5%	4.2%	3.8%	82.4%	1.1%
Age 18 to 24	10.3%	3.7%	3.2%	81.5%	1.3%
Age 25 to 29	11.7%	3.8%	2.6%	80.2%	1.7%
Age 30 to 34	12.2%	4.3%	2.2%	79.6%	1.8%
Age 35 to 39	10.1%	4.1%	1.7%	82.6%	1.5%
Age 40 to 44	7.3%	4.2%	1.4%	86.1%	1.0%
Age 45 to 49	5.4%	3.9%	1.2%	88.7%	0.8%
Age 50 to 54	5.5%	2.9%	0.9%	90.0%	0.7%
Age 55 to 59	5.2%	1.8%	0.6%	91.7%	0.6%
Age 60 to 64	3.4%	1.0%	0.4%	94.7%	0.4%
Age 65 to 69	2.9%	1.2%	0.4%	95.1%	0.3%
Age 70 to 74	3.3%	1.6%	0.4%	94.4%	0.3%
Age 75 to 79	2.8%	1.5%	0.4%	95.1%	0.3%
Age 80 to 84	1.9%	1.1%	0.3%	96.4%	0.2%
Age 85 and over	1.2%	0.6%	0.3%	97.7%	0.2%
total	7.5%	3.3%	2.2%	86.0%	1.0%

Table 2

This last point is relevant for many of the comparisons made within the diversity arena. Often people are comparing the thing they’re interested in with the *whole* population – which is around 86% white.

However, if we focus on the overall proportions then we ignore the fact that children and young people are much less “white” than the population overall, and the over 60s are much more so than average. As we will show in the following examples, this is really significant as variations in the ethnic makeup of different age groups actually account for many of the disparities observed.

Other factors that are hugely important but often overlooked are the qualifications required for someone to be a candidate for a job, and also the geography of population and job distribution.

For instance, to be a Headteacher you must first be a teacher, and teaching is a graduate profession. So if we want to understand what “representative” proportions of each broad ethnic group might be expected to be make up the Headteacher population, we must first understand what percentage of the population is made up of graduates from each group.

Data for this is not immediately accessible – hence people have tended to use the more general statistics above, which don’t take this important factor into account.

So having established some general principles, let’s examine a few examples of where dodgy comparisons lead to incorrect and unhelpful claims.

Example one – College leadership

Last summer, the TES (an education sector publication) ran this piece:

Revealed: FE's lack of diversity in leadership

Exclusive Tes research shows that just 8.7 per cent of senior college leaders identify as from a BAME background

Kate Parker
30th July 2020 at 6:09pm

Share this    

My eye was caught by [a Twitter thread by the journalist](#) who conducted the research and wrote the article. This spurred me on to do and share some basic analysis at the time, which I will recreate here, (and which ultimately led to this report being written.)



Kate Parker @KateParkerTes · Jul 30, 2020

The government's 2011 census shows that 86 per cent of England and Wales' population is White British. Some may say, 'Oh that's not too bad then.'

But it IS bad. There's power in diversity. Any leadership team that has members who come from different backgrounds is stronger.

 2  2  8 

It was immediately clear to me that the journalist's conclusion - that non-white people were underrepresented amongst FE leaders – came from her incorrectly comparing her data to overall population ethnicity.

Table 2 shows us that older age groups are more “white” than the population overall, and also that older age groups are more “white” than younger age groups. This means we have to consider the age profile of the candidate pool, as this will influence the relative proportions in terms of ethnicity.

What age range should we focus on then? Well, we can definitely discount under 18s and those over the traditional general retirement age of 65. And we can reasonably assume that one has to have been in the workplace and/or FE sector for a decent amount of time before being promoted to a top position.

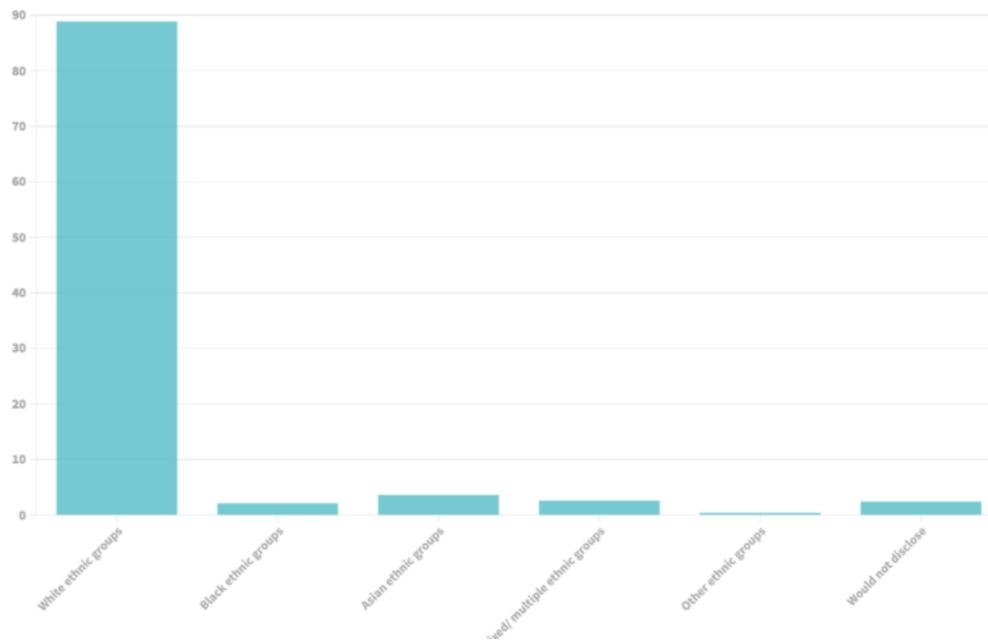
We thus decided to make comparisons with the 35 to 59 age group (but obviously other ranges could be chosen.)

Having taken the data in table 1 above, to create table 2, it didn't take much work to see what the average ethnic makeup of 35 – 59 year olds looked like.

	Asian	Black	Mixed	White	Other
Age	(%)	(%)	(%)	(%)	(%)
Age 35 to 39	10.1%	4.1%	1.7%	82.6%	1.5%
Age 40 to 44	7.3%	4.2%	1.4%	86.1%	1.0%
Age 45 to 49	5.4%	3.9%	1.2%	88.7%	0.8%
Age 50 to 54	5.5%	2.9%	0.9%	90.0%	0.7%
Age 55 to 59	5.2%	1.8%	0.6%	91.7%	0.6%
TOTAL	6.7%	3.4%	1.2%	87.7%	0.9%

Table 3

Here is a chart from the original article that shows their results by reported ethnic group:



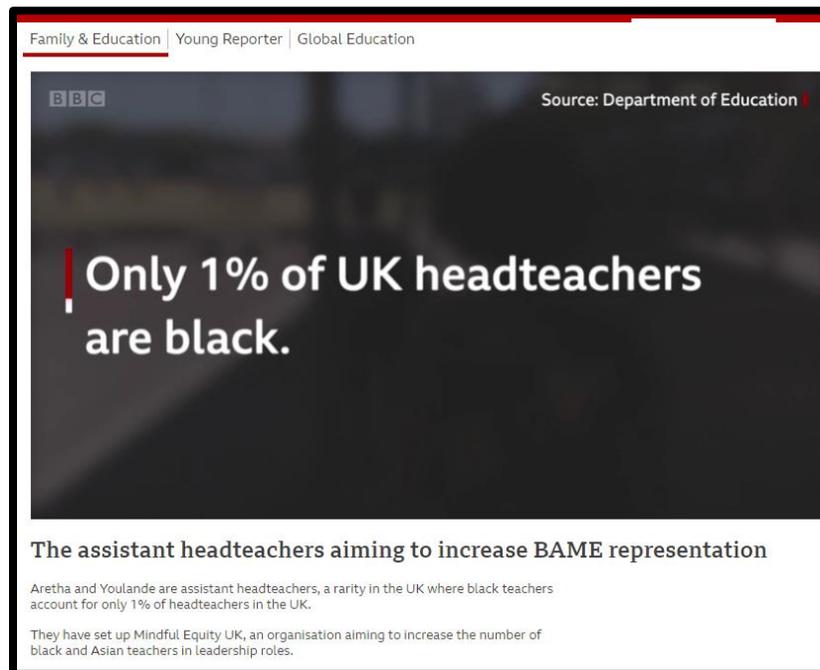
And there you have it:

- the age range that FE leaders are typically drawn from is slightly more “white” than the general population, at 88%
- the proportion of white FE leaders in the TES research was about 88%
- so the proportion of white/non-white FE leaders is about in line with the candidate pool
- yet the headline and narrative of the article was that non-white groups were underrepresented in FE leadership!

The headline and article could have been asking "Is FE a diversity success that other sectors can learn from?" – but instead it claimed exactly the opposite.

Example two - Headteachers

This BBC piece was about two inspiring senior teachers who are trying to encourage more people from black and Asian backgrounds to get into leadership positions in schools.



Let's be clear – this is an admirable aim. We need as many great people as possible in education, and anything that motivates more individuals to put themselves forward to run our schools is a good thing.

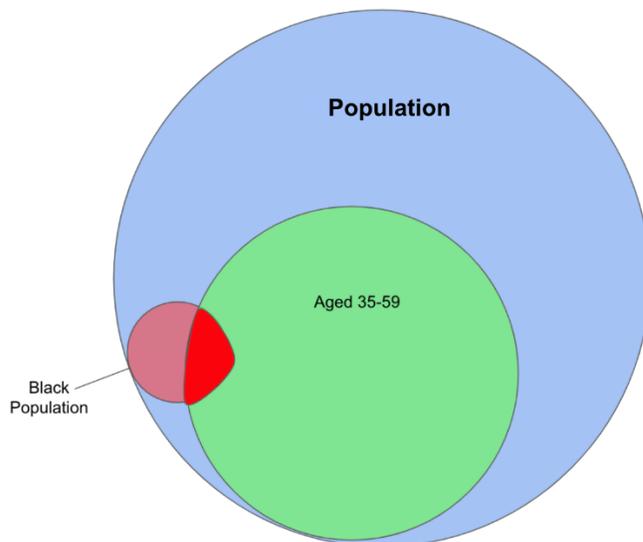
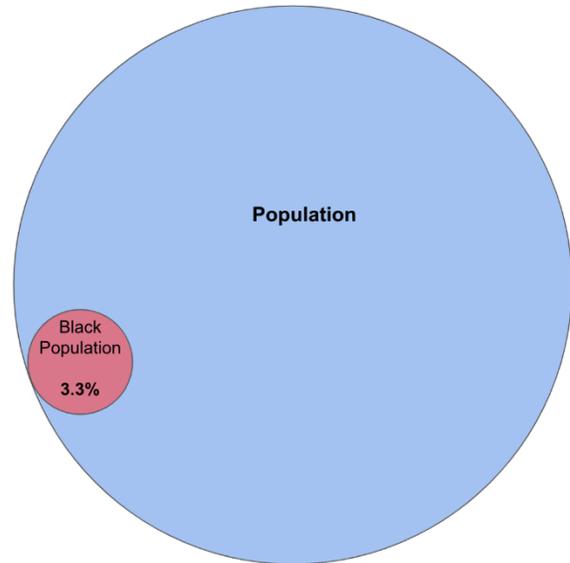
The issue here is the way it implies that at 1% of Headteachers the black population is under-represented, without any evidence to support the claim.

Let's consider the data we have available to us.

Comparing the 1% statistic to the non-white share of the overall population – a common comparison made – would be wrong, as that includes all non-white categories, when the black category is the only relevant one here.

Let's go back to tables 2 and 3.

The 2011 census data for England and Wales showed that 3.3% of the overall population was black.



However, Headteachers overwhelmingly tend to be drawn from the 35 to 59 age range. So we need to consider what proportion of these people are black – and table 3 shows this to be around 3.4%.

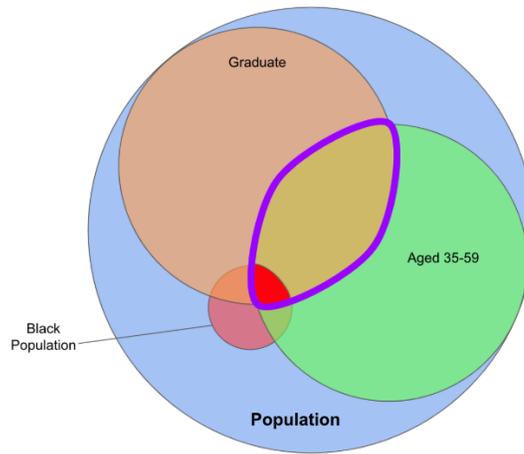
(This is shown on the Venn diagram as the bright red overlap, and is this as a proportion of the overall green circle.)

So on the face of it, a Headteacher cohort which is 1% black does seem quite different to the population it draws from.

However, this does not take geography into account and to be a Headteacher you need to be a graduate, and the tables 2 and 3 don't factor these in – so we should be careful about drawing firm conclusions from this comparison.

In order to consider how representative or otherwise the 1% statistic is, ideally we want to ask “what percentage of graduates aged between 35 and 59 are black?”

In the diagram below, this is the red intersection as a proportion of the purple-outlined overlap between “graduate” and “relevant age range” groups.



Data that allows us to segment the population by age, ethnicity, AND highest qualification achieved will exist, but tracking it down was tricky.

(We are thus reasonably confident that when most people make statements about the under-representation of certain ethnic groups in particular professions, they have not based them on this kind of analysis.)

It is out there though.

An extremely useful source of data is the Annual Population Survey (APS) by the Office for National Statistics (ONS). This is an ongoing household survey covering the UK, and covers pertinent topics for our purposes, including employment and unemployment, ethnicity, and education.

Data from the 2019 APS enabled us to see how many graduates there were between the ages of 35 and 59, and how many of those were in the black ethnic group. The table below shows that around 3.9% of this group were black, with ~70% of this in the “African” category.

Black Ethnic Group	Freq.	Percent	Cum.
Does not apply	7,279,824	96.13	96.13
No answer	729	0.01	96.14
African	205,148	2.71	98.85
Caribbean	66,389	0.88	99.72
Other Black/African/Caribbean background	21,035	0.28	100.00
Total	7,573,125	100.00	

Table 4

All things being equal then, black Headteachers are a smaller proportion of Headteachers than the candidate pool –around only a quarter of the size of this.

However, when we look at data held by the Department for Education on the “[School teacher Workforce](#)”, it is apparent that the proportion of the classroom teachers who are black is lower than the wider population or candidate pool – at only 2.3%.

And while you don’t have to be a class teacher before becoming a Head, there are very few exceptions to this – so in many ways this is a better comparison to use, and it suggests representation of just under half of what we might expect, all other things being equal.

But are all other things equal?

Another potential cause for over and under-representation of different groups in Headship could be due to the relative spread of where people live compared to where schools are.

Regardless of its number of pupils and staff, a school only has one Headteacher. And while there is variation in their size, schools tend to be spread out roughly in line with population – i.e. where there are more people you have more schools.

However, we know that unlike schools, different ethnic groups tend not to be spread evenly across the country, but clustered – so many areas have either very few people from a particular group, or well above average. Recent analysis in the [Charter College of Teaching’s magazine “Impact”](#) found that:

“around 35 per cent of teachers in Outer London schools and over 40 per cent of teachers in Inner London schools are from non-white British backgrounds, a far greater concentration than any other English region. These teachers were also concentrated in ethnically diverse schools in terms of other staff and pupils, both in London and across England.”

If a high proportion of black teachers are in a small proportion of schools, then it will be more difficult for the proportion of Headteachers overall who are black to match the underlying candidate pool – unless there is significantly more mobility than average when people apply for Headteacher roles.

It could be this – and not systemic racism or other favourites of activists – that explains the disparity. Before we rush to blame the system, this and other effects must be considered and ruled out.

Now, to repeat again what was said earlier: we need as many good people as possible in education and running our schools. Initiatives to get more people of all backgrounds and experiences to do this are to be lauded.

However, it's probably better that people do them because they are an inherently good thing to do, not because of an incorrect interpretation of statistics or other misunderstanding. Sadly, all-too-often journalists and others take statistics like the one we have examined at face value, make no attempt to contextualise them, and then present them as evidence of something they already believed.

Example three – The Colour of Power Index

[The Colour of Power Index](#) describes itself as “a visual depiction of the diversity composition of Britain’s most powerful decision makers across the public and private sectors.”

Quoting the proportion of the population that is ethnic minority as 13%, it says that its research shows that “it is clear that those who hold the power are not representative of the diversity of the people they serve.”

In the 2020 index it identified 1099 roles of power in the UK, and records 4.7% (52) of these as being filled by people from ethnic minorities.

Putting aside the question of whether or not leaders should be as visually diverse as the general population, there is the issue of how big a disparity the 52 posts out of 1099 represents.

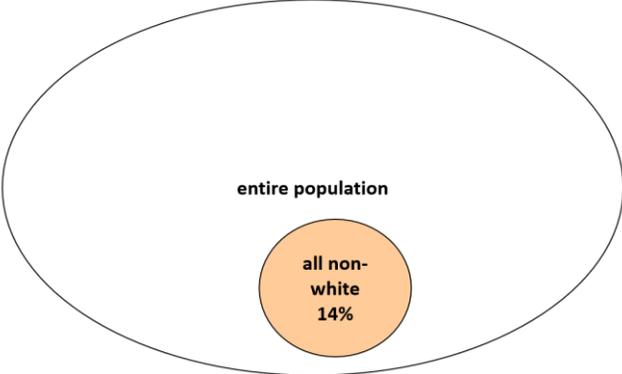
Let’s consider again how the ethnic profile of the country varies across age groups, and also which segments of the population we might expect candidates for these powerful roles to be drawn from

- Older age groups tend to be more “white” than younger ones
- Older age groups tend to be more white than the country overall
- The roles listed in the Power of Colour Index are by definition those at the very top of their sector or profession
- Outside of a very few fields – sport, mathematics, etc - people at the top of their profession tend to be older due to the time and experience it takes to reach such positions
- Therefore the relevant candidate pool for roles on the Index will be much older, and therefore more “white” than the general population.

But how much more “white” would still be “representative”?

To estimate this, we’ve gone back to the Census 2011 data. From this we can see roughly what proportion of the population is white or non-white for various age ranges.

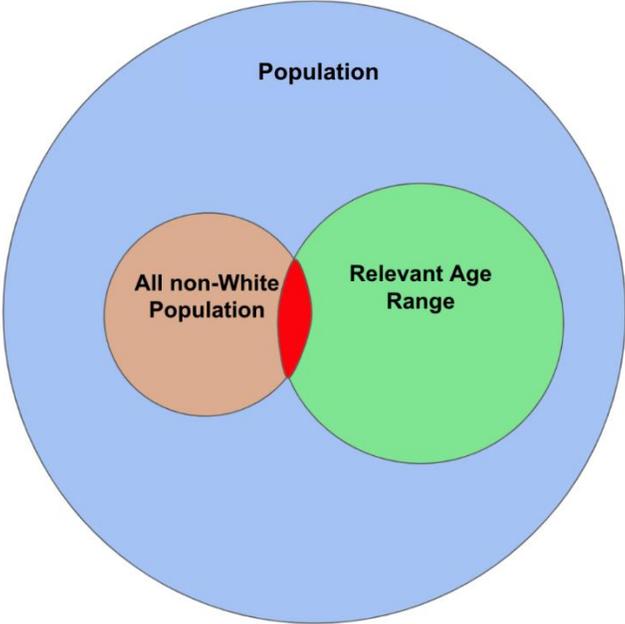
For the population overall, around 13 or 14% of people are non-white – hence the comparison made in the report. In the diagram, this is what the beige circle represents as a proportion of the oval:



But let's see what this is like when we focus on more relevant age ranges. A much better comparison is to ask

“what proportion of people of relevant ages are non-white?”

In the diagram below, this is what the overlap between the two circles is, as a proportion of the green circle:



(An even better question would be “what proportion of people with relevant experience and qualifications are non-white?”)

For ease we’ve looked at three: 40 – 79, 45 – 79, and 50 – 79¹.

Age 40 – 79:

	Asian (%)	Black (%)	Mixed (%)	White (%)	Other (%)
Age 40 to 44	7.3%	4.2%	1.4%	86.1%	1.0%
Age 45 to 49	5.4%	3.9%	1.2%	88.7%	0.8%
Age 50 to 54	5.5%	2.9%	0.9%	90.0%	0.7%
Age 55 to 59	5.2%	1.8%	0.6%	91.7%	0.6%
Age 60 to 64	3.4%	1.0%	0.4%	94.7%	0.4%
Age 65 to 69	2.9%	1.2%	0.4%	95.1%	0.3%
Age 70 to 74	3.3%	1.6%	0.4%	94.4%	0.3%
Age 75 to 79	2.8%	1.5%	0.4%	95.1%	0.3%
total	4.8%	2.5%	0.8%	91.3%	0.6%

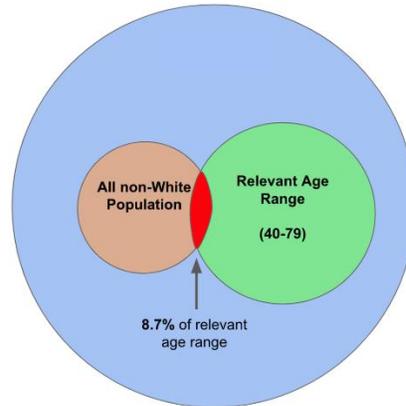


Table 5a

Age 45 – 79:

	Asian (%)	Black (%)	Mixed (%)	White (%)	Other (%)
Age 45 to 49	5.4%	3.9%	1.2%	88.7%	0.8%
Age 50 to 54	5.5%	2.9%	0.9%	90.0%	0.7%
Age 55 to 59	5.2%	1.8%	0.6%	91.7%	0.6%
Age 60 to 64	3.4%	1.0%	0.4%	94.7%	0.4%
Age 65 to 69	2.9%	1.2%	0.4%	95.1%	0.3%
Age 70 to 74	3.3%	1.6%	0.4%	94.4%	0.3%
Age 75 to 79	2.8%	1.5%	0.4%	95.1%	0.3%
total	4.3%	2.2%	0.7%	92.3%	0.5%

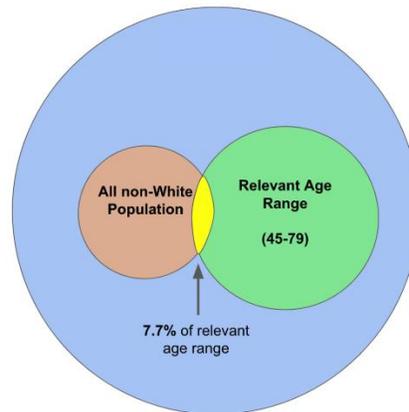


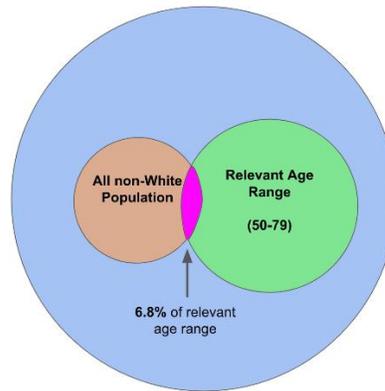
Table 5b

¹ (We’ve capped the age at 79 to allow for the fact that whilst most of the roles listed have no upper age limit, the reality is that the vast majority retire by then.)

Age 50 – 79:

	Asian	Black	Mixed	White	Other
Age	(%)	(%)	(%)	(%)	(%)
Age 50 to 54	5.5%	2.9%	0.9%	90.0%	0.7%
Age 55 to 59	5.2%	1.8%	0.6%	91.7%	0.6%
Age 60 to 64	3.4%	1.0%	0.4%	94.7%	0.4%
Age 65 to 69	2.9%	1.2%	0.4%	95.1%	0.3%
Age 70 to 74	3.3%	1.6%	0.4%	94.4%	0.3%
Age 75 to 79	2.8%	1.5%	0.4%	95.1%	0.3%
total	4.0%	1.7%	0.6%	93.2%	0.5%

Table 5c



There may indeed be issues with how people are recruited into these roles of power. However, when considered in the light of these age-weighted tables the Colour of Power’s 4.7% statistic - whilst still below that of the relevant age-segmented populations - is much closer to being “representative” than the impression given in the report’s summary or press coverage.

There are also broader points to consider – some of which were made very eloquently by Lord Sumption [in answer to a question after the second of his Reith Lectures](#):

- 1) Senior posts today reflect career decisions made 30 or 40 years ago, and won’t necessarily be reflective of professions today – given increasingly diverse intakes, time will likely address diversity at the top;
- 2) Positive discrimination to change the makeup of professions more quickly could lead to less qualified people in important roles and impact on quality; it could also alienate those overlooked for roles because of a characteristic they have;
- 3) Even if the kind of diversity activists want is achieved, over time people who move through professions into senior roles tend to become alike of one another, and less representative of their backgrounds – thus negating much of the advantages that its advocates claim.

We have reproduced below the transcript of Lord Sumption’s response to the questions put to him – these points are worth bearing in mind when claims and conclusions such as those made in the Power of Colour Index are made.

ALEHA: How can we encourage ethnic minorities, females and our youth to go into law and politics?

JONATHAN SUMPTION: Well, a certain amount of effort is already being made to do that. I'd be interested in your view about how successful it is but all the – the various legal professions, in addition to particular solicitors' firms, barristers' chambers and so on, have Outreach programmes which endeavour to do this. The problem, of course, about studying law at university is that to encourage ethnic minorities or any other group, to study law at university, you have to reach them while they're still at school and that is very much more difficult for professional bodies to do. But they are doing it to some extent.

ANITA ANAND: Would the judiciary not benefit though from some kind of positive discrimination? At the moment the judges are pretty much of a muchness. They go to the same universities, they are of the same social class and background. Is there not a great argument for people like Aleah to get involved in the law or people who then make the law more representative, to look a lot more like the people they are judging?

JONATHAN SUMPTION: Well, I think the first priority in the selection of judges is to choose people who are going to be good at the job and establishing preferred categories, first of all, means that you're not necessarily doing that. It also means that you discourage people who feel that the dice is loaded against them and that is, I think, very unfortunate and very damaging.

Now, I entirely agree that judges are not typical of those who they serve, of the communities that they serve, and I have to tell you that that applies as much to judges who come from ethnic minorities as to others. The problem is this, and actually the same applies to politicians, they may start by being from working-class backgrounds but they don't end up that way. But there is an additional issue, which is that the administration of justice is something that people need to feel confidence in and I would entirely accept that judges - that one needs to have a reasonably representative Bench in order to make people feel that they have got a Bench that is sympathetic to their position.

ANITA ANAND: This is something that has been said for decades. And for decades the judiciary has looked pretty much the same...

JONATHAN SUMPTION: That's not true. I mean, you have to realise that judges, because under our - in our system they're appointed at the age of something like 50, the current makeup of the Bench represents entry into the legal profession a generation ago, so there is always a delay. There has been really quite significant change in the makeup of the Bench and there will be more, but if we were today to say, for example, that 50 per cent of every new appointment to the Bench had to be female, it would still take about 30 years to have an exact match on the Bench as it is. That's simply a matter of mathematics.

Recommendations

The examples given in this report highlight some of the simplistic mistakes people make in their research, and how they can be avoided, and better – albeit more cautious – conclusions reached:

- 1) **RESEARCHERS AND ACTIVISTS** should ensure that where they make observations regarding the under or over representation of groups, they make comparisons with appropriate demographic segments, and not the overall population or another inappropriate segment
- 2) **THE EQUALITIES HUB** should identify the most used or requested data sets, and publish more of them in easy-to-interrogate formats that allow at least ethnicity-, age-, and qualifications-stratified comparisons to be made more easily
- 3) **JOURNALISTS, EDITORS & PRODUCERS** should check the analysis made in press releases and reports, before publication or broadcast, to ensure that the relevant demographic segments have been compared, or where this was not possible, appropriate caveats given.
- 4) **THE UK STATISTICS AUTHORITY** should publish guidance as to how organisations can improve the level of validity and reliability of their published research. As it deals with cases over time, it is effectively already doing this on an ad hoc basis, and so to pull the principles underlying these together into some published guidance would be extremely useful.