

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Authorisation Framework for the Approval of Education and Training Organisations

(DRAFT 9.3, 3 October 2017)

Table of Contents

PREAMBLE	2
INTRODUCTION.....	2
COMPONENTS AND PATHWAYS	4
AUTHORISATION, RE-AUTHORISATION AND MONITORING.....	8
THE FOUR PRINCIPLES – WHAT THEY MEAN.....	10
FLEXIBILITY	10
ACCESSIBILITY	11
AFFORDABILITY	12
HIGH STANDARDS	13
THE FOUR PRINCIPLES – WHAT THE BSB WANTS TO SEE - INDICATORS ...	14
FLEXIBILITY	14
<i>Strategic Goals and Oversight.....</i>	<i>14</i>
<i>Education and Training.....</i>	<i>14</i>
<i>Assessment and Appraisal</i>	<i>16</i>
ACCESSIBILITY	17
<i>Strategic Goals and Oversight.....</i>	<i>17</i>
<i>Education and Training.....</i>	<i>18</i>
<i>Assessment and Appraisal</i>	<i>18</i>
AFFORDABILITY	20
<i>Strategic Goals and Oversight.....</i>	<i>20</i>
<i>Education and Training.....</i>	<i>20</i>
<i>Assessment and Appraisal</i>	<i>21</i>
HIGH STANDARDS	23
<i>Strategic Goals and Oversight.....</i>	<i>23</i>
<i>Education and Training and Assessment and Appraisal</i>	<i>24</i>

PREAMBLE

1. As the regulator of the Bar in England and Wales, the Bar Standards Board (BSB), regulates barristers and specialised legal services businesses in the public interest. Our responsibilities include setting the education and training requirements for becoming a barrister and setting continuing education and training requirements to ensure that barristers' skills are maintained throughout their career. Our work is governed by The Legal Services Act 2007 as well as a number of other statutes, notably the Equality Act 2010.
2. We are conducting a programme of regulatory change, Future Bar Training, focusing on education and training for the Bar. Future Bar Training enables us to fulfil our statutory objective of encouraging an independent, strong, diverse and effective legal profession so that there are barristers who can meet the needs of consumers in a fast-changing market for legal services. Future Bar Training is informed by the Legal Services Board's statutory guidance, *Guidance on regulatory arrangements for education and training issued under s162 Legal Services Act 2007* (04 March 2014), and their proposed standards for assessing regulatory performance, *Regulatory performance assessment* (June 2017).

INTRODUCTION

3. This Authorisation Framework prescribes the standards that organisations must meet in order to provide education and training for the Bar, that is, to become Authorised Education and Training Organisations (this term includes organisations formerly known as Providers, Pupillage Training Organisations and Approved Training Organisations). These standards embody the four principles that are the foundation of training for the Bar: Flexibility; Accessibility; Affordability and High Standards.¹ Compliance with the indicators set out under each of the four principles will demonstrate meeting the required standards.²
4. Education and training for the Bar must prepare prospective barristers to satisfy the requirements of the Professional Statement for Barristers incorporating the Threshold Standard and Competences September 2016 (the "Professional Statement (September 2016)"), which prescribes the knowledge, skills and attributes that all barristers will have on 'day one' of practice. Competences are defined for each knowledge, skill and attribute. Barristers should demonstrate all Competences in order to evidence that they have the specified knowledge, skills and attributes. The Threshold Standard describes the minimum standard to which the competences should be performed on 'day one' of practice.³ The Authorisation Framework ensures that Authorised Education and Training Organisations enable prospective barristers to acquire the necessary knowledge, skills and attributes and demonstrate the Competences to at least the Threshold Standard.⁴

¹ The four criteria set out in the BSB Policy Statement on Bar Training 23/03/17

² Legal Services Board, Annex A, Regulatory performance assessment 2017, Regulatory performance standard A1

³ Legal Services Board, Annex A, Regulatory performance assessment 2017, Regulatory performance standard A2

⁴ Legal Services Board, Annex A, Regulatory performance assessment 2017, Regulatory performance standard A3

5. The Authorisation Framework encourages Authorised Education and Training Organisations to innovate and compete in developing and adapting their provision as new challenges and opportunities arise. The Authorisation Framework is outcomes focused, evidence based, transparent, risk based and consumer focused. We will use a range of regulatory tools proactively and reactively in the application of the Authorisation Framework.⁵

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⁵ Legal Services Board, Annex A, Regulatory performance assessment 2017, Regulatory performance standard S1

COMPONENTS AND PATHWAYS

6. There were previously three distinct **stages** of education and training for the Bar:

Academic Stage - satisfied by completion of a Qualifying Law Degree (QLD) or a non-law degree plus the Common Professional Examination (CPE) or Graduate Diploma in Law (GDL);

followed by

Vocational Stage - satisfied by completion of the Bar Professional Training Course (BPTC) and the Inns pre-call requirements as set out in the BSB Handbook Part 4;

followed by

Professional Stage – satisfied by pupillage as set out in the BSB Handbook Part 4.

7. The advantages of the three stages of education and training have been retained in the Authorisation Framework through the continuing requirement to have them as **components** (rather than sequential stages) of more flexible pathways to qualification. The three components of education and training for the Bar are -
Academic
Vocational
Work-based.

Academic component

Graduate education enabling prospective barristers to demonstrate (as a minimum) the Competences set out in of the Professional Statement (September 2016), as follows -

“1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.

They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, including the implications of EU law, and be able to apply this as necessary.

Barristers should:

- a) Be able to recall and comprehend and accurately apply to factual situations the principles of law and rules of procedure and practice specified by the Bar Standards Board.
- b) Be able to keep up to date with significant changes to these principles and rules.”

The principles of law and rules of procedure and practice referred to above are still to be specified by us.⁶

The academic component will be satisfied by a law degree or a non-law degree plus further graduate/postgraduate study that covers the requirements in Competence 1.2 above.

⁶ The new statement specifying the principles of law and rules of procedure and practice will replace the ‘Joint Statement 1999 issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by obtaining an undergraduate degree’, which states the current requirements - <https://www.sra.org.uk/students/academic-stage-joint-statement-bsb-law-society.page>.)

We do not regulate the content of undergraduate degrees and we expect a Higher Education Institution (HEI) or body with degree awarding powers to do so independently of us within the framework of the relevant competent bodies for HEI quality assurance and regulation.

Vocational component

Education and training preparing prospective barristers to work in the legal profession and demonstrate (as a minimum) the Competences set out in [this will refer to a document setting out the Competences expected to be acquired in the vocational component].

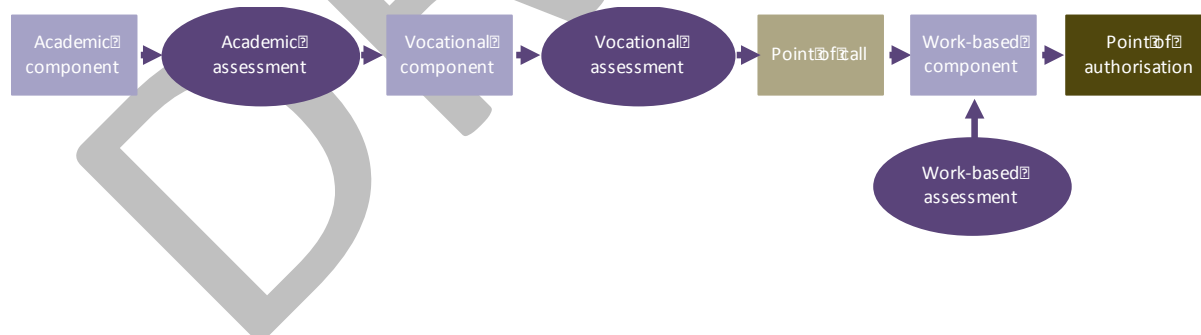
Work-based component

Pupillage⁷ or other forms of training providing real life legal work experiences under supervision where prospective barristers can build on prior learning and experience in order to demonstrate the Competences set out in [this will refer to a document setting out the Competences expected to be acquired in the work-based component].

Successful completion of the above components will enable a prospective barrister to acquire the knowledge, skills and attributes required by the Professional Statement (September 2016) and, subject to relevant administrative processes, be authorised to practise.

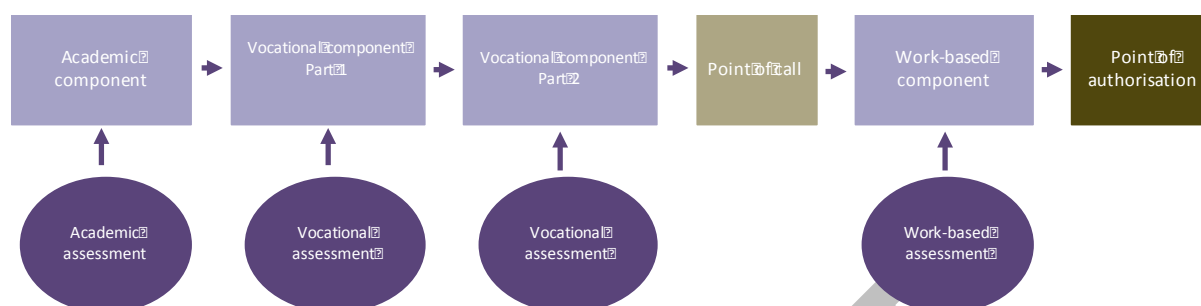
8. The three components may be attained by means of different **pathways**. There are four approved training pathways:

- 8.1. Three step pathway - academic, followed by vocational, followed by work-based components;

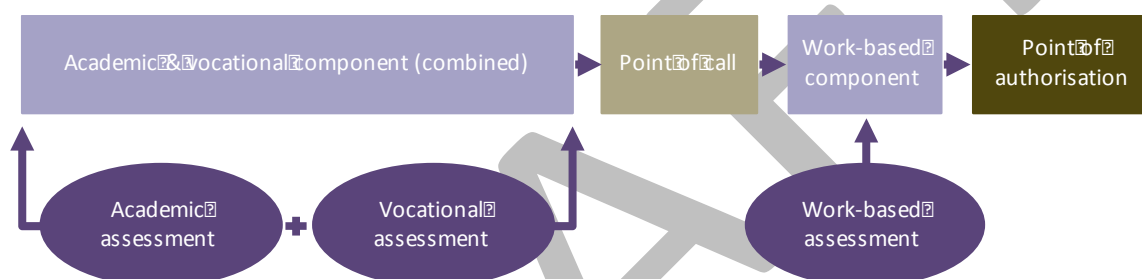


⁷ BSB Policy Statement on Bar Training 23/03/17 paragraph 34 states that FBT “would not require substantive changes to the current arrangements for pupillage”.

- 8.2. Four step pathway - academic component, followed by vocational component in two parts, followed by work-based component;



- 8.3. Integrated academic and vocational pathway - combined academic and vocational components followed by work-based component;



- 8.4. Apprenticeship pathway - combined academic, vocational and work-based components.⁸ Authorised Education and Training Organisations are invited to propose their own structure for an apprenticeship pathway.

We may be prepared to approve further training pathways in the future.

9. The three components of education and training for the Bar must satisfy four core principles:

Flexibility
Accessibility
Affordability, and
High Standards.

10. In the section 'The Four Principles – What they mean', we provide a comprehensive explanation of each principle. The four principles have equal weight and are inter-related. Authorised Education and Training Organisations are expected to demonstrate that they have complied with the indicators listed under each of the four principles in developing education and training for the Bar. Where they identify a possible tension between the principles, Authorised Education and Training Organisations will need to provide a rationale as to how they have achieved an acceptable balance between the

⁸ BSB Policy Statement on Bar Training 23/03/17, paragraph 31, Higher Apprenticeship Model

principles.

11. In the section 'The Four Principles – What the BSB wants to see – Indicators', we set out what we require from Authorised Education and Training Organisations in order to demonstrate that they satisfy the four principles and meet our standards for authorisation. Indicators of compliance are designated as either mandatory or recommended. In deciding what is mandatory and what is recommended we have taken into account our statutory objective of encouraging an independent, strong, diverse and effective legal profession so that there are barristers who can meet the needs of consumers in a fast-changing market for legal services as well as other statutory requirements and agreed regulatory policy objectives.
12. Authorised Education and Training Organisations have responsibility for the components of the approved training pathways that they are authorised to provide. Where education and training is provided in collaboration or consortium with other organisations, we will require the Authorised Education and Training Organisations to have adequate governance arrangements in place to reflect that responsibility.

AUTHORISATION, RE-AUTHORISATION AND MONITORING

13. Pupillage Training Organisations and Approved Training Organisations will be subject to transitional arrangements for re-accreditation. Following the transitional period these organisations will have to meet the standards in this Authorisation Framework to provide education and training for the Bar. [Subject to consultation].
14. Prospective Authorised Education and Training Organisations will be expected to submit a proposal setting out the components/approved training pathways they wish to provide. In order to show that they meet the standards in this Authorisation Framework, they must provide clear evidence of how they meet the mandatory indicators and explain which of the recommended indicators they comply with and how. We will set out against each indicator examples of the types of evidence that could be provided by the Authorised Education and Training Organisation, or used by us, to assess whether the organisation is compliant. The Authorisation Framework will be applied proportionately.
15. Authorisation will last for a defined period after which re-authorisation will be required.
16. We will set out separately -
 - the process for developing and making the authorisation submission (a template will be provided);
 - the process for re-authorisation;
 - what the authorisation/re-authorisation process consists of and how much it costs;
 - how the authorisation/re-authorisation decision is made and by whom and to what timescale; and
 - what routes of appeal are available in the event of a refusal of authorisation/re-authorisation.

We will conduct the process and manage appeals fairly, efficiently and transparently.⁹
17. Authorised Education and Training Organisations will be monitored by us to ensure that they continue to satisfy the four principles and meet our standards and, where they do not, steps will be taken to remedy this.¹⁰ We will set out separately the monitoring process.
18. Arrangements for transferring lawyers (for example, qualified solicitors, qualified lawyers from other countries and legal academics) are subject to consultation. Organisations providing education and training for transferring lawyers will have to meet the standards in this Authorisation Framework.
19. To ensure that Authorised Education and Training Organisations, prospective barristers, practising barristers and consumers have the opportunity to benefit from the learning and good practice identified by the authorisation and monitoring process we will publish a

⁹ Legal Services Board, Annex A, Regulatory performance assessment 2017, Regulatory performance standard A4

¹⁰ Legal Services Board, Annex A, Regulatory performance assessment 2017, Regulatory performance standard S2

register, reports, other communications and information, sharing examples of good practice and discussing where improvements can be made.¹¹

20. We will comply with the “better regulation” five principles of good regulation (proportionality, accountability, consistency, transparency and targeting) when carrying out the authorisation and monitoring processes.¹²

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¹¹ Legal Services Board, Annex A, Regulatory performance assessment 2017, Regulatory performance standard A5 and S4

¹² The Better Regulation Taskforce, Principles of Good Regulation (2003)

THE FOUR PRINCIPLES – WHAT THEY MEAN

FLEXIBILITY

21. Our stated aim is “Encouraging greater flexibility - so that the training system enables innovation in how education and training is delivered”.¹³ The barrister profession needs to reflect the society it serves. By regulating for different approaches to the provision of education and training and opening up new pathways to qualification we will give prospective barristers choice, widen access and support our principles of Accessibility, Affordability and High Standards.

21.1. We will also comply with the LSB statutory guidance which states - “Providers of education and training have the flexibility to determine how to deliver training, education and experience which meets the outcomes required”.¹⁴

21.2. We see Flexibility as having two aspects:

- Flexibility for prospective barristers, and
- Flexibility for Authorised Education and Training Organisations.

21.3. Flexibility for prospective barristers means flexible education and training. “Flexible learning is about offering students choice in how, what, when and where they learn; the pace, place and mode of delivery”.¹⁵

21.4. Flexibility for Authorised Education and Training Organisations takes into account that -

- we are a risk and evidence based regulator, and
- we are taking a lighter touch role particularly in respect of the academic component and concentrating “.....on matters more directly concerned with our standards for authorisation to practise”.¹⁶

21.5. Flexibility for Authorised Education and Training Organisations includes -

- the prescriptive requirements at the vocational stage in the previous BPTC Handbook being replaced by the Authorisation Framework;
- an Authorisation Framework that encourages innovation in education and training, for example the use of the latest technology-enhanced learning and e-learning and the incorporation of clinical legal education;¹⁷
- an Authorisation Framework that enables any training organisation, which is able to demonstrate compliance with the indicators listed under each of the four principles, to provide a training pathway or components of a pathway;

¹³ BSB Policy Statement on Bar Training 23/03/17

¹⁴ Outcome 2 of the Legal Services Board: Guidance on regulatory arrangements for education and training (March 2014)

¹⁵ Higher Education Academy <https://www.heacademy.ac.uk/individuals/student-success/toolkits/flexible-learning>, accessed 05/06/17

¹⁶ FBT Consultation on the Future of Training for the Bar: Future Routes to Authorisation October 2016 paragraph 31

¹⁷ Clinical legal education means, for example, hands-on legal experience

- reliance on established quality assurance or consumer protection organisations or mechanisms.¹⁸
- recognition of the economics of providing education and training to relatively small annual numbers of prospective barristers (approximately 1,500 per year).

ACCESSIBILITY

22. Our stated aim is “Improving accessibility – so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves”.¹⁹ All of society relies on the justice system and the rule of law. Barristers play an important role in upholding both; some eventually become members of the judiciary. We aim to enable the best candidates to train as barristers, whatever their background, so that the barrister profession will reflect the composition of society more closely. We are committed to increasing social mobility in the profession and to enhancing its diversity in relation to the protected characteristics enshrined in the Equality Act 2010.

22.1. To accomplish this, we comply with the LSB statutory guidance which states - “Regulators place no inappropriate direct or indirect restrictions on the numbers entering the profession”.²⁰

This means that -

- we actively promote wide and fair access to training pathways;
- we actively promote giving prospective barristers choice in how they train;
- we do not place limits on the numbers undertaking Bar training, though we do require Authorised Education and Training Organisations to assure us how they will offer a high quality education and training experience;
- we expect Authorised Education and Training Organisations to adapt to the changing needs of the legal services market so that prospective barristers will be employable.

22.2. We encourage Authorised Education and Training Organisations to adopt (as relevant and proportionate) the principles and practices, known as the “whole student life-cycle” approach, of the Office for Fair Access (OFFA).²¹ The ethos of this approach means that it is not sufficient to make education and training more accessible at the point of entry. Authorised Education and Training Organisations have a responsibility to -

- remove barriers to entry for those who are currently under-represented within the Bar;
- support prospective barristers to complete their education and training and to achieve the best outcome that they are capable of, with the

¹⁸ FBT Consultation on the Future of Training for the Bar: Future Routes to Authorisation October 2016 paragraph 31

¹⁹ BSB Policy Statement on Bar Training 23/03/17

²⁰ Outcome 5 of the Legal Services Board: Guidance on regulatory arrangements for education and training (March 2014)

²¹ OFFA safeguards and promotes fair access to higher education by approving and monitoring access agreements. Office for Students (OfS), once fully operational in April 2018, will replace OFFA and HEFCE, <https://www.gov.uk/government/news/chief-executive-of-new-office-for-students-announced>

objective of enabling them to demonstrate the Competences to at least the Threshold Standard;

- support prospective barristers to progress into the profession, the workplace or further study;
- be explicit about how the above responsibilities will be fulfilled in relation to both national and international prospective barristers.

AFFORDABILITY

23. Our stated aim is “Improving upon affordability – to bring down the cost of studying to prospective barristers”.²² English graduates have the highest student debts in the developed world.²³ The cost of Bar training is therefore a significant issue for prospective barristers; a potential disincentive for some and a potential barrier to poorer members of society. Reducing the cost of Bar training is a key factor in widening access to the Bar but is only one aspect of affordability. We are committed to a broader view of improving affordability which includes improving the prospective barrister’s prospects of success and providing transferable knowledge, skills and attributes for those who do not complete their Bar training or do not enter ‘day one’ practice.

23.1. Affordability is improved by re-balancing and improving the risk/benefit ratio for prospective barristers. Risks include financial cost, time, lost opportunity and an individual’s reputation in the event of not completing their education and training. Re-balancing can be achieved by -

- reducing the financial cost of Bar training;
- providing best value for money i.e. “the most advantageous combination of cost, quality and sustainability to meet customer requirements”;²⁴
- enhancing benefits e.g. incorporating recognised academic awards such as master’s degrees and/or professional qualifications;
- increasing transferability and/or recognition within and outside the legal profession (nationally and internationally);
- increasing the prospect of success for those who embark on Bar training;
- providing clear and accessible information so that prospective barristers understand the risks and benefits of Bar training as they apply to their own personal circumstances.

23.2. Affordability may be enhanced by providing financial support to those who need/deserve it. In addition to loans there are other types of financial support:²⁵

- scholarships and bursaries – financial awards paid by HEIs, charities, Inns of Court, professional bodies and others to prospective barristers who meet certain criteria;
- fee waivers – a reduction in fees, subscriptions and other charges;

²² BSB Policy Statement on Bar Training 23/03/17

²³ Research undertaken on behalf of the Institute of Fiscal Studies. The average student debt on graduation is £50,000 and up to £57,000 for poorer students. Higher Education funding in England: past, present and options for the future 05 July 2017, <https://www.ifs.org.uk/people/profile/668>

²⁴ finance-ni.gov.uk/articles/definition-best-value-money, accessed 05/06/17

²⁵ See OFFA.org.uk/Quick facts for financial support in education, accessed 05/06/17

- ‘in-kind support’ – e.g. credit that prospective barristers can spend on in-campus facilities, provision of court dress and/or accommodation.

HIGH STANDARDS

24. Our stated aim is “Sustaining high standards – to ensure that any new training pathway enhances current standards”.²⁶ The standards expected of the profession depend upon a high level of intellectual ability, a firm foundation of knowledge, skills and attributes and the confidence to use them in challenging circumstances. We are committed to ensuring that every barrister meets the standard required.

- 24.1. To accomplish this, we comply with the LSB statutory guidance which states -
- “Education and training requirements focus on what an individual must know, understand and be able to do at the point of authorisation”;
 - “Standards are set that find the right balance between what is required at the point of authorisation and what can be fulfilled through ongoing competency requirements”.²⁷

24.2. The Authorisation Framework ensures that Authorised Education and Training Organisations enable prospective barristers to fulfil their potential and develop and demonstrate the Competences to at least the Threshold Standard²⁸ through a combination of strategic commitment, high quality education and training, and assessment and appraisal opportunities and appropriate resources, policies and procedures. Newly qualified barristers must achieve the Threshold Standard (the minimum standard) but will aspire to higher standards and this should be encouraged and supported by Authorised Education and Training Organisations.

24.3. We will assure the maintenance of high standards by continuing to require training pathways to include BSB-controlled curriculum, tests, assessments and quality assurance processes, which we will prescribe from time to time.

²⁶ BSB Policy Statement on Bar Training 23/03/17

²⁷ Outcomes 1 and 3 of the Legal Services Board: Guidance on regulatory arrangements for education and training (March 2014)

²⁸ Professional Statement for Barristers (incorporating the Threshold Standard and Competences) September 2016

THE FOUR PRINCIPLES – WHAT THE BSB WANTS TO SEE - INDICATORS

25. In order to demonstrate that they have satisfied the four principles and meet our standards, Authorised Education and Training Organisations will need to comply with all the mandatory indicators set out below and show that they have considered and responded to the recommended indicators. All indicators apply to all Authorised Education and Training Organisations, including those responsible for work-based learning, unless otherwise stated. How the indicators apply will depend on the type of Authorised Education and Training Organisation and which component(s) and/or pathway they provide. The Authorisation Framework will be applied proportionately. We may set out separately an illustration of how the Authorisation Framework will be applied in respect of an Authorised Education and Training Organisation seeking to provide only the work-based component in a traditional chambers and pupillage context.

The term 'prospective barrister' includes any person who intends to qualify as a barrister.

For each principle, indicators are grouped under the headings - Strategic Goals and Oversight; Education and Training; Assessment and Appraisal.

FLEXIBILITY

Strategic Goals and Oversight

26. MANDATORY

26.1. A strategic approach to the planning and delivery of the component(s) and/or the training pathways provided that will enhance flexibility for prospective barristers.

26.2. Systems and structures supporting flexibility as appropriate to the component(s) and/or pathway provided. This includes - administrative, financial and other support systems; policies, regulations and procedures; technology-enhanced learning and e-learning infrastructures.

27. RECOMMENDED

27.1. Collaboration with other organisations to facilitate work-based and work-place learning.

Education and Training

28. MANDATORY

28.1. An education and training programme that is appropriate for the component (academic, vocational or work-based) and enables prospective barristers to develop and demonstrate the Competences.

28.2. Education and training modes (for example full-time or part-time) and pace of delivery that are suitable to the needs of prospective barristers and matched to the

education and training programme.

- 28.3. A variety of learning, teaching and training methods, practices and approaches that are appropriate for the mode and pace of delivery, support the prospective barrister to develop and demonstrate the Competences and allow for varied learning styles and preferences.
- 28.4. Clear, accessible information about the component(s) being provided and its place within the training pathway that enables prospective barristers easily to navigate their own route to qualification.
- 28.5. Timely provision of clear, accessible information for prospective barristers as to how, what, when and where they may learn and the pace, place and mode of delivery.
- 28.6. Flexibility within the work-based component that supports equality and diversity and takes into account prospective barristers' personal circumstances, for example by the provision of part-time work-based training and work-based training consistent with the taking of parental leave.

29. RECOMMENDED

- 29.1. Technology-enhanced learning or e-learning to support education and training whether learning takes place on campus, at home, in the work-place or elsewhere.
- 29.2. Flexibility within the academic and/or vocational components that delivers employment opportunities for prospective barristers including work-based learning, work-place learning and flexible working, whether nationally or internationally.
- 29.3. Facilitation of movement of prospective barristers between Authorised Education and Training Organisations so that they are able to continue their education and training if and when their circumstances change.
- 29.4. Innovation in Bar training to better meet the needs of prospective barristers, for example combining or splitting of components into parts. Where the vocational component is split into two parts we will not regulate any education and training provided in preparation for the assessment of the first part, however, provision of the assessment itself will come within the Authorisation Framework (see also Affordability).²⁹
- 29.5. The provision of joint education and training, for example -
 - that also meets the requirements of solicitors and legal executives and other legal and non-legal professions;³⁰

²⁹ BSB Policy Statement on Bar Training 23/03/17 paragraph 23-25.

³⁰ Joint education and training is likely to reduce cost, increase transferability of the qualification and encourage new organisations to apply to become Authorised Education and Training Organisations.

- that enables prospective barristers to learn with others (see also Affordability).

29.6. Flexibility within the work-based component, for example allowing prospective barristers to train with different supervisors within a given period enabling the prospective barrister to demonstrate Competences that might otherwise not be acquired. [Subject to consultation.]

Assessment and Appraisal

30. MANDATORY

- 30.1. Assessment and appraisal methods that facilitate flexibility, support the development and demonstration of the Competences and suit varied learning styles and preferences, to include timing of assessment and appraisal points and variety of types of assessment and appraisal.
- 30.2. An assessment and appraisal strategy that incorporates the BSB-controlled curriculum, tests, assessments and quality assurance processes, which we will prescribe from time to time.
- 30.3. A schedule of assessment and appraisal points in a calendar or academic year that enables prospective barristers to benefit from timely results and feedback. Feedback should allow prospective barristers to make any necessary changes to their learning in order to improve, make decisions as to whether or not to continue their Bar training, and allow them to progress without delay to the next component, into the profession, the workplace or further study. Timely communication of schedules to enable prospective barristers to plan.

31. RECOMMENDED

None currently proposed.

The BSB will also contribute to Flexibility by means of:

Considering proposals for innovative approaches to education and training and assessment and appraisal provided that they enable prospective barristers to develop and demonstrate the Competences. We will not expect Authorised Education and Training Organisations to offer all pathways to qualification, but our approach to encouraging innovation aims to foster a greater range of flexibility across the sector overall.

Publication of clear and accessible information relating to the approved training pathways to qualification.

ACCESSIBILITY

Strategic Goals and Oversight

32. MANDATORY

- 32.1. Commitment to Equality and Diversity at organisational level, including a specific strategic commitment to –
- increasing diversity at the Bar;
 - changing the public perception of the Bar as an elitist profession, for example through public events.
- 32.2. A clear strategy as to how the components(s) and/or pathway provided will be made accessible and how prospective barristers will be able to complete their education and training and achieve the best outcome that they are capable of, enabling them to demonstrate the Competences to at least the Threshold Standard.
- 32.3. For Approved Education and Training Organisations that provide academic and/or vocational components, using the “whole student life-cycle” approach, which means not simply replicating or relying on an existing institutional agreement, but producing one at a discipline level that directly addresses the needs of prospective barristers (see 22.2).
- 32.4. A set of targeted policies and procedures flowing from that strategy/agreement relating to access, retention, attainment and progression, including -
- provision of information, guidance and advice, and outreach activities, for example in schools and the wider community, to encourage those who are currently under-represented at the Bar to consider it as a career;
 - admission policies promoting open and fair recruitment; aiming to address traditional biases through flexible approaches to considering prior learning and experience; selection processes that seek to eliminate bias around aspects such as socio-economic background; taking into account external constraints on international applicants such as visas and immigration;
 - how prospective barristers will be supported to enable them to engage with, reflect on and complete their Bar training (for example feedback mechanisms, support and mentoring);
 - how the education and training enables prospective barristers to progress to and from work-based learning and to the legal profession, the workplace or further study (for example a clear indication of what Competences they will have achieved during and on completion of each component, and what routes are then available to them).
- 32.5. Periodic evaluation of this strategic approach and the effectiveness of the policies and procedures using quantifiable measures and data analysis.
- 32.6. Contribution to changing the public perception of the Bar as an elitist profession, for example through public events and outreach activities.

33. RECOMMENDED

None currently proposed.

Education and Training

34. MANDATORY

- 34.1. Compliance with all relevant legal obligations, for example reasonable adjustments to enable full participation in all aspects of education and training and assessment and appraisal.
- 34.2. Sufficient and appropriate human, physical and technological resources to provide every prospective barrister with an equal and effective opportunity to develop and demonstrate the Competences.³¹
- 34.3. Provision and maintenance of physical, virtual and social learning environments that are supportive, safe, accessible and reliable for every prospective barrister promoting dignity, courtesy and respect in their use.³²
- 34.4. Prospective barristers provided with opportunities to give feedback to the Authorised Education and Training Organisation in order to shape their and others' learning experience.
- 34.5. Prospective barristers enabled to monitor their own progress and further the development of their learning through regular opportunities for feedback and communication.³³

35. RECOMMENDED

None currently proposed.

Assessment and Appraisal

36. MANDATORY

- 36.1. Communication and consistent application of assessment and appraisal policies, regulations and procedures, including clear and accessible information relating to how the Competences will be assessed or appraised.³⁴
- 36.2. Communication and consistent application of policies for the recognition of prior learning and experience, including clear and accessible information about how any previous learning and experience may be recognised and contribute towards fulfilling the requirements of the training pathway. Support for applicants throughout

³¹ See QAA Chapter B3, indicator 2

³² See QAA Chapter B3, indicator 6

³³ See QAA Chapter B3, indicator 9

³⁴ See QAA Chapter B6, indicator 2

the process of obtaining such recognition.³⁵

36.3. The form of assessment and appraisal must be accessible to all, through design or reasonable adjustment.³⁶

37. RECOMMENDED

None currently proposed.

The BSB will also contribute to Accessibility by means of:

Demonstrating its own commitment to changing the perception of the Bar (see 32.6).

Benchmarking its accessibility policies and procedures against other professions.

³⁵ See QAA Chapter B6, indicator 3

³⁶ See QAA Chapter B6, indicators 8 and 10

AFFORDABILITY

Strategic Goals and Oversight

38. MANDATORY

- 38.1. Education and training that enhances employability and transferability to and from other legal professions and other professions.
- 38.2. Offering best value for money, enhanced benefits and high quality learning, education and training and assessment and appraisal opportunities to prospective barristers in line with our principle of High Standards.
- 38.3. Relevant and targeted policies and procedures relating to financial support and/or remuneration that take into account our Accessibility principle.
- 38.4. The use of quantifiable measures to evaluate the success of these policies and procedures.
- 38.5. For Approved Education and Training Organisations that provide academic and/or vocational components, communication of clear, accessible and meaningful information and data that enables prospective barristers (whether national or international) to make informed decisions as to their personal risk/benefit ratio. Data to be communicated includes -
 - the correlation between degree classifications and levels of success;
 - the correlation between the Bar Course Aptitude Test (BCAT) scores and levels of success;
 - fees, first attempt pass rates and success in obtaining work-based training.
- 38.6. For those who provide work-based training -
 - communication of clear, accessible and meaningful information and data as to the direct and indirect costs of work-based training and the likelihood of being retained post qualification;
 - meeting BSB minimum funding requirements (self-employed) or National Minimum or Living Wage (employed). [Subject to consultation]

39. RECOMMENDED

None currently proposed.

Education and Training

40. MANDATORY

None currently proposed

41. RECOMMENDED

- 41.1. Education and training that allows prospective barristers to spread the cost of their Bar training and/or earn while they learn or limit the cost in the event that they do not complete their Bar training.
- 41.2. For Approved Education and Training Organisations that provide academic and/or vocational components, provision of education and training leading to academic awards (including early exit awards) at postgraduate level that are recognised outside the legal profession both nationally and internationally. Recognised awards will be beneficial for those who decide not to complete their Bar training or to practise as a barrister.³⁷
- 41.3. Innovation in Bar training to better meet the needs of prospective barristers, for example combining or splitting of components into parts. Where the vocational component is split into two parts we will not regulate any education and training provided in preparation for the assessment of the first part, however, provision of the assessment itself will come within the Authorisation Framework (see also Flexibility).³⁸
- 41.4. The provision of joint education and training, for example -
- that also meets the education and training requirements of solicitors and legal executives and other legal and non-legal professions;
 - that enables prospective barristers to learn with others (see also Flexibility).³⁹
- 41.5. Mapping of the Competences covered in component(s) and/or pathway to the Solicitors Regulation Authority's Statement of solicitor competence in order to facilitate the provision of joint education and training and assist those applying for recognition of prior learning and experience in order to qualify as a solicitor.⁴⁰

Assessment and Appraisal

42. MANDATORY

- 42.1. For Approved Education and Training Organisations that provide academic and/or vocational components, flexible and low cost assessment opportunities (both initial assessment and resits).

43. RECOMMENDED

None currently proposed.

³⁷ The Law Degree is widely recognised but the BPTC is not. A vocational component at Masters level may increase financial cost but provide enhanced benefit. Evidence of enhanced benefit would be required.

³⁸ BSB Policy Statement on Bar Training 23/03/17 paragraph 23-25.

³⁹ Joint education and training is likely to reduce cost, increase transferability of the qualification and encourage new organisations to apply to become Authorised Education and Training Organisations.

⁴⁰ <http://www.sra.org.uk/solicitors/competence-statement.page>

The BSB will also contribute to accessibility of information by means of:

Publishing comparative data acquired under 38.5 and 38.6 to enable prospective barristers to make meaningful comparisons and calculate their personal cost/benefit ratio.

DRAFT

HIGH STANDARDS

Strategic Goals and Oversight

44. MANDATORY

- 44.1. Authorised Education and Training Organisations will -
- have Degree Awarding Powers (DAP)⁴¹ or be validated by a body with DAP and/or subscribe to the Quality Assurance Agency (QAA)⁴² and subscribe to Office of the Independent Adjudicator (OIA);⁴³
- or
- demonstrate how they comply with equivalent standards, requirements and quality assurance processes as relevant and proportionate to the nature of the organisation and prescribed by us (for example, in any future Pupillage Handbook).⁴⁴
- 44.2. Recruitment, selection and admission policies and procedures consistent with the Competences to be developed and demonstrated. There should be an appropriate balance between any entrance requirements imposed, the likelihood of success for the prospective barrister and our principle of Accessibility.
- 44.3. Authorised Education and Training Organisations will adopt the following admission criteria to any free-standing vocational components -
- a law degree, or a non-law degree plus further graduate/post-graduate study that satisfies the Professional Statement (September 2016) Competence 1.2 and classified as not less than a lower second class honours (2:2) or equivalent;
 - successful completion of the Bar Course Aptitude Test (BCAT);
 - verification that the prospective barrister's English language ability is a minimum of IELTS 7.5 in each section of the test or equivalent.
- 44.4. Authorised Education and Training Organisations must take responsibility for qualifications, identity and credentials checks and report to us any fraudulent or dishonest activity related to entry qualifications. [Educational qualifications and fit and proper person checks are subject to consultation.]
- 44.5. Relevant and targeted policies and procedures around access, retention, support, attainment and progression, to include progression to and from work-based

⁴¹Degree Awarding Powers: All valid UK degrees are awarded by a university or other legally approved degree-awarding body that has overall responsibility for the academic standards and quality of the qualification. Decisions to grant degree awarding powers in the UK are made by the Privy Council based on advice from the QAA. Authorised Education and Training Organisations will have the type(s) of degree awarding powers (Foundation degree awarding powers (FDAP), Taught degree awarding powers (TDAP) and Research degree awarding powers (RDAP)) appropriate to the education and training provided.

⁴² Quality Assurance Agency: The QAA review UK higher education providers to assess how they maintain their academic standards.

⁴³ Office of the Independent Adjudicator is an independent body that runs a student complaints scheme in England and Wales. OIA membership includes FE colleges providing higher education, alternative providers and providers of School-Centred Initial Teacher Training, as well as universities.

⁴⁴ The BSB will keep abreast of "Revised operating model for quality assessment" March 2016/03 HEFCE.

learning and into the legal profession and recognition of prior learning and experience in line with our principles of Accessibility and Affordability. Clear and accessible information for prospective barristers to enable them to understand the application of any policies and procedures that relate to them.

44.6. Effective quality assurance policies and procedures (including those which relate to design, development, approval, monitoring, review and improvement of components and/or education and training programmes) to ensure that prospective barristers can develop and demonstrate the Competences to the Threshold Standard.

44.7. Mapping of the Competences covered in component(s) and/or pathway to the Professional Statement (September 2016).

45. RECOMMENDED

None currently proposed.

Education and Training and Assessment and Appraisal

46. MANDATORY

46.1. Education and training programmes, assessment and appraisal opportunities, resources (human, physical, technological, financial and intellectual), policies and procedures that underpin and reflect the Professional Statement (September 2016) and incorporate the BSB-controlled curriculum, tests, assessments and quality assurance processes which we will prescribe from time to time.

46.2. Providing education and training and assessment and appraisal at the appropriate graduate/postgraduate/professional standard.

46.3. An organisational culture that promotes high quality education and training and high standards of performance and professionalism on the part of prospective barristers. Academic misconduct must be reported to us.

46.4. Consistently applying appropriate internal and external quality assurance (e.g. pupillage committee; external examiners).

46.5. Support to enable prospective barristers to fulfil their potential in developing and demonstrating the Competences to the Threshold Standard.

46.6. Fair, timely and objective assessment and appraisal methods and opportunities.

46.7. Providing opportunities for prospective barristers to engage with their education and training and assessment and appraisal through feedback (formal and informal), including appeals, complaints, grievance policies and procedures.

47. RECOMMENDED

None currently proposed.

BSB will also regulate for High Standards by means of:

BSB-controlled curriculum, tests and assessments of Competences in high risk areas for the profession and to the public.

Consistently applied external quality assurance processes (eg BSB external examiners, monitoring of Authorised Education and Training Organisations).

Oversight of Authorised Education and Training Organisations' assessments and appraisals in order to deliver consistency.

October 2017