

BAR STANDARDS BOARD

REGULATING BARRISTERS

Fees and charges for the authorisation and supervision of Authorised Education and Training Organisations (AETOs)

Analysis of consultation responses and decisions of the Board in March 2019

Summary of Board decisions:

- All new prospective AETOs will be charged an *application* fee of £250 to be assessed under the new Bar qualification rules.
- Existing pupillage or work-based learning (WBL) component providers will not be charged an *application* fee.
- Should the BSB require more information from a new prospective AETO we may charge for additional steps to help us assess the proposal. We anticipate that in most cases, the application itself will suffice with no further steps (or assessment costs) required. Should we require more information from a prospective AETO due to the complexity or scale of its proposed training pathway, indicative costs for the steps we will need to take to help us to assess the proposal Include the following for the 2019-20 financial year (and which may be revised from time to time):
 - o Staff Time @ up to £500 per day;
 - o Expert Advisor @ up to £400 per day;
 - o Travel and other costs actually incurred.
- Following authorisation by the BSB, an Authorisation Fee will be payable by AETOs providing training for the academic and vocational (integrated) or vocational components. This will not be charged until the first enrolment of students is confirmed. The current rate for the fee will be £870 per student. An Intake Fee of the same amount per student will be charged for each subsequent intake of students.
- Where an AETO offers a pathway where the vocational component is split into two parts, the £870 fee will be split 2/3 for part 1 (£575) and 1/3 for part 2 (£295), with a review as above.
- The costs of an assessment in Professional Ethics during pupillage will be charged to the whole of the practising profession through the Practising Certificate Fee (PCF). This will cover the cost of sitting a first assessment and up to one re-sit.

- Any decision on the level of fee to be charged beyond two sittings of the Professional Ethics examination will be made by the Board once the format of the assessment is decided.

Detail

Background

1. In December 2018 the BSB issued a consultation paper on the model to determine the proposed fees to be charged to AETOs to consider, authorise and supervise their proposed training under the new Bar qualification rules and to manage the centralised examinations that form part of the qualification process for new barristers. We provided further information in a supplementary note by way of response to specific questions in February 2019. The full consultation paper is available [here](#) and the supplementary note is [here](#). The consultation closed on 1 March.

Responses received

2. There were nine responses received:
 - Chancery Bar Association (ChBA);
 - Inner Temple Bar Liaison Committee (ITBLC);
 - BPP University;
 - Bar Council; appended to this were a number of responses from individuals
 - An individual member of the profession;
 - The Council of the Inns of Court (COIC);
 - Matrix Chambers;
 - Middle Temple Young Barristers' Association (MTYBA); and
 - Pupillage Committee of 5 Essex Court (5EC).

The responses are detailed in Annex 1.

Summary of Proposed Charging Principles and Model

3. The proposed charging principles and model were set out at paragraph 50 of the consultation and for ease of reference were as follows:
 - a) All new prospective AETOs will be charged an *application* fee of £250.
 - b) Existing pupillage or work-based learning (WBL) component providers will not be charged an *application* fee to be assessed under the new Bar qualification rules.
 - c) Should we require more information from a new prospective AETO we will charge for additional steps to help us assess the proposal, including staff and expert advisor time.
 - d) Following authorisation by the BSB, an Authorisation Fee will be payable by AETOs providing training for the academic and vocational (integrated) or vocational components. This will not be charged until the first enrolment of students is confirmed. The current rate for the fee will be £870 per student. An Intake Fee of the same amount per student will be charged for each subsequent intake of students.

- e) Pupillage and WBL component providers (existing and new) will not be charged a per capita fee for *authorisation* or an *intake* fee.
- f) AETOs providing training on the academic and vocational (integrated) or vocational components will be subject to a renewal process on a 5-year cyclical basis mirroring that for initial authorisation.
- g) Pupillage or WBL component providers will not be subject to a renewal process as the majority of those providing the training will be paying a PCF which already covers the associated costs of supervision.
- h) The cost of the Professional Ethics assessment (to include a single re-sit) during the pupillage or WBL component will be subsidised in full by the PCF. Additional re-sits will be charged to the pupil / AETO at an indicative cost of £800 - £900 per re-sit based on the current format of assessment but this is still under review and may change
- i) Transferring qualified lawyers will pay discrete charges for each examination they are required to take. Fees for the Centralised Examinations will be set by the BSB. Fees for any provider set assessments will be determined by individual AETOs.
- j) AETOs providing training on the academic and vocational (integrated) or vocational components will pay discrete fees for students taking re-sits of the centralised examinations where the students are not registered with the AETO and so have not been charged via the intake fee process.
- k) We will review our fees at least every two years and take mitigating action should we over / under recover our costs.

Analysis of Consultation Responses and Proposals in the light of responses; Board decisions on proposals, 28 March 2019.

4. There was general acceptance for the broad structure of the fees and the principles underpinning them. There was little comment on the basic application fee proposals or on the principle and indicative costs for the consideration of any given application by BSB staff and / or external experts. Periodic re-authorisation of vocational providers was also accepted as appropriate. Similarly, there was general acceptance that there is no need for periodic re-authorisation of AETOs providing pupillage or work-based learning as the majority of those providing the training will be paying a PCF which already covers the associated costs of supervision.
5. Accordingly, those proposals will now be adopted:
 - All new prospective AETOs will be charged an *application* fee of £250.
 - Existing pupillage or work-based learning (WBL) component providers will not be charged an *application* fee to be assessed under the new Bar qualification rules.
 - Should the BSB require more information from a new prospective AETO we may charge for additional steps to help us assess the proposal, including staff and expert advisor time at rates to be published from time to time and as follows for the 2019/20 financial year:

- Staff Time @ up to £500 per day;
 - Expert Advisor @ up to £400 per day;
 - Travel and other costs actually incurred.
- Pupillage and WBL component providers (existing and new) will not be charged a per capita fee for *authorisation* or an *intake* fee.
 - AETOs providing training on the academic and vocational (integrated) or vocational components will be subject to a renewal process on a 5-year cyclical basis mirroring that for initial authorisation.
 - Pupillage or WBL component providers will not be subject to a renewal process.

BSB consideration of the issues raised and decisions

Consultation respondents expressed concern about the following matters which are dealt with in more detail below:

- i. The level of increase to the per capita authorisation fee charged to providers of the academic and vocational (integrated) or vocational component, most notably the inputs used to calculate the fee and the estimated numbers of students.
- ii. The structure and timing of the authorisation fee, i.e. how it should be charged to students dependent on the pathway they are following.
- iii. The cost, structure and format of the new Professional Ethics examination.
- iv. The relevance of the Equality Impact Analysis from May 2018.

The increase to the per capita authorisation fee charged to providers of the academic and vocational (integrated) or vocational component

6. We have confirmed in consultation with our Finance Director that £870 is a correct and robust figure based on our November assumptions, with full economic cost recovery (FEER) including indirect costs and based on the assumed number of students. If indirect costs (essentially the relevant staff's share of the BSB's Resources Group and accommodation costs) were excluded this would bring the figure close to the £600 suggested in COIC's response. However, it would not deliver FEER as that is generally understood and would leave the PCF to meet these costs. Much of the increase in cost is accounted for by making available a third sitting of exams per year, to facilitate the "part 1/ part 2" structural model of training (the four-step pathway).
7. The concerns raised about certain specific aspects of the fee are set out and addressed below.
 - 7.1. There is general disquiet about the increase in the per capita authorisation fee from £585 to £870, a rise of 49%, and the potential impacts on students. The notable exception is BPP, a current training provider, which describes the proposed fees as "reasonable." Consultees refer to a lack of

transparency, detail and justification in the figures we use to reach the £870 amount, and the inappropriate inclusion of overheads. We are urged to “justify our figures” and COIC also voices disapproval with how we apportion our costs across estimated student numbers. Some consultees appear to have formulated their response before seeing our supplemental note which gave a fuller account of our calculations.

- 7.2. Our starting point is that, as an organisation, we are committed to FECR, i.e. ensuring that we recover, in one way or another, all costs associated with an activity. The current per capita fee (£550 now, £585 from autumn 2019) does not cover all the costs we incur for authorising and supervising training providers and for running the centralised examinations. The primary reason for this is that the increased costs from the 2017 changes to the centralised examinations (notably the increased costs for BSB marking of the Professional Ethics examinations) were never passed back to training providers or students. Having considered our FECR principles, we decided at that time that, given all the impending changes as a result of the new Bar training regime, it would not be appropriate to introduce a change in the fee. The consequent shortfall is therefore currently being subsidised by the PCF.
- 7.3. In determining what fees to charge AETOs, to avoid increasing the subsidy from the PCF and to meet our FECR principles, we need to account for all the costs we expect to incur. To reach the £870 figure we estimated the following costs:

Ongoing Costs for 3 sessions of Examinations, such as question setting, , marking, moderation and quality assurance	£670,000
Ongoing Costs for Training Supervision	£260,000
Indirect Costs such as administrative staff, rent and utilities and BSB direct overheads (e.g. IT systems, corporate support, Board oversight)	£298,000
TOTAL	£1,228,000

We estimate the number of students to be in 2020: BPTC (continuing students 600); FBT (900) and in 2021 - 2024: FBT (1,550) giving an average over 5 years of 1,420. Dividing 1,228,000 by 1,420 we get £865 with a 0.5% contingency to allow for variations taking the figure to £870.

- 7.4. In calculating the per capita fee, we have included a charge of £298,000 for overheads (e.g. administrative staff, rent and utilities). COIC suggests that this approach is flawed on the basis that it is a cost that would in any event be incurred, and that it is a “trivial” amount; allocating it back to PCF funding would make no material difference to the PCF for individual barristers, whilst it has a material impact on the fee for students.

In response, the allocation of a percentage of overheads to an activity reflects the principles of FECR. To reduce the per capita fee through full subsidy of the overheads (£298,000) would represent the equivalent of between £15 - £20 per barrister paying the PCF (there are c 16,000). We do not consider this to be a trivial amount. Further, the figure we use has been

reached by taking a prudent approach basing it on an estimate of the resource we will need to provide and support the service (based on experience). For example, we have included costs (and a percentage of overheads) for approximately 5.5 FTE at various levels of seniority to be directly and only engaged with the centralised examinations. If we did not undertake this activity, our costs, and therefore the per capita fee, would reduce significantly. There is however no suggestion that the BSB should cease to have a centralised examination function as this is a primary regulatory control. This level of staff is required for that approach and is set at the minimum in-house team size which would be viable for the scale of operation.

- 7.5. COIC also disputes the inclusion of an estimated figure of 900 students for Year 1 in the averaging of student numbers, suggesting instead a “straight-line [estimate] of 1,550 for all 5 years.” It suggests that doing this would result in a lower per capita fee which in the context of the total education and training revenue earned from all students is negligible.

The 1,420 average forecast number of students is a cautious approach to the impact of new training rules across an uncertain political and financial environment. The 600 / 900 split for Year 1 indicates how we envisage these figures will be reflected across the existing and new training courses; students on existing courses can (contractually) only be charged £585 in any event. Final enrolments on the BPTC, and hence last collection of the £585 per capita fee, will be in 2019-20. There may also be an element of students waiting to see what happens as the new rules are introduced, which further justifies caution. Our approach once again reflects our need to mitigate risks to the level of PCF and to the reserves, and to avoid cross subsidy. As we say in the consultation, we will review the fee once we have a clearer picture about actual numbers of registered students.

- 7.6. The new Bar qualification rules and the consequent changes to centralised examinations mean that our costs will increase. One of the most significant increases is directly attributable to the introduction of an additional (third) opportunity each year to sit the centrally assessed examinations. This move from the current two opportunities on the BPTC to three on the new approved pathways is of potential benefit to all students in furthering the key principle of “flexibility”. It should be noted that it particularly facilitates the approved pathway which splits the vocational component in two and which is favoured by COIC / ICCA and the Bar Council. This model or pathway would not be possible without a third sitting of the centralised examinations.

We estimate the non-staff costs (e.g. examiner fees) for providing a third sitting is approximately £160,000, i.e. 2 papers (£49k x 2) and 2 contingency papers (£32k x 2). There would be no expected change in the direct staff costs. The direct cost impact (so not including staffing and overheads) on the per capita fee attributable to this additional exam activity alone is therefore an increase of just over £100.

8. A number of consultees express concern that the increased fee would make training “less affordable” and negatively impact accessibility. In contrast BPP as a provider disagrees, stating there is a “small risk that the increased fees...will create a barrier to entry from disadvantaged backgrounds.” However, it believes this will be balanced out by the removal of some of the existing regulatory burdens

on providers which should enable AETOs to reduce fees. We suggest this may imply an acknowledgement that while there is an irreducible minimum cost for the BSB to administer exams and regulate education and training, there is more flexibility for AETOs now that the highly prescriptive requirements of the BPTC have been removed. Affordability concerns fall to be addressed not only by the BSB but, more significantly, by providers, through potential reductions in their own fees to students.

9. The Board gave consideration to charging 100% of overheads (£298,000) to the PCF, resulting in a per capita fee to students of c. £655; and 50% of the overheads (£150,000) which would result in a fee of c. £760 to students. It gave particular consideration to affordability for students and the potential for the higher fee to restrict access to the profession.
10. The Board decided that it was important to uphold the principle of full economic cost recovery and that whilst this would result in a higher fee for students, in the context of the entire cost of training for the Bar the BSB fee was a relatively small proportion; and further that the new regulatory arrangements for Bar training offered real potential for e.g. lower overall tuition fees from universities.
11. Accordingly, the Board decided to adopt the Authorisation Fee payable by AETOs providing training for the academic and vocational (integrated) or vocational components. This will not be charged until the first enrolment of students is confirmed. The current rate for the fee will be £870 per student. An Intake Fee of the same amount per student will be charged for each subsequent intake of students.

The structure and timing of the per capita authorisation / intake fee

12. The consultation proposed charging the full per capita fee on registration with a training provider regardless which pathway the student is on. Both COIC and the Bar Council propose that where the 'Four-step' approved pathway is delivered, the fee should be split between Parts 1 and 2 with COIC suggesting a ratio of 1/3 for Part 1 and 2/3 for Part 2, a model endorsed by some other consultees. Whilst this would mean that the larger portion would be payable by a smaller number of students, on the assumption that a significant number will not go on to Part 2, it could increase the affordability and accessibility elements of Part 1.
13. We have carefully considered this proposal and note the Bar Council's suggestion that the fee should "reflect the actual regulatory costs referable to that part". In fact, the majority of the costs would be attributable to Part 1 (because the centralised examinations are held in Part 1). Assuming a fee of £870 in total, and 1420 students, a split which more exactly reflects activity would produce approximately £680 charged to part 1, and £190 charged to part 2.
14. The Board considered whether or not to split the fee and was especially mindful of the regulatory principle that charges should be cost reflective of activity actually undertaken. The Board was also conscious of the need to reflect the objectives of a four-step pathway which included both the "way-staging" of the costs to students as well as assisting them in recognizing costs and other risks to them associated with each step on their pathway to qualification. In this way the principles of both accessibility and affordability would be served.

15. Accordingly, the Board decided that where an AETO offers a four step pathway (the “part one/ part two” model), the £870 fee be split 2/3 for part 1 (£575) and 1/3 for part 2 (£295), with a review as above.

The cost, structure and format of the new Professional Ethics assessment during pupillage/work-based learning

16. There was general agreement amongst consultation respondents that the cost of the new Professional Ethics examination during the pupillage / WBL component and a single re-sit, should be borne by the entirety of the practising profession and therefore charged to the PCF¹. However, there was significant concern about the *illustrative* cost range of £800 - £900. There was also concern about the structure, format and timing of the examination.
17. As we said in the consultation and we re-emphasise now, the examination structure and format has not been finalised. The £800-£900 range is an *estimate only* based on an illustrative assumption that we would continue with the form of assessment currently used on the BPTC (short answer questions, which incurs significant marking costs). Once we have clarity about the form of the examination, we will have clarity on the costs and therefore the fee. It is possible that the fee will in fact go down.
18. We will, through dialogue with experts, practitioners and other stakeholders, devise a form of assessment which balances in a proportionate way the need for a robust, high-quality professional assessment which assures the public of the minimum ethical standards of newly authorised barristers with the need for economy and efficiency.
19. COIC specifically queried whether it was necessary to include indirect (i.e. overhead) costs of £120,000 in estimating the fee for the Professional Ethics examination. For the reasons set out in paragraphs 7-8 above, and having decided to adopt FECR in relation to the vocational fee, the BSB will include overheads when calculating the costs of the examination and, for example, any fees which would need to be charged for examinations beyond the first sit and one retake proposed.
20. In terms of the structure, format and timing of the examination, COIC asserted that “such an examination has not been the subject of any consultation.” In fact, we did pose specific questions in our public FBT [consultation](#) in October 2016. The responses to this consultation gave us the mandate to give special attention to Professional Ethics in considering the future of Bar training, which we did. There was a very extensive programme of consultative engagement with external experts and relevant stakeholders, including ICCA, through the work of the Curriculum and Assessments Review group. The Board endorsed our proposed approach, including the broad approach to Professional Ethics, in its [Policy Statement](#) of May 2018. The process of consultative engagement will continue until all elements of education and training taken during pupillage/work-based learning are finalised in the Curriculum and Assessment Strategy. Of necessity, the elements of the Strategy pertaining to the vocational component needed to be settled first as the timeline for delivery of those is earlier.

¹ Some individual barristers argue that students or chambers should also pay for the examination itself

The costs of re-sitting the Professional Ethics examination and by whom those costs should be borne

21. We proposed that the examination (and a single re-sit) should be fully subsidised by the PCF with any subsequent re-sits to be charged to the pupil / AETO at full cost, indicatively given as £800 - £900. COIC questioned whether we should, in fact, only charge the marginal additional cost to be incurred in the setting and marking of the examination, estimated at £274,000.
22. To allow pupils access to at least two sittings, there will be three sittings of the Professional Ethics examinations in a year, so that whatever time of the year pupillage commences, at least two sittings will be available. We believe this supports pupils through their careers and promotes the principles of accessibility and flexibility. The cost range (illustrative only) is the per capita fee averaging all the costs (question setting, marking, etc) across the 3 sittings. Whilst we acknowledge some costs will be lower for re-sits (e.g. marking for lower numbers of candidates, attributable overheads), we believe spreading the costs across all sittings protects the PCF and is a fair and equitable approach.
23. In the light of the above, the Board decided to adopt the principles as proposed in the consultation in relation to where the costs of this assessment are charged, i.e. to the whole of the practising profession through the PCF.
24. Any decision on the level of fee to be charged beyond two sittings of the examination will be made by the Board once the format of the assessment is decided.

The relevance of the Equality Impact Analysis

25. COIC and 5 Essex Court expressed concerns about the relevance of the EIA given when it was conducted (May 2018). We would clarify that the EIA considered the *principles* we would apply to fees rather than specific amounts. It was always expected that, as the current fee does not recover all our costs, and a third sitting was to be introduced, the per capita fee would increase. We balanced this carefully against the principles underpinning the new rules. We will also continue to review and revise our EIA post implementation of the new rules and as we develop further our approach to examinations. We will seek to address the points raised in the consultation in that on-going assessment.

ANNEX 1

Question	Chancery Bar	Inner Temple	BPP	COIC
<p>1 Do you have any comments on the BSB's proposed approach to fees, including the application of the charging principles and other factors? Do you think we should consider any other factors?</p>	<p>Agree that the £870 per capita fee should not be subsidised by the PCF.</p> <p>Concerns that proposed model would result in First Stage students subsidising Second Stage students and undermine key principles.</p> <p>Query whether up-front payment is consistent with Flexibility and Affordability as providers may offer courses for which full fee is not incurred at the outset (e.g. BC / COIC model). Agree with COIC's suggestion that the £870 is split and payable in stages reflecting numbers who will progress from First to Second stage.</p>	<p>No comment on the charging principles.</p> <p>Concerns about the costs of regulation, i.e. whether the BSB is operating efficiently.</p> <p>Concern that centrally assessed PE exam for pupils is not proportionate.</p>	<p>Support direct charging of AETOs.</p> <p>Support excluding investment costs as otherwise would impact significantly on fees</p> <p>Support WBL / pupillage supervision from PCF</p> <p>No objections to the inclusion of other costs (overheads, initial year costs, etc) to calculate central exam fees</p>	<p>Two major areas for concern:</p> <ul style="list-style-type: none"> - PE, calculation and recovery of fee; - £870 per capita fee. <p>Call for discussions with Inns, BSB, BC and Circuits to agree best way to teach and assess.</p> <p>PCF should be used to subsidise.</p> <p>Only marginal cost of re-sits to be charged to pupils / AETOs.</p> <p>£870 Flawed calculation basis.</p> <p>No comment as to 5-year renewal cycle.</p>
<p>2 Do you agree with the proposed fees?</p>	<p>No comments on £250 application fee.</p> <p>Query method of calculating costs of regulation (1.2m per annum) and comment that detail provided does not allow for meaningful opinion.</p> <p>Concerns about uplift of 49% in current fee.</p> <p>Concerns that costs of regulation could make training less affordable.</p> <p>Query why regulation costs appear to have increased. Urge BSB further review.</p>	<p>Do not believe they have sufficient information to comment on costings.</p> <p>Suggest fees are calculated in consideration of the following criteria:</p> <ul style="list-style-type: none"> - Will they increase social mobility at the Bar? - Will they maximise the number of pathways to pupillage? - Is the cost per student to each AETO to be kept to an absolute minimum (on the basis they will be passed to students)? <p>Concerns about increase of 49% in per capita fee - do not believe that it addresses any of the above questions.</p> <p>Suggest the fee should be split with the majority payable at Stage 2.</p>	<p>No objection to £870 per capita fee for each registered student or £250 fee</p> <p>Suggest no further fees should be payable on renewal (every 5 years)</p> <p>Additional fees (menu) are reasonable if not excessive and as part of the authorisation process</p> <p>Understanding (and agreement) that students sitting centrally assessed exams through AETO would not be charged for resits. £870 would cover all resits.</p>	<p>Concerns with the level of increase (49%)</p> <p>Concerns about the 870 per capita fee and how it was calculated.</p> <p>Suggestions made for how to reduce the fee.</p> <p>Proposed alternative "split" model - cheaper for Part 1.</p> <p>No comment on renewal process or costs</p>

Question	Chancery Bar	Inner Temple	BPP	COIC
<p>3 Do you think the cost of the Professional Ethics Examination during pupillage/work-based learning should be charged discretely to pupils / AETOs as part of the pupillage or work-based learning component of Bar training, borne by the profession through the PCF or be funded by a combination of the two funding options?</p>	<p>PS should be subsidised by the PCF.</p> <p>Agree that re-sits should be charged to pupils.</p> <p>Query whether PE should be taught by MCQ or experienced practitioners.</p> <p>Query whether if MCQ the 800-900 cost is too high.</p>	<p>Concerns that a PE exam during pupillage duplicates exam taken during BPTC and mandatory Inns courses (free).</p> <p>Suggest there is a case to be made for PE to be taught by the Inns as mandatory pupillage course.</p> <p>However if proposal goes ahead, cost of PE and re-sit should be subsidised by PCF</p>	<p>Agree that the FIRST sit should be subsidised by PCF. All subsequent resits should be charged at 800-900. Therefore support combination funding approach</p>	<p>Two main concerns:</p> <ul style="list-style-type: none"> - No consultation about form or timing of exam; - Manner in which fee has been calculated. <p><u>Exam (Risks)</u></p> <p>Queries about form of exam, e.g. if SAQ.</p> <p>Increased concerns caused by timing, e.g. how would an AETO / pupil adequately prepare in first 6 months and at what cost.</p> <p>High risk of failure at crucial point in career - could deter pupils and impact chambers who rely on them for effective functioning.</p> <p><u>Calculation of Fee</u></p> <p>Query inclusion of particular aspects, e.g. indirect costs which are already borne by the PCF.</p> <p>Only relevant charge is that for setting and marking the exam Question rationale for using other professional exams as comparators.</p> <p>Alternative approach would be to consider PE being provided by the Inns and Circuits</p> <p>Costs of the PE should be borne by PCF with additional resits to be charged to AETO / pupil but limited to marginal cost of exam.</p>
<p>4 Have you identified any adverse or positive equality impacts as a result of the fee model we are proposing</p>	<p>Affordability / Flexibility concerns as outlined above.</p>	<p>Concerns that levels of fees proposed will impact equality.</p>	<p>Increased fee could impact accessibility but this would be offset by removal of some of regulatory burden on providers which should enable reduced course fees.</p>	<p>Concerns raised about the extent / date of the EIA and how it is linked to the fee proposals. For example there is no reference to the impact of the £870 on BPTC students.</p> <p>Concern that proposed fees for PE will make training more expensive and therefore negative impact on campaign to increase diversity in socio-economic background.</p>

	Question	Matrix	Middle Temple Young Barrister's Association	5 Essex Court	Bar Council	Individual Member of the Profession
1	Do you have any comments on the BSB's proposed approach to fees, including the application of the charging principles and other factors? Do you think we should consider any other factors?	Concerned that if funding for AETO regulation comes from the PCF it would either decrease barristers' income due to the likely increase in PCF, or it will increase a barrister's charging rate meaning the regulatory burden will be passed on to clients. (possible lack of clarity about what is to be subsidised by the PCF)	Endorsement of COIC's response specifically in observations re the PE exam Opposed to any model which passes any fees directly onto students, pupils or indirectly to PTOs, i.e. there should be no fee for any resits.	Response hampered by lack of information provided. No information for how costs have been estimated. Agree that costs associated with vocational stage should be recovered from vocational providers. No explanation as to how costs are calculated	Vocational course: No part to be covered by the PCF; All to be met by students; Split course to reflect actual regulatory costs. Query numbers and re-proportionate emphasise and targeted regulation	Split the fee on basis that students will be subsidising profession they will never be part of
2	Do you agree with the proposed fees?	Concerned about 49% increase in per capita fee. Lack of clarity around how this is calculated or the funds will be spent Concern about size and application of £250 fee.	Endorse COIC's response.	Disagree with interpretation of s51 and BSB's right to recover from the PCF Disagree with comparators used (other professions) PTO should bear cost of authorising. No explanation given as to increase of 25% to £250.	Feel unable to answer without justification for figures. Query whether level of supervision is consistent with proportionality Agree that existing PTOs should not have to pay costs of supervision. However if require particularly high supervision then BC view that AETO should bear.	
3	Do you think the cost of the Professional Ethics Examination during pupillage/work- based learning should be charged discretely to pupils / AETOs as part of the pupillage or work-based learning component of Bar training, borne by the profession through the PCF or be funded by a combination of the two funding options?	Agree that PE should be subsidised by the PCF Believes that costs to reach £800-900 are not transparent	Endorse COIC's response	Significant concerns about the shift in responsibility for PE from vocational to WBL. Believe this is far too late and regardless profession should have been adequately warned. Suggest PE should be administered and marked by the PTOs (or Inns). This would take away some of the cost and allow the Bar to retain responsibility for PE	More of a case that costs of PE training should be borne by the PCF Suggest training and assessment of PE could be done by the Inns (a la advocacy) Should BSB disagree then (and supplied costs) then would consider whether PCF, pupils or chambers.	

	Question	Matrix	Middle Temple Young Barrister's Association	5 Essex Court	Bar Council	Individual Member of the Profession
4	Have you identified any adverse or positive equality impacts as a result of the fee model we are proposing	<p>Concern that increase in per capita fee could negatively impact diversity should it be passed to students - PCF argument. However also argument that if too many fees are passed to the profession, costs would increase with impacts on chambers (e.g. publicly funded chambers).</p> <p>Raise concerns this means Bar would be paying for those who may not progress to practice. Therefore, Bar should be merit- tested earlier with only those likely to succeed able to undergo training. Inns (and presumably other) scholarships would assist.</p>	Endorse COIC's response	<p>Mention EIA and raise concerns about timing and whether it addresses these proposals.</p> <p>Concern that increase to £250 may deter smaller chambers</p> <p>View that increase in fees will undermine aim of making training more affordable.</p>	Must ensure that burden of cost of regulatory oversight does not impact diversity by deterring potential candidates Emphasise adverse impacts of imposing unnecessarily high fees	