

Appendix One

These proposals replace Part 2 of the BQM, with guidance to AETOs on what they should take into account when considering an application for admission to a vocational training course.

Each Part 2 BQM change is set out below, along with the rationale for the change.

<p>Current provision: Law degree or GDL must meet Quality Assurance Agency (QAA) subject benchmarks (BQM 2:B:1 & 2:C:3)</p>
<p>Proposed change: Remove requirement and replace it with guidance to AETOs</p>
<p>Rationale for change:</p> <p>HEIs already consider whether a law degree or GDL reflects QAA benchmarks as part of their validation process. AETOs are able to evaluate the qualifications put forward by applicants and assess whether they have successfully completed their academic legal training.</p>
<p>Current provision: a law degree must be “...awarded at Level 6 (or above) of the ‘Framework for Higher Education Qualifications’, by a recognised degree-awarding body...” (BQM 2:B:1)</p>
<p>Proposed change: Remove requirement and replace it with guidance for AETOs</p>
<p>Rationale for change:</p> <p>The BQM states that law degrees have to be awarded by “...a recognised degree-awarding body...”. The same does not apply to non-law degrees or GDLs. Removing this requirement would create consistency in our approach.</p> <p>The proposed change would also enable AETOs to accept a broader range of Level 6 equivalent qualifications as satisfying the requirements of academic legal training. AETOs are well positioned to evaluate the level of the qualifications put forward by applicants as evidence of successful completion of academic legal training, and the status of the awarding body.</p>
<p>Current provision: The minimum standard for UK/Republic of Ireland undergraduate law degrees is lower second-class honours (2:2), for completion of the academic component of Bar training (BQM 2:B:6 & 2:C:1).</p>
<p>Proposed change: We are proposing to remove the minimum standard requirement. We think that AETOs should decide whether a prospective barrister is ready to commence a vocational training course, taking a holistic view of their training, experience and academic record. An applicant with a third-class degree would no longer need to apply to the BSB for an exemption or waiver.</p>
<p>Rationale for change:</p> <ul style="list-style-type: none"> (i) This change would simplify admissions for AETOs and applicants. The current approach requires GDL applicants to have a degree at 2:2 level or above. However, the Foundation of Legal Knowledge are studied as part of the GDL and so it is our view that the 2:2 minimum requirement is therefore unnecessary. At present, an individual with a third class law degree and an ‘outstanding’ score in their GDL, would not be able to undertake a vocational training course. Conversely, an individual with a low 2:2 non-law degree and a lower score in the GDL would be eligible. We think that this approach is inconsistent and unfair.

- (ii) Removing the 2:2 requirement would provide closer alignment with the Solicitors Regulatory Authority. They allow individuals with a third-class degree to enrol for the Solicitors' Qualification Exam (Part 1). Successful completion of this exam could entitle a prospective barrister to be admitted to a vocational training course.
- (iii) Current data shows that this requirement currently only screening out 3% of graduates.
- (iv) AETOs are well positioned to evaluate the overall strength of an application submitted by a prospective barrister to enrol on a vocational component course.
- (v) AETOs are under no obligation to admit applicants with third class degrees. Subject to authorisation by the BSB, they may adopt admissions policies requiring a higher minimum standard (for example the ICCA currently requires either a 2:1 law degree, or a non-law degree awarded at a minimum of a 2:2 class combined with a Commendation or a Distinction in the GDL)

Current provision: All Foundations of Legal Knowledge subjects must be passed at 40% or above with no condonation or compensation¹ below 35%, and a maximum of three attempts are permitted in respect of any Foundations of Legal Knowledge module. (BQM 2:A:2-4)

Proposed change:

Remove minimum pass marks, restrictions on condonation and compensation, and limits on the number of attempts an individual has to pass the modules covering the Foundations of Legal Knowledge.

Replace the current provisions with guidance to AETOs setting out that they should take the above matters into account when considering whether an applicant is competent in academic legal training and whether they should be admitted onto the vocational training course.

Applicants will no longer need to apply to the BSB for a Certificate of Full or Partial Exemption in respect of Foundations of Legal Knowledge subjects. AETOs Authorised will determine for themselves whether an applicant has met the requirements of academic legal training.

Rationale for change:

AETOs are best placed to take a holistic view of a prospective barrister's application and the extent to which the prospective barrister's academic transcript evidences that they are competent in academic legal training.

Where an AETO takes the view that a prospective barrister's application for the vocational training course is deficient in the Foundations of Legal Knowledge, any offer can be made

¹ **Condonation**

Where failure of one module in an undergraduate degree is permitted if certain conditions are met. See [BQM 2A \(2-4\)](#). The module mark will show on a transcript as being below the pass mark but the student will not fail the degree overall.

Compensation

Where the overall performance on an undergraduate degree can compensate for failure in one area if certain conditions are met. See [BQM 2A \(2-4\)](#). A mark which is an average of overall performance may be awarded and the module will show on a transcript as a pass.

subject to conditions requiring the prospective barrister to pass one or more GDL modules before starting the vocational component.

We don't think that the BSB should be making decisions about whether a prospective barrister has demonstrated competence in any of the Foundations of Legal Knowledge subjects. That is a decision for an AETO, in respect of which it is accountable to the BSB through our regulatory oversight.

Current provision: The maximum time limit for completion of a law degree for the purpose of Bar training (studied either full-time, part-time or by distance learning) is six years. (BQM2:B:9)

Proposed change:

Remove the time limit for completion of academic legal training. The BSB will instead provide AETOs with guidance setting out that they should take a holistic view of the prospective barrister's training, experience and academic record when deciding their application for admissions onto the vocational training course.

Rationale for change:

- (i) Resolves the currently anomalous approach in Part 2 of the BQM which sets a time limit of 6 years for the completion of a degree but then provides that prospective barristers are "...no longer required to apply to us for acceptance of a law degree completed outside of the maximum time."
- (ii) Recognises that there are equivalent routes to qualifications that will satisfy the academic legal training and in relation to which a time limit, based on completion of degree courses, is not appropriate.
- (iii) The BQM already provides (BQM2:B:10) that a prospective barrister unable to complete a law degree within the time limit due to exceptional circumstances should apply directly to the AETO for an extension of time, and that the AETO should apply their own assessment policies.

Current provision: where an applicant does not yet have confirmation that they have completed academic legal training, they must apply to the BSB to commence their vocational training. The BSB then considers a number of factors such as, whether the results are outstanding in no more than one subject; the expected class of degree and the date by which the outstanding results will be received. (BQM2:B:14)

Proposed change:

Remove this requirement and replace it with guidance to AETOs setting out that they should decide these types of requests themselves. They should take into account factors such as the reason why confirmation of completion of academic legal training is outstanding, the extent to which results are unconfirmed and when confirmation of results is expected.

If the applicant is offered a place on the vocational training course, any offer would be contingent on the applicant receiving this information.

Rationale for change:

We think that a decision on early commencement of the vocational component is one for AETOs, in respect of which it is accountable to the BSB through regulatory oversight.

This proposed change would allow a prospective barrister to have a 'single conversation' with the AETO on the issue of early commencement without having to involve the BSB. It would also allow the decision on early commencement (which is typically triggered by a delay in finalising degree or GDL results) to be made by the AETO taking into account all relevant information. This would simplify the process for the applicant and enable a more proportionate approach to admission to the vocational training course.

Current provision: A prospective barrister must start the vocational component within five years of completing the academic component. (BQM 2:F:2 and BSB Curriculum and Assessment Strategy Part 1)

Proposed change:

We are proposing to remove the restriction on qualifications over five years old (also known as 'stale' qualifications). Prospective barristers will no longer any need to apply to the BSB for the reactivation of stale qualifications.

We propose to replace this with guidance to AETOs setting out that it is for them to decide whether any gap in time raises concerns about the prospective barrister's competence in relation to academic legal training.

Rationale for change:

- (i) Data for 2019-23 suggests this is a 'low risk' issue - there were 178 applications for exemption in respect of 'stale' degrees with a refusal rate of only 5%.
- (ii) Allows AETOs to take a holistic, case by case approach to borderline applications for the vocational component, focussing on whether or not a prospective barrister can still demonstrate competence in respect of academic legal training, rather than being restricted by a fixed time limit regarding the currency of knowledge.
- (iii) Where an AETO considers a prospective barrister's application for a place on a vocational component course to be deficient in some aspect of the Foundations of Legal Knowledge, any offer can be made subject to conditions requiring the prospective barrister to pass one or more of the GDL modules before commencing the vocational component. We do not think that the BSB, as the regulator of vocational training, to be making decisions as to whether a prospective barrister has demonstrated competence in any of the Foundations of Legal Knowledge subjects. That is a decision for AETOs, in respect of which they are accountable to the BSB through regulatory oversight.

Current provision: A prospective barrister holding:

- (i) a degree from an institution based outside the UK/Republic of Ireland; or

- (ii) (ii) an undergraduate degree from an institution based outside the UK/Republic of Ireland coupled with a UK/Republic of Ireland postgraduate degree; or
- (iii) a UK medical, dental or veterinary degree; or (iv)
- (iv) having no degree qualifications

must apply to the BSB for a Certificate of Academic Standing as a prerequisite of commencing a Graduate Diploma in Law course. (BQM 2:D)

Proposed change:

Requirement to obtain a Certificate of Academic Standing removed. GDL course providers to determine for themselves whether or not to offer applicants a place on their courses.

Rationale for change:

- (i) Any prospective barrister who has successfully completed the GDL will be able to evidence that they have a level 6 award demonstrating competence in respect of academic legal training. This applies regardless of the quality of their first undergraduate degree. The desired outcome, for the purposes of academic legal training, will be the GDL award.
- (ii) UK Higher Education Institutions providing GDL courses will be subject to internal validation processes, on-going course review and monitoring processes, and external scrutiny through the work of external examiners and quality assurance agencies. The admissions policy adopted for a GDL course will, as part of its validation process, have been scrutinised to ensure that it was sufficiently rigorous for the nature of the programme. Progression, retention, and attainment gap data will all be analysed as part of the internal periodic review processes for such courses. It is not necessary for the BSB to add yet another layer of bureaucracy by insisting on issuing Certificate of Academic Standing as an admissions requirement.
- (iii) If in doubt about admitting an applicant with an overseas degree and GDL, an AETO could make reference to the general comparability statements prepared by [UK ENIC](#) to determine whether or not, by reference to the prospective barrister's first degree, they have evidenced the ability and prior knowledge required to undertake and benefit from studying for the vocational component.