

<b>BAR STANDARDS BOARD</b>
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REGULATING BARRISTERS

**Bar Professional Training Course  
BPP University, Manchester  
Report of Visit held on 7 January 2014**

<b>Name of Institution</b>	<b>Date of Visit/Meeting</b>
BPP University, Manchester	7 January 2014

<b>Title of Course/award</b>	<b>Nature/status of the course</b>
Bar Professional Training Course	Full-time BPTC

<b>Numbers/modes approved</b>	<b>Dates of course</b>
Full-time: 48 validated, 53 actual (at time of visit; 54 at time of annual audit) Part-time: n/a	September 2013 to July 2014. BSB was notified of over-recruitment on 16 October 2013.

<b>Panel Members</b>	<b>Role and area of primary responsibility</b>
James Lee	Legal Academic, Member of BPTC Sub-Committee
Benjamin Wood	Practitioner, Member of BPTC Sub-Committee

<b>Provider Team</b>	<b>Role and area of primary responsibility</b>
Anna Banfield	National BPTC Programme Leader, BPP (Ms Banfield did not attend the visit itself, but has been involved in subsequent discussions)
James Welsh	National BPTC Programme Leader, BPP
Leigh Tasker	Managing Director of BPP Manchester
Tricia Chatterton	Senior Academic for Law and Business, BPP Manchester
Mark Keith	BPTC Programme Leader, BPP Manchester
Louise Brandon	Tutor, BPP Manchester
Peter Wolfenden	Tutor, BPP Manchester

<b>Rationale for the visit</b>
<p>This visit was held in response to the over-recruitment of students by BPP in the first year of its (full-time) BPTC course in Manchester. BPP had earlier submitted a report to the BSB. This was considered by the BPTC Sub-Committee, which decided that a visit was necessary in order to review the arrangements for students.</p> <p>The focus of the visit was on the adequacy of the measures put in place to deal with the over-</p>

recruitment, given that the experience of students is of primary concern. A regular monitoring visit was already scheduled to take place later in the spring term.

Having reviewed the documents that BPP had provided in advance, the Panel viewed resources and met staff, students and the management team.

Further discussions took place and further submissions were invited by BPP in relation to this. Notes of these discussions and the submissions may be made available separately to relevant committees. In preparing this report and reaching its conclusion, the BSB has paid careful regard to the submissions made by BPP.

### Context: The HEI/Provider

BPP was established in 1976 and attained taught degree awarding powers for undergraduate and postgraduate programmes in September 2007 (as granted by the Privy Council and approved by the Quality Assurance Agency). It joined Apollo Global (USA) in 2009 and became the first private sector organisation in the UK to become a University College in July 2010.

The BVC course ran in London from 1997 to 2010 and in Leeds from 2006 to 2010, within a suite of related law programmes delivered by BPP. From September 2010 the BVC was replaced by the BPTC on both sites.

BPP applied for accreditation of a new BPTC centre with 48 full time places at Manchester in 2012, gaining approval from the BSB in December of that year, confirmed in July 2013 once conditions had been met. The first cohort of students embarked on the course in September of that year.

Students can 'top up' the BPTC course to an LLM (Professional Legal Practice) by the completion of additional modules.

In 2009, BPP over-recruited in London and Leeds (then the only two BVC courses delivered by BPP), which led to triggered visits to both locations. The first condition in each report required BPP to *"engage the services of an independent statistician or similar expert... to review all available admissions data for the previous 5 years and clarify that in his/her professional opinion the number of offers that BPP wishes to make should not lead to over-recruitment. This certification is to be provided to the BSB before any offers are made, and thereafter the number of offers made by BPP shall not exceed the certified number. This procedure is to be repeated for the courses commencing in September 2011 and September 2012."* It was and is therefore of considerable concern to the BSB that, in the first recruitment cycle following the expiry of this condition, and in the very first recruitment cycle for a newly validated location, BPP has again recruited too many students. Such recurrence of over-recruitment is, so far as the Panel was informed, without precedent.

### 1. Adherence to course aims, philosophy and standards

Adherence to course aims and philosophy appeared generally to be good. In particular, it was clear that the Joint National Programme Leaders are keen to deliver a course that is as student-focused as possible.

However, the Panel was very concerned to note three respects in which BPP had failed to comply with a mandatory provision of the Blue Book. These were as follows:

1. Skills and knowledge, apart from the oral skills of advocacy and conference, were being taught in groups of 13 or 14. The decision to do so was taken by the Joint Programme Leaders (i.e., at a national level). This is in breach of the mandatory requirements of the

Blue Book (A3.4), which requires the teaching of these subjects to take place in Small Group Sessions (“SGS”, which are clearly defined as comprising no more than 12 students).

2. The Blue Book requires a Staff:Student ratio (“SSR”) of 1:12.5 for the first 125 student places and thereafter a full time equivalent member of staff for every group or part-group of 16 students (A5.1.1). For this over-recruited cohort of 53 students, BPP Manchester had only 4 full time members of staff in term 1 and had recruited a fractional 0.2 tutor for term 2. The Panel did not consider BPP to have complied or be complying with the SSR.
3. If a Provider has a question over a student’s ability in any aspect of English language, it must require the student to take a specified English language test and achieve the required score (Blue Book B3.2.3(d)). The Panel was not satisfied that this rule was being applied at BPP Manchester.

## 2. Quality management systems

The areas of non-compliance above gave rise to concerns amongst the Panel as to the effectiveness of the quality management processes in place at BPP Manchester. In particular, BPP acknowledged that it had not consulted the Blue Book in respect of the SGS requirements. Furthermore, the account given of English language monitoring was inconsistent, and it did not seem that there was a uniformly correct understanding of the requirements of the Blue Book on this point.

The Panel considered that BPP Manchester’s decision-making processes were in need of more clarity and consistency. The Panel’s chief concern in relation to quality management was that the understanding of processes in various respects was not consistent across and between levels of staff. In terms of decision-making processes it did not appear to the Panel that these were sufficiently clearly articulated, either in the audit trail for previous decisions or in terms of making future decisions. For example, the advocacy group size had been determined locally whereas the decision to teach certain modules in LGSs, rather than SGSs, was taken in London. The Panel was also unclear as to which member of BPP’s management team fulfilled the role of “course leader”, e.g., for the purposes of determining legitimate staff development (Blue Book A5.1.3.2).

The Panel concluded that BPP should be required to commission an independent audit of its compliance with the Blue Book and its quality assurance processes. BPP has accepted this requirement and is implementing it.

## 3. Staffing and staff development

All staff had received training for teaching, as most were appointed directly from practice. There are Staff Development Days after an initial induction. There is also the requirement of peer observation (both observing colleagues and being observed by colleagues). This is in line with good practice.

Staff do not have their own individual offices, but the Panel was assured that there are facilities for private meetings to take place when necessary.

There had already been some turnover in terms of staffing. The actual Programme Leader at BPP Manchester is not the person originally advertised. There are three other tutors, working full-time (these, too, are not all the same as those originally advertised).

In response to the over recruitment, BPP had recruited a local practitioner as a freelance tutor for one day per week in term 2. While the Panel recognised the potential advantages to be gained from the appropriate use of freelance staff (e.g. potential increased practitioner involvement in the delivery of the course) in appropriate cases, it had concerns about the adequacy of appointing a freelancer in order to meet the SSR requirement in this case, as this member of staff did not have the same

availability for student support as full time staff. Since the Panel's Visit, one full time tutor has resigned. The freelance tutor has been made FTE 0.4, and BPP have recruited another barrister, also on an FTE 0.4 basis.

It seemed to the Panel that (a) BPP had been slow in appointing additional staff to cater for the over-recruited cohort and (b) even at the date of the Panel's visit the revised arrangements still failed to satisfy the Staff Student Ratio contained in paragraph A5.1.1 of the BPTC Handbook. The Panel noted BPP's assertion that in some respects the course is run as a "national" course over three sites, and that some economies of scale might be achievable, but did not consider that an acceptable alternative to meeting the requirement as the BPTC Handbook requires for the SSR to be met at each site, especially given that part of the rationale for the rule is to ensure an appropriate student experience and level of support.

All staff teaching advocacy are ATC accredited.

#### 4. Curriculum content and structure

The curriculum is developed by BPP nationally (although no tutors at BPP Manchester are presently module leaders) and delivered at each of its three validated locations. The course materials were not considered during the visit.

BPP has taken a decision nationally to teach advocacy in groups of 4 students (and occasionally 3). In order to address the over recruitment at BPP Manchester, a decision had been taken locally to teach in 12 groups of 4 (i.e., the validated number) and then one group of 3 and one group of 2 students. Although recognising the benefit of having an even number of students in a group, the Panel considered that a group of 2 students might not deliver the most effective learning environment for advocacy. BPP Manchester agreed immediately to reorganise the oral skills classes so that no group would contain fewer than 3 students.

The Blue Book expectation (B1.5.1) is that teaching should take place on at least four out of five days of the working week. Notwithstanding this expectation, the majority of the 14 advocacy groups at BPP Manchester were taught on only two or three days of the working week. One group was taught on four days each week. In order to provide greater equality of experience, the Panel strongly recommended that the group timetables be revised to ensure a better balance between groups. BPP agreed immediately to implement this. (The Panel did not judge it appropriate to require the group taught on two days a week to be rescheduled, as students indicated that some students had planned other commitments around their timetable.)

#### 5. Admissions and student profile

BPP Manchester explained that it had made offers that led to 66 acceptances, which translated into 54 registrants (of whom one had since interrupted his studies).

Given this level of over-recruitment, the Panel was concerned to learn on the day of the visit that BPP Manchester had continued to accept students onto the course weeks after it had started (and specifically in cases where there had been immigration or financial issues).

It appeared to the Panel that BPP Manchester had regarded its validated student number as a target rather than a maximum, which must lead to a very high risk of over-recruitment. Numbers are validated in advance to reflect the capacity available to and committed by the institution and to ensure quality of provision: a provider wishing to increase its numbers should make an application in advance and demonstrate that the necessary resources are present prior to the admission of students.

Although BPP Manchester did not provide data in relation to its student profile, it appeared to the Panel that there was a high proportion of overseas students.

During the course of the visit, several individuals stated that they believed that some students with inadequate English skills had been admitted onto the BPP Manchester course. Some felt that the presence of these students was having an impact on the general student learning experience. BPP confirmed that one student lacking the necessary language skills had left the course but had been permitted to remain on the course until week 6. Staff seemed unclear as to whether they were able to identify those lacking the required levels of fluency.

The Panel was not satisfied that the English Language requirements of paragraph 3.2.3 of Part B of the Blue Book were being enforced correctly and concluded that further action was required in this regard.

## **6. Teaching and Learning (knowledge and skills areas)**

The Panel did not observe any classes and did not review any course materials.

However, the Panel was impressed to hear the positive feedback from the students about the quality of the teaching that they had received. This echoed the comments reported by students in the minutes of their first Staff/Student Liaison Meeting and the great majority of the feedback gathered from students in the survey conducted at the end of the first term (which feedback was summarised and provided to the Panel by BPP on 29 January 2014).

The Panel also noted that BPP Manchester's decision to deal with the over-recruitment by the addition of two extra advocacy groups (of 2 and 3 students) was taken because it is BPP's belief that students gain most when taught advocacy in very small classes. Whilst recognising the sincerity of this belief, the Panel was concerned that the use of such small groups for advocacy teaching might limit these students' opportunity to learn from their peers, give peer reviews or practise oral skills in unfamiliar surroundings, particularly in the case of witness handling exercises. BPP agreed immediately to adjust the oral skills classes so that no fewer than three students were in each group.

During the course of the visit, it came to light that students at BPP Manchester had been taught in groups of 13 or 14 in purported compliance with the SGS requirement for a maximum class size of 12. This was a fact of which the BSB had not previously been informed. This gave rise to further and separate concerns about the student experience and about BPP Manchester's QA procedures/general adherence to the mandatory requirements of the Blue Book.

On this point, the Panel did not find convincing BPP's assertion that there was uncertainty because the BSB had previously encouraged providers to allow a student to attend a different group if they missed a session (in which case a one-off session may be over 12 students): see Blue Book B.4.10.3.1. In the Panel's view, that scenario is different from the deliberate decision to schedule non-compliant sessions, and the Blue Book does not admit of any ambiguity on this point. The Panel considered carefully how to address BPP Manchester's non-compliance with the SGS requirement. It concluded that it would be disruptive for the students, and without much practical benefit to them, to require BPP Manchester to reorganise the timetable so that five groups were taught instead of four. This view was reinforced by the fact that there had already been administrative problems and delays in timetabling at the start of terms 1 and 2.

Without in any way condoning the non-compliant teaching that had been in place for over a term, the Panel decided that the students would not be best served by a reorganisation of their teaching in this respect.

### 7. Standards and assessment strategy and methods (including progression data)

The Panel did not consider these issues during its visit, other than in relation to the English language rule (addressed in section 5 above), as they do not directly relate to over-recruitment.

### 8. Student support and quality of student experience

The Panel was able to meet four students. Regrettably, only two students chose to attend the general meeting. At the Panel's specific request, it also met the two students who had been taught advocacy in a group of two. It is obviously preferable if the panel during any visit is able to meet a greater number of students.

Students had a very positive view of the quality of teaching, regarding it as a 'brilliant experience' and praising the 'tailor-made approach'. The students were very impressed with their tutors, and specifically remarked on the value of the link with practice. It is clear that the students feel a strong sense of identity and community, and the students value the BPP experience. All of this praise is echoed in the summary of feedback gleaned from the term 1 survey (referred to in section 6, above).

All students had met their personal tutor for a review of their curriculum vitae. There did not seem to be a widely held understanding of the wider support which a personal tutor can and should offer.

There had been some problems in the management and administration of the course. The production of complete timetables had been delayed at the start of each term – one student described it as 'slightly chaotic'. Building works in one area of the building had over-run, causing disruption to classes that were being taught nearby. BPP had responded to student feedback on this point, and had subsequently worked with the contractors to minimise the impact upon students.

### 9. Learning resources (Library and IT)

The Panel received a brief tour of the facilities from the Programme Leader. It is an impressive building and the classrooms seem well-appointed, with numerous whiteboards for group work and good IT facilities. The library is adequately resourced with a small and dedicated BPTC room furnished with desktop computers. BPTC students have full use of the library and exclusive use of the BPTC room.

### 10. Equality and diversity

No problems with equality and diversity were observed, nor was any concern raised.

### 11. Additional comments

Since the triggered visit, BPP Manchester (together with the national leadership team) has engaged fully and proactively with the BSB in relation to the issues that gave rise to the Panel's concerns.

The Panel was concerned that the arrangements put in place in response to the over-recruitment seemed to have been selected on the basis of minimum compliance with elements of the Blue Book. The arrangements did not seem to have been put in place in order to ensure the quality of the student experience, nor had specific additional monitoring been undertaken to confirm that student

experience was not adversely affected. In addition to the teaching in LGS, the decision to appoint a freelance member of staff to perform the extra teaching, rather than a contracted member of staff, might either diminish the support offered to students or over-stretch existing staff.

At several points in discussion, BPP sought to point to areas in which it has decided to deliver teaching in a manner which exceeds the requirement of the Blue Book (most frequently its Advocacy teaching). However that does not in any way off-set, excuse or justify failures to comply with mandatory requirements in other respects (and it is right to note that it was not deployed as such by BPP).

BPP has accepted the proposals for auditing Quality Assurance standards (including Blue Book compliance) and has already (at 30 January 2014) started that work.

The Panel noted that BPP Manchester would have generated c. £70k of additional revenue from the recruitment of five additional students (c. £33k after deduction of the contractual sum payable to the BSB in relation to the over-recruitment) and that its additional costs were likely to have been marginal.

Subsequently BPP has, after discussion with the BSB, made a voluntary goodwill payment of £500 to each student on the BPTC at BPP Manchester in respect of the non-Blue Book compliant teaching that had been provided.

#### Good practice, distinguishing features

- BPP's aspiration to deliver the same quality of course at each of its three locations.
- The enthusiasm of the management team.
- The sense of community which is encouraged and obvious amongst students.
- Well-appointed facilities.
- Responsiveness to student feedback.
- Obviously high levels of staff concern for student progress and welfare.

#### Conclusions: recommendation on accreditation/approval/continuing approval

Accreditation/continuing approval (with conditions and recommendations), subject to BPP Manchester's acceptance of the conditions and recommendations below.

#### Conditions

Where conditional accreditation/approval is recommended, please give below the conditions made:

Condition 1	BPP <b>must not</b> schedule the teaching of oral skills to classes of fewer than 3 students. (This condition is imposed with immediate effect and also <b>applies to all future courses.</b> )
Condition 2	BPP <b>must not</b> schedule "small" group teaching to classes of more than 12 students. Such groups are "large group sessions" and do not meet the mandatory Blue Book requirement. (This condition is imposed with effect from the commencement of Options teaching and also <b>applies to all future courses.</b> )

Condition 3	BPP <b>must</b> , by 17 January 2014, confirm in writing its compliance with the Blue Book and other QA standards, save for those matters specifically identified in this Report. If BPP cannot provide such confirmation, it must identify, also by 17 January 2014, those areas of non-compliance and the steps and timescale for remedial action, such action to be subject to the BSB's approval. [ <i>Document provided on 17 January 2014.</i> ].
Condition 4	BPP <b>must</b> commission, in a manner and timeframe acceptable to the BSB, an independent audit of BPP Manchester's compliance with the Blue Book provisions and other QA standards. The report must be prepared as soon as practicable and must be provided to the BSB. Except with the prior written approval of the BSB, BPP must comply with any recommendations arising from such audit. [ <i>Reviewer nominated by the BSB on 16 April 2014</i> ]
Condition 5	BPP <b>must</b> – at the beginning of the 2014/2015 academic year – commission, in a manner and timeframe acceptable to the BSB, a further audit of BPP Manchester's compliance with the Blue Book provisions and other QA standards, and its own processes for ensuring such compliance. A copy of the report must be provided to the BSB. Except with the prior written approval of the BSB, BPP must comply with any recommendations arising from such audit.
Condition 6	BPP <b>must</b> , by 31 January 2014, provide further training to its teaching staff at BPP Manchester in the monitoring and assessment of English language ability. BPP <b>must</b> ensure that any subsequently appointed members of staff receive adequate training in this respect. [ <i>Training completed by 7 February 2014</i> ]
Condition 7	BPP <b>must</b> , by 10 February 2014, provide written evidence of its compliance with the first part of the preceding condition. [ <i>Evidence provided by 10 February 2014</i> ]
Condition 8	BPP <b>must</b> , by 10 February 2014, provide written confirmation that, in the opinion of its teaching staff, each student at BPP Manchester satisfies the English language requirements of the Blue Book and that there is no question that students are at the required level in every respect. If BPP is unable to provide such confirmation, it <b>must</b> identify to the BSB those students and issues, together with the steps that are being taken as a result. [ <i>Original response provided on 10 February 2014. Follow-up action completed by 14 March 2014</i> ]

Recommendations	
Where recommendations are additionally made, please detail below:	
Recommendation 1	It is <b>strongly recommended</b> that the timetable for Term 2 be reviewed to ensure better balance between the timetables of the various groups [ <i>Action confirmed by BPP on 30 January 2014.</i> ]
Recommendation 2	It is <b>recommended</b> that, for future courses, teaching is scheduled to take place for all students on at least four out of five days of the working week, in order to comply with the expectation at Blue Book B1.5.1.
Recommendation 3	It is <b>recommended</b> that, for future courses, students are not permitted to join the programme substantially after the start of term 1. BPP is reminded of the Attendance Rule at B.4.10.3: "...Attendance during the induction process is essential and permission not to attend induction and the first weeks of study will only exceptionally be granted."
Recommendation 4	It is <b>recommended</b> that BPP review its local and national decision making structures in accordance with best practice, so that decisions are made appropriately, consistently and accountably.

Observations (to be brought to the attention of the BSB)	
Observation 1	The Panel considers that the BSB should remove ambiguity from the Blue Book rule in relation to Staff/Student ratio.
Observation 2	The Panel considers that the BSB should clarify the Blue Book to make clear that



	a legitimate, one-off request from a student to switch classes is to be distinguished from the timetabling of so-called SGS to groups of more than 12 students.
Observation 3	The Panel recommends that the BSB reviews whether there should be a minimum as well as a maximum class size for teaching, in order to ensure consistency of learning environment and outcome.
Observation 4	The Panel recommends that the attention of all Providers should be drawn to the Blue Book provisions in relation to English language proficiency.
Observation 5	The Panel recommends that the attention of all Providers should be drawn to the Blue Book provisions in relation to attendance at induction and in the early weeks of the course.
Observation 6	The Panel recommends that, where issues are identified that might result in a triggered visit (most particularly in the case of over recruitment), the BSB should be involved and a panel appointed at the very earliest opportunity, in case immediate remedial action is required/recommended.
Observation 7	The Panel recommends that the BSB work closely with Providers when scheduling any visits, to ensure that a significant number of students will be available to meet the panel, so that a representative cross-section of student views is taken.

Approved by BPTC Sub-Committee: 30 January 2014  
 Response given by Provider: 19 February 2014  
 Approved by Education & Training Committee: 07 April 2014

#### Response by the Provider (maximum one page)

We welcomed the panel to our BPTC in Manchester, and were pleased to show them the enhanced facilities and our ultra-modern 'Vanta suite'. We are also pleased to have been able to share the exceptional feedback given to the teaching staff by the students. BPP is routinely praised in monitoring visits for extremely high standards in the classroom. This is reflected by other visiting bodies such as the Advocacy Training Council.

The panel was only able to stay for a few hours, and no teaching was observed. Since the visit, we have had some opportunity to engage further with the panel. However some matters that we've touched on are complex and controversial we are anxious that this report expresses views that appear to run contrary to the views expressed by other visiting panels. We consider that on some matters further debate would be valuable, both within the BSB and between the BSB and the providers.

In relation to why BPP has 5 students above validation, BPP makes the following observations. BPP has used statistical analysis of recruitment trends in order to predict and control numbers on registration. However, the statistician's work is based on collating data over a number of years. We therefore can only use the statistician in Leeds and London where we have existing programmes. Given that this is our first year in Manchester, we cannot have the benefit or use of a statistician. The panel is aware that we modelled our prediction on numbers in Manchester on our numbers in Leeds. The 2 cities yielded significantly different results this year in a way which was not predictable. We maintain therefore that the over-recruitment was due only to the unpredictability in the market, and the fact that this was our first venture into a new location.

It is right that the BPTC regulations define a group of 12 or less as a small group, and 13 or more as a lecture. We have engaged with the panel over the probity of having such a distinction in all modules. We did not see a clear reason for treating a group of 12 and a group of 13 so differently; especially where in fact groups of 13 regularly occur in circumstances where a student is unable to attend their own class for good reason. We will observe the distinction to the letter in the future.

We are engaging in debate with the panel over the interpretation of the rules on Staff Student Ratios. The rule is that a cohort of 125 or under needs a ratio of 1:12.5, and thereafter, the ratio is reduced to 1:16. Our national cohort is well above 125. The programme offered in each site is the same and so much of the work needed to run the BPTC in Manchester is done in London. We are happy to staff Manchester with 4 members of staff for 48, and therefore to marginally over-provide even on the lower ratio as a general default position. This year, with 53 students, we started the programme slightly under the 1:12.5 ratio, but much better than the 2 stage ratio for larger cohorts. We have nonetheless engaged additional teaching assistance, so as to satisfy the

1:12.5 ratio. Any perceived small fractional shortfalls we consider to be more than made up for by the fact of national team that sits behind the Manchester team.

Although we have differences of view on some matters from the panel, we are grateful for its insight and industry and acknowledgement that we have enthusiastic management, dedicated staff members, well appointed facilities, and a cohort that feels a clear sense of community.