

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

**Bar Professional Training Course
Cardiff Law School, Cardiff University
Report of visit held on 2 March 2015**

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| Name of Institution | Date of Visit |
| Cardiff Law School, Cardiff University | 2 March 2015 |

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| Title of Course/award | Nature/status of course |
| Bar Professional Training Course | Accredited BPTC |

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| Numbers/modes approved | Dates of course |
| Approved for: 84 full-time (70 enrolled 2014-15) | September 2014 to July 2015 |

| Panel Members | Role and area of primary responsibility |
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| Dr Victoria Stec | Temporary Education Manager, BSB (Chair) |
| Dr Vanessa Davies | Director General, Bar Standards Board |
| Mr Richard Davies | Member of BPTC Sub-Committee, BSB; Member of Education and Training Committee, BSB |
| Mr David Rees | Law Tutor; Assistant Land Registrar, HM Land Registry; External Examiner, BSB |
| Ms Anna Banfield | (Joint) Director of BPTC Programmes, BPP Law School; Provider representative |

| Provider Team attending the event | Role and area of primary responsibility |
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| Ms Jetsun Lebaschi | BPTC Course Leader |
| Mr Jason Tucker | Deputy Director of the Centre for Professional Legal Studies and Associate Dean with responsibility for graduate employability |
| Ms Angela Devereux | Director of the Centre for Professional Legal Studies |
| Ms Michaela Thomas | BPTC Deputy Course Leader |
| Mr Ian Brookfield | Admissions Tutor |
| Mr Michael Edwards | Subject Leader: Criminal Litigation and Trial Advocacy 1 and 2 (joint) |
| Mr Christopher Humphries | Subject Leader: Opinion Writing and Drafting |
| Mr Gareth George | Subject Leader: Professional Ethics and Family option |
| Mr Dominic DeSaulles | Subject Leader: ReDOC, Civil Litigation (joint) |

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| | | and Commercial Litigation option |
| Ms Kate Hawkins | | Subject Leader: Conferencing and Criminal Practice option |
| Ms Nicola Harris | | Subject Leader: Submission Advocacy (joint) and Trial Advocacy 1 and 2 (joint) |

Rationale for the visit

The visit was held as part of the Bar Standards Board's annual programme of visits to providers of the Bar Professional Training Course to monitor the quality and standards of the course and to determine whether the course is being delivered in accordance with the requirements of the BSB's Bar Professional Training Course Handbook.

The panel was provided in advance with key documentation, including the provider's Annual Reflective Review 2013-14, copies of External Examiner reports for the relevant year, the most recent BSB visit report and other relevant information.

During the visit the panel saw teaching rooms, social spaces, and learning resources areas. The panel met, separately, with management, course team and students. Members of the panel also observed four classes. The report reflects the findings of the panel and is informed by both documentation and visit.

Context: The Provider

Cardiff University delivered the Bar Vocational Course (BVC) from 1996 to 2010, and since 2010 has delivered the Bar Professional Training Course (BPTC) through the Centre for Professional Legal Studies (CPLS) which is part of Cardiff Law School within the College of Arts, Humanities and Social Sciences. Cardiff University is the only member of the Russell Group to offer the BPTC.

1. Adherence to course aims, philosophy and standards

Adherence to course aims and philosophy appeared sound and standards secure.

The management team was invited to describe what was felt to be most distinctive about the BPTC at Cardiff. The key distinguishing feature given was the quality of the teaching team, in all dimensions: specifically, in the quality of classroom delivery, in the execution of personal tutoring duties, and in practitioner experience. The fact that Cardiff is the only Russell Group university to offer the BPTC was cited as evidence of its key strategic importance to the overall suite of law programmes and to the University as a whole. The guarantee of two weeks of mini pupillage or marshalling placements, for students who wish to take this up, is also thought to be a unique selling point.

2. Quality management systems

The management team was invited to talk through the evolution of the current Action Plan. Since the creation of Colleges and the University's five-year plan, expectations of Schools had been much clearer. The current action plan is seen as a reference point, developed as a result of the course review process. The Course Leader attends all subject review meetings and draws out aspects that apply across the whole course. This then feeds into the Course Review meeting, and in turn feeds into the Action Plan. There are two CPLS strategy meetings per year at which the Action Plan is discussed. In its present form, it was felt to be a snapshot that did not encapsulate everything, but it was a relatively new initiative and would evolve. The panel found the Plan to be simple and accessible, but to lack clear indications for prioritisation or precise indications of how progress would be evaluated. The panel therefore **recommended** that the team ensure that the Action Plan is collectively owned across management and teaching teams, that objectives are defined, priorities made clear, and that the outcomes are captured, year on year. (**Recommendation 1**)

Students found the Student Staff Liaison meetings effective and gave an example of when additional

materials had been provided on the Virtual Learning Environment as a result of a request. They were also aware that additional meetings could be requested if it was felt necessary.

Teaching staff were involved in the Annual Reflective Review process, in writing their individual subject reviews. They were also aware of External Examiner reports and responses.

3. Staffing and staff development

The management team indicated that there are a number of central University staff development opportunities available to BPTC staff, including public lectures and a one-day conference on educational developments. The teaching team reported that new staff feel well supported, and are allocated a mentor. They are also supported to do the Postgraduate Certificate in University Teaching and Learning, which is studied alongside colleagues from other departments; the interdisciplinary awareness from studying with colleagues from other professions is felt to be beneficial. The teaching certificate is not a requirement but is something that newly appointed full-time staff are able to do, and the view of the Law School is that they should. This represents a significant time commitment and investment and evidences the importance placed on teaching.

Several practitioners are employed on freelance zero-hours contracts; such staff bring a level of expertise and experience that is found to be very beneficial to the course. These staff had also worked on the development of course materials and attended subject and course review meetings.

A central University model is used to determine workload. There is an ongoing project to evolve matrices for different disciplines and matters are still under discussion. The Director of the Centre for Professional Legal Studies is closely involved in the workload project. The group of staff that the panel met currently had between 10 and 12 hours contact time per week, and sometimes as much as 14 to 16 hours. In the previous year staff had been heavily involved in setting up the GDL, including time-consuming recording of lectures, but this was now finished and the course was up and running. One staff member currently teaches 6 lectures on the GDL, but is now the only member of staff to do so.

4. Curriculum content and structure

Students reported using a Statute Book that had been produced by tutors. The Statute Book contains just the rules, without the detail of the White Book. Students do have access to the White Book online, and are also given training in how to navigate it. In Civil classes, they are directed to read a rule, and to read relevant parts of the White Book. The management team confirmed that it had been decided to place less emphasis on the White Book and more on Sime, but that students were always provided with relevant sections of the White Book to fill any gaps left by the Statute Book or Sime. Submission Advocacy (Civil) still required White Book research, and Commercial litigation required reading of text and commentary in the White Book. The panel remained concerned that any decrease in emphasis on the White Book as the key text would have the potential to seriously disadvantage students, in spite of the reassurances that students were constantly being directed to appropriate sections. The centralised assessment in Civil assumes an intimate knowledge of the White Book, which is a practitioner text, and its use is clearly prescribed in the BPTC Handbook. The panel therefore **recommended** that the course team review the current use of the White Book and consider whether it is in fact being used as the primary text, as required by the BPTC Handbook (p.30), and whether what is being done in fact prepares students adequately for practice. (**Recommendation 2**)

Staff noted that the increasingly international cohort (see section 5 below) was having a beneficial impact on the development of course materials as careful thought needed to be given to ensuring that materials were properly inclusive of the diverse student body, which was in any case good practice.

Students felt that the workload of the course was extremely challenging, but this had been expected. The syllabus was felt to be very bulky, and there was considerable concern about centralised examinations. These concerns included the reliance on memory (unlike the LPC, which was open book), and a perception of overly prescriptive marking where it was necessary to use an exact word

to get a mark, as even a synonym would not do. Staff also noted concerns about the size of the syllabus and the fact that there was no guarantee of alignment between what was taught and what would be assessed in centralised subjects. The management team also noted that they felt it would be a great mistake in any future iteration of the curriculum if it were decided to isolate knowledge from skills, as this would be a fundamentally misdirected approach. The panel noted student and staff concerns which will be passed on to relevant BSB groups.

5. Admissions and student profile

The panel was shown the list of standard admissions criteria that is used for recruitment to the BPTC: a scoring system is used, and the cut score does not generally vary. There is no particular strategy for recruiting from any specific geographical areas and the current student profile has grown organically. Staff noted that this may well be a reflection of the diminishing opportunities in the profession and the risk of investing in study but never becoming a practitioner. At present almost 70% of the cohort is comprised of international students. The Law School has established strong links with Malaysia. In future, links with Canada, Bangladesh and China may well be developed. In line with wider University strategy, any increase in numbers is to be driven by increasing the number of good quality admissions rather than growth for growth's sake.

The new English Language requirements were found to have been applied robustly. In the four teaching sessions that the panel observed, there were no language problems. The Course Leader reported that between 1 and 4 students per year were found to have borderline language competency; in the last year, one student had withdrawn from the course on being required to take the IELTS test. At present, the process for identifying students with possible language problems is close observation by tutors in the early advocacy sessions, and being required to do a letter-writing test where materials may not be taken away. Discussions are underway to try and evolve a fair admissions process, which prevents students without the requisite English Language skills from being admitted in the first place; this may well involve using Skype for interviewing. It is hoped that new processes will be in place for recruitment of the 2016-17 cohort. It was noted that there was no equation between country of origin and language problems. Many international students were in fact among the very highest achievers.

6. Teaching and Learning (knowledge and skills areas)

Students are provided with Blackstone's but not Archbold. Their perception is that Blackstone's is easier to learn from. They admitted that they would find it difficult to know how to use Archbold.

Students felt that small group learning was effective, as it was an environment where they felt safe to grow in confidence in giving feedback and engaging in peer review in skills subjects. Although commenting on their peers' performances might feel a little awkward at first, by the second term they were more confident and trusted each other.

Conferencing is taught by six small group sessions with a practice assessment using actors before the summative assessment.

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

Students reported that they are given model MCQ answers in Civil and Criminal formative assessments, but were not always clear about the rationale for the answers. They are given marks for practice Advocacy assessments but not in regular small group sessions. Students' perceptions were that this was because the marks might be found discouraging. If students were unsure about the feedback they are given in class, they would approach the tutor.

Students noted that they would like critical feedback even when they have performed successfully, so that they know how to improve from Competent to Very Competent, or from Very Competent to Outstanding.

It was apparent that students were not always clear about the underlying pedagogy or rationale for

assessment and that in their attempts to be encouraging and supportive of students, staff might sometimes be doing them a disservice. The panel **recommended** that staff weigh up the balance between providing support and providing sufficiently stimulating challenge for students. (**Recommendation 3**). The panel also **recommended** that staff review the number of opportunities for students to receive actual marks on skills subjects across the course, in preparation for formative and summative assessments. (**Recommendation 4**)

8. Student support and quality of student experience

The panel was pleased to meet with a group of 6 students. All were course representatives on the Student Staff Liaison Group. Their routes to the BPTC at Cardiff included having studied an LLB either at Cardiff or other Welsh or English universities, including at the Mauritius branch of Middlesex University. Reasons for choosing Cardiff as a BPTC provider included convenience (for those living locally); the fact that it was possible to study at a Russell Group university; and having enjoyed meeting the Course Leader at a pupillage fair at Lincoln's Inn.

Students indicated that the best things about the course at Cardiff included the openness of tutors, the lack of bureaucracy, the motivation of teaching staff, and the fact that teaching staff were felt to genuinely care about students' well being and progress. It was not uncommon for tutors to notice when students were struggling, and to pro-actively approach them and this was felt to be a very positive thing. Students also liked the small groups and the fact that they got to know each other and tutors well. Students did feel a little out on a limb geographically in Cardiff and this possibly contributed to the fact that there was something of a 'family' feel to the cohort.

Examples were given of the marshalling and mini-pupillage activities that had been undertaken. These included going to courts in Port Talbot and Newport; financial assistance had been given for attending all activities outside Cardiff. Students stated that the vast majority of them did take up the opportunity for the placements, although they also noted that to do so meant having to forego having a reading week. They also felt that it would be advantageous to have some of these activities in the final term.

The panel learned that careers support is supplied by personal tutors and the in-house careers service working in tandem. A full programme of careers activities is available, including support for pupillage applications and interviews. Personal tutors ascertain from the first meeting with students what their aspirations are, and shape guidance and referrals accordingly. BPTC students generally wished to focus on gaining pupillage, notwithstanding the challenges that this posed, or the fact that there might be a delay between completing the BPTC and gaining pupillage. However, an alternative careers fair was held in April to cover other routes, such as paralegal work and outdoor clerking.

Some students do go on to cross-qualify: although having a BPTC exempts them from about 40% of the LPC, it still takes a year to gain the LPC because of when the relevant elements of the course run. Students are invited to provide a personal email address on leaving, so that opportunities such as legal research can be passed on. Current students reported receiving weekly emails about careers opportunities and a variety of events, including a Careers Fair and a talk from an immigration lawyer. There had also been an event specifically tailored for Malaysian students.

The management team indicated the availability of 11 Pro Bono projects through the Legal Clinic, including the Innocence Project that had secured the overturning of a conviction. Pro Bono is not compulsory and staff acknowledged that uptake is mixed, with students on undergraduate or masters degrees being more likely to undertake it. It was possible that some credit-bearing Pro Bono modules might be developed in future. At the meeting with students, it was apparent that Pro Bono was an activity that few felt they had any time to pursue. The panel **recommended** that the team consider how to encourage the take-up of Pro Bono, and promote the concept of students gaining professionally relevant experience (**Recommendation 5**).

The panel learned that it is University strategy for 17% of students to have some form of international experience. Although some international opportunities had been arranged, such as an internship in Malaysia, it was acknowledged that international connections within the Law School were not yet

being leveraged as fully as they might. However, the appointment of an Associate Dean with responsibility for employability was hoped to make a difference. The panel would encourage future work on employability and will anticipate reflection on results of the Associate Dean's work to feature in the next Annual Reflective Review.

9. Learning resources (Library and IT)

The panel was given a tour of learning resources in the Law School and in the wider University, as well as BPTC-specific spaces.

Panopto is the system used for recording performances in class digitally. Until last year, DVDs were still used for Advocacy, but through Panopto students have more flexible options for watching recordings, for example on tablet devices. Digital recordings also made it easier to use materials for revision (such as replaying recordings of large group sessions), and are also beneficial for External Examiners, enabling easier comparisons of student performances. Further digital resources will be developed through using the easier editing capabilities of Panopto, for example in selecting clips to show as examples of good performances. The panel would encourage such developments, especially where motivated by the desire to enhance pedagogy.

10. Equality and diversity

No issues relating to equality and diversity were raised or noted.

Additional comments

None.

Good practice, distinguishing features

1. The committed, accessible and highly supportive staff team.
2. The improved facilities for the BPTC students.
3. The quality of the small group sessions and the feedback the panel observed during the visit.
4. The use of the Bookshelf App, the wider use of Panopto and the investment in digital technology – with encouragement for further future developments including digital innovation that informs and is informed by pedagogy.

Conclusions: recommendation on accreditation/approval/continuing approval

The panel recommends continuing approval with recommendations.

Recommendations

The following recommendations must be addressed:

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| Recommendation 1 | Ensure that the Action Plan is collectively owned across management and teaching teams, that objectives are defined, priorities made clear, and that the outcomes are captured, year on year. |
| Recommendation 2 | Review the current use of the White Book and consider whether it is in fact being used as the primary text, as required by the BPTC Handbook (p.30), and whether what is being done in fact prepares students adequately for practice. |
| Recommendation 3 | Weigh up the balance between providing support and providing sufficient stimulating challenge for students. |
| Recommendation 4 | Review the number of opportunities for students to receive actual marks on skills subjects across the course, in preparation for summative and formative assessments. |
| Recommendation 5 | Consider how to encourage the take-up of Pro Bono, and promote the concept of students gaining professionally relevant experience. |

Response by the Provider (maximum one page)

Recommendation 1

We will consider ways in which we can achieve implementation of this recommendation.

Recommendation 2

The decision not to provide the White Book was made purely on the grounds of what we considered would be in the student's best interests. However, in light of this recommendation, student feedback and the changes made to the civil syllabus we will be providing students with a copy of the White Book in the future.

Recommendation 3

We consider that our students are provided with a supportive, stimulating and challenging experience. We are in no doubt that our students would strongly reject any suggestion that the course is not sufficiently challenging.

Recommendation 4

We have regularly reviewed our approach to the provision of marks/grades and will continue to do so. We believe that the decisions that we have made regarding this issue have been in the students best interests, in relation to their learning experience, the need to develop their skills and their need to be prepared for the assessments.

Recommendation 5

We will continue to consider how we can encourage the take-up of Pro Bono, and promote the concept of students gaining professionally relevant experience.