

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

**Bar Professional Training Course
Northumbria Law School, University of Northumbria
Report of visit held on 12 March 2015**

Name of Institution	Date of Visit/Meeting
Northumbria Law School, University of Northumbria	12 March 2015

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

Numbers/modes approved	Dates of course
Approved for: 120 full-time (108 enrolled 2014-15) 24 Part-time (23 enrolled 2014-15)	September 2014 to July 2015

Panel Members	Role and area of primary responsibility
Dr Victoria Stec	Temporary Education Manager, BSB (Chair)
Mr Richard Davies	Member of Education and Training Committee, BSB; member of Bar Professional Training Course Sub-Committee, BSB
Professor Stuart Weinstein	Head of Coventry Law School; member of Education and Training Committee, BSB
Ms Ann Thanaraj	Barrister; Principal Lecturer and LLM Programme Leader (International Business Law), University of Cumbria

Provider Team attending the event	Role and area of primary responsibility
Mr William Ralston	Principal lecturer – Advocacy, Conference, Opinion Writing; Acting Director of Bar programmes
Mr Kevin Crawley	BPTC Programme Leader (full-time mode)
Ms Gemma Davies	BPTC Programme Leader (part-time mode), Criminal Litigation and Advocacy tutor
Mr Ben Dale	Faculty Business Manager
Dr Michael Stockdale	Principal Lecturer
Ms Andrea O’Cain	Head of Department, School of Law
Ms Sara Lambert	Programme Leader Exempting Degree (Bar route)
Ms Melanie Davies	Faculty Registrar

Mr Ross Fletcher	Senior Lecturer
Mr Andrew Hutchinson	Senior Lecturer
Ms Lisa Down	Senior Lecturer – Advocacy, Evidence and Opinion Writing
Mr Christopher Rogers	Senior Lecturer
Mr Graham Bartlett	Senior Lecturer, Civil Litigation, Civil Advocacy, Drafting, ReDOC
Ms Jennifer Stephens	Senior Lecturer
Mr Paul McKeown	Senior Lecturer, Student Law Office
Mr Christopher Mitford	Senior Lecturer, Student Law Office

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 three classes. The report reflects the findings of the panel and is informed by both documentation and visit.

Context: the Provider

The University of Northumbria was established in 1992. The Law School is situated within the Faculty of Business and Law and is housed in a new complex on City Campus East. The Bar course has been delivered at Northumbria since 1997, first as the Bar Vocational Course until 2010, and subsequently as the Bar Professional Training Course. A part-time mode was approved from 2007. Since 1997 Northumbria has also run an exempting degree, which incorporates the Bar course with the LLB. The Law School offers a full range of related law and professional courses.

1. Adherence to course aims, philosophy and standards

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

The management team was invited to indicate what was believed to be most distinctive about the BPTC at Northumbria. The ethos of experiential learning embraced by both staff and students and exemplified in the work of the Student Law Office (SLO) was given as the most distinctive quality. The SLO was more than an advice clinic, and provided a genuine service to the local community. This was recognised in the award of the Queen's Anniversary Prize in 2014, and also the Attorney General's Pro Bono Award for Best Contribution by a Law School (the third time this has been won). The management team stated that they were aware of a number of students who had chosen Northumbria specifically because of the SLO, and this was corroborated by students' comments to the panel during the visit (see section 8 below). The MLaw exempting degree was also believed to be a strong selling point as this enabled students to integrate their studies of the LLB and BPTC over four years and to qualify for a student loan for the whole course.

The teaching team reported that one of the most distinctive features of the BPTC at Northumbria was the range of opportunity to engage with practice. A number of competitions were available, some judged by local Chambers, with successful students winning a mini-pupillage or marshalling experience. Last year two students had gone to Maidstone Chambers for a mini-pupillage. Two further students had gone on three-month internships with Lawyers Without Borders. Another student had gained experience in Gibraltar through a former student who had set up a shipping firm.

Teaching staff were in no doubt that these kinds of experiences gave students opportunities for exposure to the profession that played a material part in assisting their applications for pupillage. It was thought that perhaps this aspect of the Northumbria experience was not sufficiently strongly marketed.

2. Quality management systems

Students were very complimentary about the acting BPTC course director, and they felt confident that if they were to raise complaints with him, or other senior staff they would be resolved. An example was given of when a difficult personality issue had been addressed well. However there was some lack of clarity about whose responsibility it was to cascade information from the formal student-staff liaison group and students were not always aware what had happened when issues had been raised through that forum. The panel **recommended** that the course team ensure there is a clear feedback mechanism for the outcomes of the SSLC meetings. (**Recommendation 1**)

The management team was asked about their use of the Action Plan contained within the Annual Reflective Review. It had been found to be a worthwhile exercise to construct the Action Plan and it was recognised that it was an on-going process, as there were always improvements that could be made; it would be a useful tool to reflect back next year and see what progress had been made. The panel noted that what was not clear from the Action Plan was any sense of prioritisation. The Head of Law School advised that she considers all professional programme action plans at the end of the year, particularly to establish what can be achieved educationally and financially, and also to consider where synergies between areas are. Priorities flow from taking this overview. The panel **recommended** that the management team refine priorities in the Action Plan for 2015-16 and reflect on outcomes from 2014 -15. (**Recommendation 2**)

3. Staffing and staff development

The teaching team reported that the last year had been challenging because of a combination of staff sickness, maternity and sabbatical leave which had left them feeling under particular pressure, although it was noted that this was an atypical year. Research and professional activities had suffered as a result of additional teaching workload, and opportunities for reflection on the course had been more limited than usual. Several staff were actively in practice, and several actively engaged in research, including undertaking a professional doctorate. It was also noted that a research partnership with Trinity Chambers would result in a jointly authored journal article. Teaching staff believed that the BPTC was genuinely valued by the Dean, and within the Faculty and the wider University. Staff were hopeful that things would be rebalanced in the coming months.

The management team advised that there had never been a policy of ring-fencing staff for the Bar programme; it was believed that this was to the advantage of staff as it meant that they were included in the wider research agenda and had equality with other colleagues in the University. Another advantage was that when pinch points occurred, there were capable and confident colleagues to help out, ensuring that there was no dip in service to students. The management team was fully committed to supporting staff in establishing equitable workloads, as well as enabling appropriate staff development activities.

The teaching team reported that historically international activities had tended to be undertaken by a small group of senior staff. However, as the 'face' of the course, tutors would like to have more opportunity to be involved, for instance in going to Bangladesh to meet with alumni.

Pastoral support is provided through a guidance tutor system, and each member of staff is allocated guidance tutees. It is up to the guidance tutor to proactively arrange appointments in the first instance. Beyond that, a more flexible approach is found to work well. All tutors are approachable and it was noted that in practice, students tended to gravitate towards whichever tutors they felt most comfortable talking to.

4. Curriculum content and structure

It was noted that for Criminal Litigation there are tutorials based on SAQs, and individual appointments with tutors are available where clarification of the revision style question guides can be given. There are 21 practice SAQs and over 100 MCQs. Not all students have taken advantage of these 1:1 sessions, and there appeared to be a perception amongst students that the 1:1 sessions were not available to all. The panel therefore **recommended** that student expectations be better managed in relation to the learning and teaching support available to support the curriculum. **(Recommendation 3)**

5. Admissions and student profile

The management team described well-established recruitment processes for admission onto the BPTC. In common with a number of other providers, the student profile had become far more international in recent years, with the current cohort being comprised of around 80% international students. Recruitment overseas occurs through a mixture of Northumbria's own direct recruitment and the use of in-country agents. The Law School works closely with English Language specialists from elsewhere in the University to ensure that only students with the required language proficiency are admitted. This involves a Northumbria English Language Test of both written and spoken English. Extensive use is made of Skype interviews as well as face-to-face in-country interviews in Malaysia, Mauritius and Bangladesh. To date, a small core of senior staff had conducted most of the overseas interviews but there were plans to broaden this out to more staff, and to look at potential new markets such as India. Within the UK many staff are involved in open days and in pupillage fairs in London.

Teaching staff reported that there were no longer significant problems with students' English Language proficiency. As well as robust implementation of the BSB's English Language requirements, visits overseas had also helped. As well as interviewing, time had been spent in discussion with the in-country agents who were counselled against presenting potential students with fulsome praise where this was not warranted. In the current cohort, one student had been asked to withdraw when found not to meet the required English Language standard, and one had been prevented from enrolling. The panel did not see any evidence of students with language difficulties during the day. However students reported having experienced some problems in classes where their peers had seemed to struggle with some expressions. This was believed by students to be related to language difficulties rather than poor preparation.

The teaching team reported that finding employment was no problem for overseas students who wished to practise in their home jurisdictions. Some students, for instance from Bangladesh or Malaysia, were already qualified lawyers at home, or had jobs lined up for their return. Northumbria was believed to be attractive to overseas students because of its reputation, and through recommendation from previous students, as well as the high status of the English Bar overseas.

It was acknowledged that a high percentage of international students could bring with it risk: the immigration policies of any future UK government might bring about further visa restrictions, or the collapse of a market from any one jurisdiction could make a great impact. It was therefore necessary to be fleet of foot and alert to potential risk.

The management team indicated that they were keenly aware of the need to ensure that alternative careers structures were considered, and that students understood how transferrable their skills were on graduating from the BPTC. Students were encouraged to consider careers in areas such as commerce or banking, and not necessarily as a second best alternative to pupillage. The management team was keen to think ahead to anticipate the demands that would be made of lawyers and business people in the next five years, and to keep closely in touch with future developments in the structure of the Bar course.

The management team noted that the Law School had been particularly successful in helping students prepare for interviews, and this had resulted in successful applications for high value Inns scholarships as well as offers of pupillage.

6. Teaching and Learning (knowledge and skills areas)

The quality of teaching and student engagement in the sessions observed by the panel was found to be excellent.

The panel invited teaching staff to give their views on the teaching of Professional Ethics in light of an External Examiner's comment that teaching was strong on the Code but weak on its application. The Action Plan made reference to the introduction of a practice-led series of Ethics lectures. Tutors indicated that this was not the whole answer but was part of a strategy. They had introduced a practitioner lecture, but this probably served more to reinforce teaching than anything. The course had been completely overhauled in response to the new Code and detailed answer guides had been provided after each session. The aim of the revisions had been to make students think, to encourage them to see where things were not clear-cut, and to emphasise the practical application of knowledge; the rationale for the material in the answer guide also needed to relate clearly to the Code. The new, less prescriptive Code lent itself well to this approach. Teaching staff had not observed any issues of cultural difference between home and overseas students in relation to their understanding of ethical issues; it was rather a case of educational difference where some students had been exposed more to rote learning than to critical analysis. The crucial thing was to get students to recognise ethical issues in the first place, and not to apply principles in too simplistic a fashion. Students were encouraged to think in a more sophisticated way and scenarios were devised that would highlight the distinctions that needed to be addressed. Tutors would then go through the answer guide with students.

The management team acknowledged that it was difficult to enable students to get a sophisticated view of the essence of Professional Ethics in the time available and working towards this was an ongoing project. It was felt to be regrettable that with the introduction of centralised assessment, there was inevitably an element of teaching to the test, which did not sit well with a subject such as Ethics.

The panel recognised the challenges faced in teaching Professional Ethics, but felt that it was important to continue to think about the relationship between theory and practice. Whilst recognising the difficulties of teaching the practical application of the Code, the panel therefore **recommended** continuing efforts to enable students to apply the Code as it operates ethically in practice. **(Recommendation 4)**

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

Students reported concerns over receiving interim results for Conferencing and Civil Advocacy. Some had seen both first and second markers marking sheets and were concerned at inconsistencies between the two, which suggested to the students that there was some inequality in marking practices.

The panel was concerned that the students appeared to be confused as to what the protocols were for marking and second marking, and did not fully understand what the role of the External Examiners was; students were under the impression that External Examiners were adjusting marks. The management team confirmed that there is a clear policy of second marking all not competent and outstanding results. A sample of competent and very competent results is second marked. A selection of scripts is sent to the External Examiner, including all with not competent and outstanding marks. The University believes in transparency of information for students, and students are entitled to see first and second marks, and the final result as confirmed by the External Examiner.

Whilst acknowledging the policy of transparency, the panel felt that this needed to be combined with ensuring students' understanding of processes and the roles of markers and External Examiners. The panel **recommended** that student expectations be managed better in relation to marking, particularly to enable them to understand the processes for marking and feedback. **(Recommendation 3)**

8. Student support and quality of student experience

Careers support activities commence even before students commence the BPTC. For instance, a mock interview was arranged for an applicant who subsequently got an Inns Scholarship. Tutors were clear that the broader message given to students about careers was to encourage them to think of entering the profession as a marathon and not a sprint, and that persistence was necessary in the pursuit of pupillage. Students were thought to be more realistic about the challenges and prospects than they had been some years ago, and also more capable, as the field of BPTC students was now more competitive. Some students chose to top up their BPTC to an LLM, and some did a year as a paralegal, which would give them an advantage in starting to build up a client base. Some students had been personally put forward to firms by tutors for paralegal work; with a reduced number of training contracts available, sometimes firms would take a paralegal instead of a trainee solicitor. Being connected to the wider Law School was seen as an advantage in this respect because of the range of contacts available.

The teaching team reported that there was a great deal of good will amongst the local Bar; many practitioners had studied the LPC or BPTC at Northumbria, and that one of the advantages of being distant from London was that there was a strong local network.

The University offers a number of intervarsity competitions including mooting. Not all are open to BPTC students, but many are, and one student had reached the final of a UK negotiating competition, which may well have been a factor in their success in obtaining pupillage.

The panel was given a tour and a detailed account of the Student Law Office (SLO). The SLO is run in close liaison with local firms to ensure that work is not being taken away from practitioners; the SLO takes on work that is not seen as commercially viable by law firms. BPTC students may work in the Student Law Office as a double module Option that gives in-depth experiential learning. In total around 176 students work in the SLO each year (12 being from the BPTC). 29 firms are set up supported by 19 solicitors, 3 barristers, 2 administrators and one trainee solicitor. There are 5 interview rooms all with recording equipment and all interviews are recorded (each client's permission is asked). The SLO is fully staffed all year round. For the BPTC Option, two firms of six are set up with three groups of two running three live cases. Tutors monitor the groups collectively and then give individual tasks and feedback. 20% of the study is self-reflection; these written reflections are anonymised, kept confidential and then destroyed. Students have weekly meetings with their supervisor to discuss cases, including strategy and tactics and ethical issues, and also addressing assessment criteria. Rules of professional conduct are covered in an Induction phase in January. Students are also exposed to the solicitor's Code, and gain an understanding of the background of instructing solicitors. A mock interview and reflection exercise take place before students meet real clients at the end of January. Assessment is by portfolio and includes every draft of work with supervisor's feedback. A 2000 word reflective document is submitted for assessment by the supervisor. Students may also prepare and present a reflection poster. Grade descriptors are used throughout, including for reflections, so that students are clear what they have to do to achieve a specific grade. Another single Option module has been developed with the Personal Support Office to help litigants with procedures at court. This will specifically address the development of soft skills and will also enable students to see how judges interact with others. The SLO has won a number of awards including the Queens Anniversary Prize in 2014 (see section 1 above).

The panel was greatly impressed by the Student Law Office and the focus on real-life experiential learning that it provides. The panel therefore wished to make an observation to the BSB that this was an example of how an Option module could add real value to the student experience.

The panel was pleased to have the opportunity to meet with a group of around 16 students who had come to Northumbria after studying for an LLB or GDL at a range of universities, including Northumbria itself. Their reasons for choosing Northumbria included the Student Law Office, the lower fees than some providers, the campus and its buildings, and the fact that it was possible to study for an MLaw incorporating LLB and BPTC over four years. For some students, including international students, the SLO alone was enough to make them wish to recommend Northumbria to others.

Students reported that tutors had varying styles and that not all worked for everyone, for instance one tutor appeared to use discouragement as a tactic, in order to prompt people to improve. This was felt to be unhelpful, as students were fully aware of the prospects of success and did not need to be prompted by being told about the possibilities of failure. Students felt that they got a great deal of benefit from tutors who were practitioners and found their sharing of experiences valuable.

The cost of living in Newcastle was low and students could see no advantage to being in London, other than the ease of attending Inns events, which was the one disadvantage to Northumbria's geographical location. Although there was no teaching on Fridays, and the University contributed £100 per year towards attending Inns events in London, students were frustrated that events were often on weekdays and it was much harder for them to engage with their Inn; they would very much appreciate it if Inns would take account of these difficulties when scheduling as there were now a number of providers some distance from London. It was acknowledged that the Inns held regional dinners, and that there had been attempts to try to organise out-of-London qualifying sessions but without success. Students found it particularly irksome to receive emails from their Inns advertising events happening later the same day when they had no prospect of attending. It would also be appreciated if regional students might have priority for residential weekends. However, students did feel very well engaged with the local Bar in Newcastle. Practitioners frequently came in to give masterclasses and to teach.

Career support was felt to be very strong. Careers sessions were held in the lecture theatre and had included practising barristers and graduates of the BPTC, sometimes several in one session. Tutors were also very supportive of pupillage applications and generally very accessible to offer help and support.

Centralised assessments were a source of great anxiety to students. The sheer volume of material and reliance on memory caused the most concern. Students had observed barristers in court and seen that they were not expected to have memorised all the tests in Archbold; the fact that the assessments are closed book was therefore not seen to be reflective of real practice. The panel noted the concerns and will feed these back to the relevant BSB groups.

Particular concerns were voiced around the teaching of Ethics. This was delivered through lectures and seminars but there was no role-play and nothing to enable students to move from the theory of the Code to its practical application. The answer guides were also felt to be very prescriptive.

Students had found that the BPTC was not as practical as they had anticipated. They enjoyed Advocacy, Conferencing and Opinion Writing, but were frustrated that there was such a brief amount of time to spend on everything.

The group of students that the panel met would all recommend Northumbria as a provider to others.

9. Learning resources (Library and IT)

The panel toured the facilities, including library and classroom spaces. One classroom is set up as a large criminal court, and two further smaller classrooms also have courtroom furniture.

There are plans to upgrade recording facilities. At present students are given a DVD for recordings of classroom sessions but if this is lost there is no back up. For formal assessments there is a back up. A future move to full digital recording will address needs better. Classrooms are set around a central floor, which is set up with study spaces in the BPTC Hub. Screens outside each classroom indicate what session is currently running in there, and what is scheduled next. Rooms not in use for teaching may be used by BPTC students for quiet study or collaborative work. Students are taught in groups of 12 for small group sessions or 6 for Advocacy.

The main University library is open 24 hours a day. The Law Library has a silent study area and laptop loan scheme. Students are given the White Book and Archbold in printed form and online.

10. Equality and diversity

No issues of equality and diversity were noted or raised.

Additional comments

None

Good practice, distinguishing features

1. Excellent focus on experiential learning as embodied in the outstanding Student Law Office.
2. Excellent facilities.
3. Strong practitioner input into learning and teaching.
4. Strongly motivated and positive students.
5. Strong and wide-ranging programme of extra-curricular activities e.g. mooting and negotiating.
6. The strong leadership of the Acting Director of Bar Programmes.

Conclusions: recommendation on accreditation/approval/continuing approval

The panel recommends continuing approval with recommendations.

Recommendations

The following recommendations must be addressed:

Recommendation 1	Ensure there is a clear feedback mechanism for the outcomes of the SSLC meetings.
Recommendation 2	Refine priorities in the Action Plan for 2015-16 and reflect on outcomes from 2014 -15.
Recommendation 3	Manage student expectations better (i) in relation to marking, particularly to enable them to understand the processes for marking and feedback, and (ii) in relation to the learning and teaching support available to support the curriculum, such as the 1:1 sessions on offer for centralised assessment preparation.
Recommendation 4	Whilst recognising the difficulties of teaching the practical application of the Code, the panel recommends continuing efforts to enable students to apply the Code as it operates ethically in practice.

Observations

If any observations are made, to bring to the attention of the BSB, please detail below:

Observation 1	The panel was greatly impressed by the Student Law Office and the focus on real-life experiential learning that it provides. The panel therefore wished to make an observation to the BSB that this was an example of how an Option module could add real value to the student experience.
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Response by the Provider (maximum one page)

Northumbria University was delighted to welcome the Bar Standards Board to the Law School on 12th March 2015. We have received the BSB's report in relation to that visit and we are most grateful for the care with which the report has been prepared and the balanced approach taken by the Panel.

We particularly welcome the fact that the BSB recognised as "*excellent*" the focus on experiential learning "*as embodied in the outstanding Student Law Office*". We also welcome the recognition of our facilities as "*excellent*" and we are pleased to note that the BSB noted our:

- (a) Strong practitioner input into learning and teaching;
- (b) Strongly motivated and positive students; and
- (c) Strong and wide-ranging programme of extra-curricular activities e.g. mooting and negotiating.

We are also delighted to note that the Panel has recognised that the Student Law Office provides an example of the way in which a BPTC Option can "*add real value to the Student experience*". We hope that the BSB takes this observation into consideration when making any decisions over the future of BPTC options, the retention of which we strongly favour.

As well as welcoming the incredibly positive feedback that we have received in the Panel's report, we are also aware that there is absolutely no room for complacency and that we can do more to augment and improve the experience that we provide to students. In that regard, we welcome the recommendations of the Panel and we have already been working to address them in advance of the 2015/16 academic year. I am wholly confident that the recommendations made will be satisfactorily addressed well in advance of the next academic year.

It remains only to say that we very much enjoyed hosting the Panel during their visit and we thank them for their hard work, their praise and their constructive comments. We look forward to their next visit