Bar Professional Training Course

Handbook – 2015/16

Subject to confirmation September 2015
Bar Professional Training Course

Course Specification Requirements and Guidance

Preface

This Bar Professional Training Course - Course Specification Requirements and Guidance for academic year 2015/16 [Handbook] has been produced by the Bar Standards Board [BSB] in its capacity as the regulator for education and training for the Bar of England and Wales [Bar]. It is the official reference document for the Bar Professional Training Course (formerly known as the Bar Vocational Course) [BPTC], which must be adhered to by all BPTC providers [Providers]. Adherence to the Handbook is a contractual requirement for Providers.

The Handbook establishes the content and curriculum of the BPTC (Part A), as well as the regulations for the BPTC [Regulations] (Part B), and the framework for the assurance, maintenance and enhancement of BPTC standards through specified quality assurance procedures [Framework] (Part C). This Handbook supersedes all earlier versions of the BVC Course Specification Requirements and Guidance and the 2014-2015 BPTC Course Specification Requirements and Guidance.

This Handbook is revised and updated periodically in order to ensure currency, and to provide additional guidance and clarification as necessary. Indicative booklists, for example, are also updated from time to time. The 2015-16 Handbook includes a revised syllabus for Civil and Criminal Litigation which will apply for examinations from April 2016 until further notice.

The most up-to-date version of this Handbook is always that which is located on the BSB website under “How to Apply for the BPTC” at:
http://www.barstandardsboard.org.uk/qualifying-as-a-barrister/bar-professional-training-course/

Enquiries about the BPTC and the regulatory requirements for professional accreditation should be directed to the Education & Training Department of the BSB at 289-293 High Holborn, London WC1V 7HZ (0207 611 1444) or by email to: bptcqa@BarStandardsBoard.org.uk.

Bar Standards Board

August 2015
Course Specification Requirements and Guidance

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Part A – The Curriculum and Its Delivery

A1 Introduction

1.1 Structure and Rationale of this Document

This Handbook is the official reference document for the BPTC for academic year 2015/16. It is intended for:

- Regulators of the profession setting the standards and requirements of the course
- Those wishing to offer an educational course leading to the professional qualification
- Those wishing to train as barristers, their sponsors and supporters
- Clients and members of the lay public interested in the standards required for the education of barristers
- Educators in related professions, seeking an explicit statement of the philosophy and the detailed framework for the education of barristers at the vocational stage of training

1.2 Aims, Objectives and Ethos of the BPTC

1.2.1 Professional and Educational Values

The Bar of England and Wales [Bar] is a demanding profession. Barristers must demonstrate the qualities and standards of professional practice that justify the responsibility and trust placed in them by members of the public and by other qualified professionals from whom work is referred. They also play a vital role in the administration of justice.

The public is entitled to expect standards of excellence from barristers in the execution of their duties and the BSB is committed to promoting excellence and quality within the profession and to ensuring that those who qualify as barristers have the right level of skills and knowledge to provide services to the public, including employers. The Inns of Court play a vital role in pastoral care during the BPTC and beyond. They admit students before they go on to Bar professional training, and also provide training. However, the BSB is the regulator of training for the Bar, and regulates in accordance with its own Code of Conduct and rules and regulations as well as pursuant to the Legal Services Act 2007.

The purpose of the BPTC is to enable students, building on their knowledge, to acquire and develop the skills, knowledge and values to become effective members of the Bar. As part of the continuum of training, from the academic stage through to pupillage and continuing professional development of practising barristers, it acts as the bridge between the academic study of law and the practice of law, moving the student from the classroom to the courtroom. It is, therefore, different in its culture and the nature of its demands from those of the academic stage of training, the Qualifying Law Degree or Common
Professional Examination. The BPTC must reflect the requirements of this stage of training in terms of the standards to be met by those who provide the course, and the standards that are to be attained by students before they can be recognised as having successfully completed the course.

1.2.2 Aims and Objectives

a  The overarching aims of the BPTC are to:

- prepare students of the Inns of Court for pupillage at the Bar
- enable students of the Inns of Court from overseas jurisdictions to acquire the skills required for pupillage at the Bar, thereby assisting them to undertake further training or practice in their home jurisdiction.

b  Specific objectives of the course are to:

- bridge the gap between the academic study of law and the practice of law
- provide the foundation for the development of excellence in advocacy
- inculcate a professional and ethical approach to practice as a barrister
- prepare students for practice in a diverse society
- prepare students for the further training to be given in pupillage
- equip students to perform competently in matters which they are likely to encounter during pupillage
- lay the foundation for future practice, whether in chambers or as an employed barrister, and
- encourage students to take responsibility for their own professional development

1.2.3 Ethos

A career at the Bar requires a mixture of sound temperament and talent. This includes a combination of honesty, courage, commitment, common sense, and perseverance as well as analytical skills, intellect, persuasiveness, discipline, good judgment and fluency. The ethos of the BPTC is to nurture and develop to a high level these existing attributes in candidates.

1.3 Principles of Delivery of the BPTC

1.3.1 The ethos of the course requires a method of delivery that:

- provides students with opportunities for learning by doing, and requires students to apply their knowledge in practical work
- requires students to play an active role in the course and to take responsibility for their own learning
- requires students to reflect on their own learning
- seeks to inculcate a professional approach to work and to develop in students a respect for the principles of professional ethics, and
- seeks to provide students with an informed view of a barrister’s working life.
1.4 Principles of Accreditation of Bar Professional Training Courses

1.4.1 Statutory Obligation

The BSB has a statutory obligation to maintain and enhance standards in respect of the education and training of those seeking to practise as barristers. In relation to the vocational stage, it is considered that this can best be achieved by accrediting rather than franchising institutions to run the course. Freedom permitted to institutions by accrediting courses within the requirements of the BPTC Course Specification (rather than requiring delivery of a completely detailed predetermined ‘package’) is aimed to enhance commitment among course teams and encourage creativity and variety between courses. Certain aspects, such as centralised testing for admission and final assessment in some subject areas (aimed at achieving continuity of entry and exit standards) will inevitably put some restrictions on provision. However, provided an institution satisfies the BSB that the course it offers is appropriately resourced and enables students to achieve the outcomes specified, a degree of autonomy and flexibility is devolved to Providers of the BPTC. The BSB aims to work with Providers in a spirit of partnership and co-operation. This approach is believed to be the most effective in assuring the quality of delivery of the BPTC and in stimulating its development and enhancement.

1.4.2 Principles

1. Autonomy

The accreditation process respects the autonomy of the Provider to organise the administration, delivery, assessment and resourcing of the BPTC, as is consistent with satisfying the aims and objectives as specified above, and in line with the requirements designed to ensure that any person qualifying will meet the requirement of readiness for pupillage.

2. Accountability

In order to ensure that the minimum standards are being satisfied and to safeguard the benefits of autonomy, Providers are required to be accountable to the BSB for the way in which the course is organised and delivered and for ensuring that there are appropriate mechanisms for collating and analysing course information, ensuring the quality of the course, and for dealing with student concerns, complaints and appeals.

3. Evidence

Providers are required to supply information and evidence to the satisfaction of the BSB of how and where the course requirements are satisfied. This must include evidence that course content is being delivered, assessed and resourced according to specification, and that the defined standards are being met. In addition, details will also be required for example about the involvement of practitioners with the course; pro-bono opportunities; staffing and staff development; the delivery of the knowledge and skills areas, and professional conduct issues (including contact hours allocated to each skill and knowledge area). Evidence will also be sought concerning the method of assessment utilised to verify the attainment of outcomes by students, to the appropriate standard or level.

4. Delivery
Institutions are required to be able to explain and justify the organisation and method of delivery of the BPTC, including, for example, the details of the structure of the course, the teaching and learning methodologies used, and the nature and scheduling of formative and summative assessment. Any variations from the course specification or subsequent good practice guidelines will need to be justified.

5. Good Practice

It will also be the aim of the BSB, through the accreditation and subsequent monitoring and review processes not only to assure but to maintain and enhance standards of the BPTC. In addition, the process aims to encourage, identify and disseminate good practice in order to contribute to the continuous improvement of the BPTC as a whole, within the current specified threshold requirements.

1.4.3 Validation of Academic Awards

The validation of a course as leading to an academic award of a Higher Education Institution [HEI] with degree awarding powers is a matter for the HEI. The formal approval of an academic award for a course may be combined as an event with the BSB accreditation process, but for accreditation of BPTCs the event will be managed by the BSB.
A2  The Curriculum Framework

2.1  Framework for the BPTC

2.1.1  The BPTC curriculum is made up of the following main elements:

1  Professional ethics and conduct

2  The knowledge areas:
   - Civil litigation, evidence and remedies
   - Criminal litigation, evidence and sentencing
   - Professional Ethics

3  The skills areas:
   - Advocacy
   - Opinion Writing
   - Drafting
   - Conferencing
   - Resolution of Disputes out of Court (including Negotiation, Mediation and Arbitration)

4  The options

The above areas will also incorporate writing skills, casework skills, fact management, legal research, management and interpersonal skills.

2.1.2  Overall Approach to Delivery of the BPTC framework

The BPTC curriculum (including course content, delivery and assessment) is specified in the sections which follow. Specified requirements must be demonstrated as having been met at accreditation and maintained thereafter. Formal requirements are in some areas distinguished from guidance that is indicative and represents the BSB’s view of good practice. All requirements must be met, and any departure from good practice expressed in the guidance must be explained and justified, including the appropriate distribution of contact and self-study time across the duration of the course.

In emphasising the practical focus of the course, Providers must ensure that students have a sound understanding of the way in which civil and criminal proceedings develop from commencement to trials, of the centrality of the trial to an understanding of procedural and evidential rules, and of the overall structure of a trial. The practical application of knowledge of law and legal procedure within the development and practice of the skills are regarded as part of the successful performance of the skill.

The BPTC must be delivered as a discrete course, and students must not be co-taught with others on different programmes with different study aims, (e.g., the LLB Hons.) degree course of study or Legal Practice Course.  (NB: see section B1.3 for special arrangements for ‘Exempting Degrees’).

The knowledge areas should initially be delivered separately, primarily by means of Small Group Sessions, although Large Group Sessions may be utilised. Small Group Sessions
should be centred upon the exploration of a prepared problem or case. As the course progresses, the knowledge areas should be increasingly integrated into the practice of the skills.

The specifications included in this Handbook for individual subjects, their content, delivery and assessment are definitive for accreditation purposes.

2.1.3 Summary of BPTC curriculum content, delivery and assessment framework, with required weightings shown by indicative correlation with percentage based and credit rated systems.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Minimum assessment requirements</th>
<th>% of course</th>
<th>Indicative CATS 1 credits</th>
</tr>
</thead>
</table>
| Section A2.2.1 Advocacy                | • one assessment with oral plus written components (33.33%) 9% of total BPTC grade. The two components may be aggregated.  
• two further oral assessments (examination—in-chief; cross examination) (33.33% and 33.33%) 8% each of total BPTC grade. Both assessments must be passed. (three assessments to have equal weighting) | 25%         | 30 credits                |
| Section A2.2.2 Civil Litigation, Evidence & Remedies | • one closed book examination of 3 hours, comprising Part A multiple choice questions [MCQs], set centrally, marked centrally and electronically plus Part B short answer questions [SAQs], set centrally and marked locally. Both parts must be passed. | 10%         | 12 credits                |
| Section A2.2.3 Criminal Litigation, Evidence & Sentencing | • one closed book examination of three hours, comprising Part A MCQs, set centrally, marked centrally and electronically plus Part B SAQs, set centrally and marked locally. Both parts must be passed. | 10%         | 12 credits                |
| Section A2.2.4 Professional Ethics     | • one closed book examination of two hours comprising Part A MCQs, set centrally, marked centrally and electronically, plus Part B SAQs, set centrally and marked locally. Both parts must be passed. | 5%          | 6 credits                 |
| Section A2.2.5 Opinion Writing         | • one formal time-constrained examination (materials may be used) (100%). | 10%         | 12 credits                |

1 According to an appropriate nationally recognised Credit Accumulation and Transfer Scheme [CATS].
### Part A – Curriculum

<table>
<thead>
<tr>
<th>Section A2.2.6</th>
<th>Drafting</th>
<th>• one formal time-constrained examination (materials may be used) (100%).</th>
<th>10%</th>
<th>12 credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section A2.2.7</td>
<td>Conference Skills</td>
<td>• one oral assessment (100%).</td>
<td>5%</td>
<td>6 credits</td>
</tr>
<tr>
<td>Section A2.2.8</td>
<td>Resolution of Disputes out of Court</td>
<td>• one formal examination consisting of MCQs questions and SAQs (100%).</td>
<td>5%</td>
<td>6 credits</td>
</tr>
<tr>
<td>Section A2.2.9</td>
<td>Option one</td>
<td>• one assessment (can be written or oral assessment) (100%).</td>
<td>10%</td>
<td>12 credits</td>
</tr>
<tr>
<td>Section A2.2.9</td>
<td>Option two</td>
<td>• one assessment (can be written or oral assessment) (100%).</td>
<td>10%</td>
<td>12 credits</td>
</tr>
<tr>
<td>Totals</td>
<td>12 (including three centrally set)</td>
<td>100%</td>
<td>120 credits</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** In addition to the above curriculum and assessment framework, an induction must be provided covering legal research methods. Basic management skills, opportunities for court visits and pro bono (e.g. Free Representation Unit [FRU]) work may also be included but these are not assessed.

### 2.1.4 Overall Standards, Level Descriptors and Competencies for the BPTC:

1. In order to maintain standards, it is required that the BPTC must be delivered as a course of 120 credits lasting a minimum of one academic year, in line with the descriptors below that specify the core competencies required of graduates of the course. The descriptors specifically relate to the professional qualification of the BPTC, and aim to ensure that barristers provide professional service of the highest standard to their clients.

**Typically, students who have successfully completed the course will:**

- be able to be a fluent and articulate advocate, whether orally or in writing, and adapt their submissions or questioning as may be required by circumstances
- be able to critically evaluate arguments, assumptions, abstract concepts and data in order to deal with complex issues systematically, make sound judgments and demonstrate skill in identifying solutions and tackling and solving problems, clearly communicating their conclusions
- demonstrate the qualities and skills necessary for future employment at the Bar, with the ability to act autonomously in planning and implementing tasks at a professional level
- demonstrate self-direction, initiative, personal responsibility and decision making in complex situations, and the necessary independent learning abilities required to undertake appropriate further professional training and development, and continue to advance their knowledge and develop new skills to a high level
Students

a) a high level ability to (i) persuade orally and in written argument using cogent legal and factual analysis; (ii) develop reasoned argument; and (iii) deploy forensic skills with evidence (both written and oral). The student must meet the relevant minimum proficiency standards for Level 1 Advocates under the Quality Assurance Scheme for Advocates (QASA).

b) a systematic understanding of relevant knowledge and ethical principles in law and practice; together with a comprehensive understanding of techniques applicable to practice at the Bar.

c) expertise in the application of legal knowledge in the interests of the client, together with a practical understanding of how established technical skills are used in relation to the interpretation of knowledge in the discipline.

d) conceptual understanding that enables the student to collect and analyse relevant information; evaluate current developments and advanced theory in law and practice, and acquire in-depth knowledge of written material, law reports, journals and articles in applicable areas of study.

e) knowledge and understanding of the ethical values (including equality and diversity issues, and duty to the client and to the court), and the skills and underpinning knowledge necessary to assess and manage cases without supervision.

f) the ability to utilise and develop their knowledge and understanding of the principles underpinning their professional practice.

g) the ability and competence to undertake case analysis, research, conferences, opinion writing, drafting, negotiation and advocacy with/without supervision.

h) the ability to apply analytical and critical reasoning in a manner sufficient for someone commencing pupillage.
2 Staff and students should use the descriptors for the BPTC (as above) to determine the aspects of practice that have reached the required standards and those that need to be developed. Internal and external examiners must be satisfied that a student has fulfilled all descriptors within these areas in order to be deemed to be performing at the required level.

3 The descriptors above broadly relate to the Quality Assurance Agency for Higher Education [QAA] level descriptors for postgraduate study. However, whether a Provider awards a higher education qualification (for example a postgraduate diploma, normally 120 credits at Level seven, or as an interim award in progression to a Master’s degree) is a matter for the awarding body and the QAA.²

### 2.1.5 Generic Grading Descriptors for ‘Exit Standards’ for each Individual Assessment

These should be used in conjunction with level descriptors as in A2.1.4 above:

<table>
<thead>
<tr>
<th>Grading</th>
<th>Descriptor</th>
<th>% scale for all assessment including ALL MCQs</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>Additionally to Very Competent, demonstrates very high level knowledge and skills - with imagination, originality or flair, based on proficiency in all the learning outcomes, and providing realistic professional advice or performance. Work is comprehensively and very well researched, and argued.</td>
<td>85-100%</td>
<td>O</td>
</tr>
<tr>
<td>Very Competent</td>
<td>Additionally to Competent, demonstrates high level awareness and understanding of the knowledge and skills required, such as the ability to identify and debate critical issues or problems, ability to solve non-routine problems, ability to adapt and apply ideas to new situations, and ability to invent and evaluate new ideas to a standard of competence such that a client could reasonably expect to rely on.</td>
<td>70-84%</td>
<td>VC</td>
</tr>
<tr>
<td>Competent</td>
<td>Work is satisfactory and accurate with few errors or omissions, and is of a standard that demonstrates an ability to perform the sort of tasks appropriate to pupillage. Has attained the specified outcomes of the course (in terms of knowledge of fundamental concepts and</td>
<td>60-69%</td>
<td>C</td>
</tr>
</tbody>
</table>

Part A – Curriculum

<table>
<thead>
<tr>
<th>Performance of Skills</th>
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<tbody>
<tr>
<td>Demonstrates sufficient quality to be considered satisfactory and competent in terms of fitness to progress to the pupillage stage of training. Able, with the additional training and supervision in pupillage, to represent lay clients/members of the public.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Not Competent**

- Does not satisfy the threshold requirements of the course. Work is inarticulate and of poor standard, faulty and badly expressed. The candidate is assessed as not (without the additional training of the “first six” of pupillage) capable of producing work on which a prospective client could rely.

<table>
<thead>
<tr>
<th>Percentage</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>0-59%</td>
<td></td>
<td></td>
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</tbody>
</table>

**NB:** The term ‘fail’ may be used to designate a situation where a student does not satisfy the threshold requirements for an assessment and/or for the course as a whole, and the maximum number of re-sit opportunities have been exhausted.

### 2.1.6 Overall Grades for the Course

Students successfully completing the course will be awarded an overall grade, in line with the grades for individual assessments – i.e. Outstanding, Very Competent or Competent.

1. To gain the overall grade of ‘Outstanding’ a candidate must have passed all assessments at the first attempt and must achieve either an overall mark of 85% or above, or six or more grades in the outstanding category.

2. To gain the overall grade of ‘Very Competent’ a candidate must have failed no more than one assessment at the first attempt and must achieve either an overall mark 70% or eight or more grades in the very competent or outstanding categories.

3. To gain the overall grade of ‘Competent’ a candidate must pass each assessment subject to the rules governing the opportunity to re-sit (see B 4.10.1 below).

The above course, grade and overall descriptors must be made clear to students.

(Note: The term ‘assessment’ as used above refers to a ‘sit’ in a subject. Hence a student failing the same subject twice will not be able to obtain an overall grade of Very Competent)
A2.2 Core Subject areas

2.2.1 Advocacy

a Description/Rationale:

This section aims to prepare students for the practice of advocacy which they should be capable of conducting during pupillage and thereafter, as a barrister. It aims to provide the skills necessary to prepare, present and respond to a case or legal argument before a court or other tribunal.

b Aims and Objectives (knowledge and skills):

This section seeks to:

- provide the skills necessary to prepare, manage, present and/or respond to a case or legal argument, both orally and in writing, before a court or other tribunal, whether formal or informal;
- provide, at an initial level, the essential skills for a persuasive modern advocate, as defined by the Dutton\(^3\) criteria:
  1. the ability to persuade orally
  2. the ability to persuade in written argument
  3. cogent legal and factual analysis
  4. the ability to develop reasoned argument, and
  5. forensic skills with evidence (both written and oral)
  6. all of the foregoing undertaken to high ethical standards;
- prepare students for the advocacy training methods to which they will be exposed in pupillage and thereafter;
- introduce students to the advocacy training methods approved by the Advocacy Training Council [ATC], by training students in accordance with those methods as modified according to additional guidance provided by the BSB (that follow in section G below)
- provide knowledge and understanding of the manner in which legal submissions should be made and responded to
- provide knowledge and understanding of relevant equality and diversity issues in advocacy
- ensure that successful students meet the minimum required competency standards set forth for Level 1 Advocates under QASA as they may be stated from time to time.

c Intended Learning Outcomes:

By the end of this unit, following the study of Advocacy, the student will be able to:

1. prepare a case effectively, understanding the relevant law, facts and principles, observing the rules of professional conduct and planning the advocacy task in question
2. demonstrate basic advocacy skills in a range of civil and criminal scenarios, in applications and in trial(s), and before a range of tribunals
3. prepare and deliver each of the following:

a. an opening speech;
b. a closing speech;
c. an unopposed submission; and
d. an opposed submission.

4. examine, cross-examine and re-examine witnesses

5. meet the minimum required standard of competence under the standards relevant to advocacy Level 1 Advocates under the Quality Assurance Scheme for Advocates (QASA): (i) preparation (Standard 2); written and oral submission (Standard 3); and conducting questioning (Standard 4).

6. Engage effectively with the training methods recommended by the Advocacy Training Council (ATC), and the Hampel Method in particular, for the further development of advocacy skills in pupillage.

d Teaching & Learning Strategies:

Student exercises should normally (and the majority must) be audio and video recorded, for future discussion and feedback.

The Hampel Method must be used, but this may be modified in accordance with best practice identified by the ATC. The Hampel Method must be used in the final stages of advocacy teaching (i.e. by the completion of advocacy training during the course, students must be taught by means of and be experience in the six stages of the Hampel Method: Headnote – Playback – Reason – Remedy – Demonstration – Replay).

e Assessment:

Each student must undertake at least 12 advocacy exercises under the supervision of a tutor; of which 75% may be formative whilst 25% must be summative.

The diet of advocacy assessments must contain the following elements:
- submission of written argument;
- advancing and responding to legal, factual and procedural submissions; knowledge and application of legal principle;
- witness handling, including examination in chief, cross examination and re-examination;
- dealing with interventions from the bench.

Of the (minimum) 12 exercises, at least three must be formally assessed as follows: One formal assessment must have an oral plus skeleton argument. There must be two further oral assessments (of examination-in-chief; cross examination). All three summative assessments must receive the specified weighting (see A2.1.3 above).

f QASA Level 1 Competency Generic Standards and Performance Indicators:

Providers must ensure that upon successful completion of Advocacy, students meet the following generic standards and detailed performance indicators for a QASA Level 1 Advocate as they relate to advocacy.

The Generic Standards and the Performance Indicators are available at: https://www.barstandardsboard.org.uk/media/1531917/qasa_handbook.pdf
g. Guidance on use of the Hampel method at BPTC level

General


2. Scope is allowed for continued innovation and improvement in the way that the BPTC Providers construct their advocacy programmes over the duration of the BPTC.

Modification of the method on the BPTC

3. The demands of teaching to the BPTC syllabus (with particular advocacy issues being taught on a week-by-week basis) mean that some adaptation of the Hampel Method is acceptable. For example, exercises may be designed to ensure the identified ‘headline’ and ‘reason’ will be pertinent to that week’s core skill.

4. At the BPTC stage, teaching can be primarily focused on the instruction and reinforcement stages of teaching. More praise and encouragement than that normally allowed by Hampel Method should be given to students during the early part of the transition from the academic to the professional/vocational stage.

5. In addition, wider feedback (more than a single headline) may be provided from tutors in the course of their reviews. For example (where appropriate), additional areas for improvement may be identified. Areas may also be identified where improvement has been achieved, so that it is made clearer to students which aspects they are getting right.

6. However, the application of the Hampel Method is expected (i.e. required by the BSB) before the end of the course. That is, by the end of the course BPTC students must have been trained in accordance with the Hampel Method so that they are properly prepared when they come to the compulsory advocacy course in the first six months of their pupillage.

7. The ‘milestones’ by which BPTC students should be taught using ‘pure’ Hampel (for example after the formative assessments) are not specifically defined, owing to the variations in delivery between BPTC courses. Further recommendations may however be made by the ATC to the BSB.
BPTC Advocacy tutors

8. Only tutors who have been accredited by the ATC may teach advocacy to BPTC students. For the purpose of accreditation, tutors must be fully acquainted with and competent in teaching according to the Hampel Method. They are required to demonstrate:
   a. Proficiency in the application of the Hampel Method to the ATC;
   b. Diagnostic skills and remedial expertise;
   c. The ability to deliver an effective demonstration.


10. In spite of the fact that the Hampel Method may be modified for delivery of teaching on the BPTC, BPTC advocacy tutors must be able to demonstrate proficiency in the Method. They must have sufficient practical experience as advocates in order to be able to identify an appropriate headline, and to offer a relevant remedy and demonstration. There must be no change in the experience and expertise (standards) of BPTC Advocacy tutors.

11. The accreditation process for tutors cannot focus on determining whether they are equipped with diagnostic skills and the ability to improve the performance of BPTC students. Knowledge of and expertise in the Hampel Method remains essential.

12. Candidates for accreditation will still be required to demonstrate the ability to provide a fluent Hampel ‘demonstration’ of how a student’s performance might be improved before requiring a ‘playback’. If this is not demonstrated then an essential skill for tutors would remain untested.

13. The ATC has emphasised that mere training in and facility with the Hampel method is insufficient to guarantee accreditation. Candidates must have the necessary diagnostic skills and remedial expertise, as well as being well trained in the stages of the Method. Tutors must also be able to deliver an effective demonstration.

14. The ATC no longer provides training immediately prior to the test. Supplementary questions have also been devised to confirm that candidates are able to identify the problem in the performance of the student which most called for improvement. Further details of the assessment process, criteria, procedures and forms used are available from the ATC at: [http://www.advocacytrainingcouncil.org/index.php](http://www.advocacytrainingcouncil.org/index.php)

Reading/Reference List:

Providers should draw on a balanced selection of student text books dealing with advocacy which are currently available.
2.2.2 Civil Litigation, Evidence and Remedies  
a. Description/Rationale:

This part of the course considers the fundamental principles, key rules and core elements of civil litigation with a view to preparing students for pupillage and the early years of practice at the Civil Bar.

b. Aims and Objectives (knowledge and skills):

This part of the course aims to provide students with a sound understanding and knowledge of the fundamental principles, key rules and core elements of civil litigation, and in particular:

- Allocation of business between the High Court and County Courts, the overriding objective of the Civil Procedure Rules and the duty of the court to manage cases
- Limitation, pre-action conduct, and commencing proceedings
- Parties, statements of case, and claiming remedies in contract and tort
- Multiple causes of action, counterclaims and other additional claims
- Amendment and further information
- Default judgment and summary judgment
- Case management, sanctions and striking out
- Disclosure and inspection of documents
- Interim applications, interim payments, security for costs and interim injunctions
- Offers to Settle
- Evidence of fact and expert evidence
- Civil Trial and Evidence
- Judgments, Orders, Enforcement, Costs and Appeals

c. Intended Learning Outcomes:

On completion of this part of the course, students should be able to demonstrate a sound understanding and knowledge of the progress of civil litigation from initial considerations through trial to appeals. In particular, students should be able to demonstrate a sound understanding and knowledge of the following specific topics:

1. Allocation of business between the High Court and County Courts, the overriding objective of the Civil Procedure Rules and the duty of the court to manage cases
2. Limitation
3. Pre-action Conduct
4. Commencing Proceedings
5. Parties
6. Statements of Case
7. Claiming remedies in contract and tort
8. Multiple Causes of Action, Counterclaims and Other Additional Claims
9. Amendment
10. Further Information
11. Default Judgment and Summary Judgment
12. Case Management, Sanctions and Striking Out
13. Disclosure and Inspection of Documents
14. Interim Applications
15. Interim Payments and Security for Costs
16. Interim Injunctions
17. Offers to Settle
18. Evidence of Fact
19. Expert Evidence
20. Civil Trial and Evidence
21. Judgments, Orders and Enforcement
22. Costs
23. Appeals

d  Teaching & Learning Strategies:

Small Group Sessions should be centred upon the exploration of prepared problems or case studies. Large Group Sessions may also be used.

e  Assessment:

The knowledge areas are assessed through discrete papers (but also pervasively through the skills assessments). The precise form of assessment is subject to the conditions set out in the Assessment Framework (A2.1.3). Summative assessment must take the form of one closed book examination, three hours long, comprising Part A MCQ questions, set centrally, marked centrally and electronically, plus Part B SAQs, set centrally and marked locally (with equal weighting). Students are required to pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to students as to which parts of the syllabus will or will not be assessed. Students must be given the opportunity to attempt, and receive feedback on, formative (mock) assessments so as to provide appropriate preparation for summative (final) assessments. It is for Providers to demonstrate how this requirement has been met.

Note:
The Central Examinations Board, acting through its Chief Examiners, will issue clarification from time to time of any changes in substantive law, rules of procedure, or Codes of Practice as they affect the assessment of the centrally set assessments in Civil Litigation, Evidence and Remedies.

It is incumbent upon students and Providers to refer to the CEB page of the BSB website for updates and further guidance on a regular basis.

The CEB page of the BSB may be found at:

Required Content for the Centrally Set Assessment in Civil Litigation 2015-2016

Syllabus

1. **General Matters**
   - the allocation of business between the High Court and County Courts
   - the overriding objective
   - the duty of the court to manage cases

Curriculum

Examinable material will consist of where to start proceedings, the overriding objective, application by the court of the overriding objective, the duty of the parties to help the court further the overriding objective and the court’s duty to manage cases.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
   - CPR 1.1-1.4
   - CPR 7.1
   - PD7A paragraphs 1 and 2.1-2.5.

Syllabus

2. **Limitation**
   - accrual of causes of action
   - limitation periods in cases of tort, latent damage, personal injury, fatal accident, contract, and contribution claims

Curriculum

Examinable material will consist of limitation periods for actions in tort, contract, contribution claims, personal injury cases, fatal accident cases, and latent damage cases; extensions of limitation period in case of disability; postponement of limitation periods in cases of fraud, concealment or mistake; and discretionary exclusion of time limits for actions in respect of personal injuries or death.

The following statutory provisions will be assessed at a level limited to the wording of the relevant provisions:
   - Limitation Act 1980 sections 2, 5, 10, 11, 12, 14, 28, 32, 33.

Syllabus

3. **Pre-action Conduct**
   - the Practice Direction (Pre-Action Conduct)
   - consequences of non-compliance
Curriculum

Examinable material will consist of the Practice Direction (Pre-Action Conduct), the approach of the courts, principles governing conduct of parties in cases not subject to a pre-action protocol, and guidance on pre-action procedure where no pre-action protocol applies.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Practice Direction:
- Practice Direction (Pre-Action Conduct) paragraphs 1-17.

Syllabus

4. Commencing Proceedings
- the Part 7 procedure
- validity, extension and service of claim forms
- service of other court documents within the jurisdiction
- the Part 8 procedure

Curriculum

Examinable material will consist of: where to start proceedings, how to start proceedings, the claim form, title of proceedings, start of proceedings, the right to use one claim form to start two or more claims, particulars of claim, statements of truth, extensions of time for service of a claim form, service of the claim form and other court documents within the jurisdiction, and the alternative procedure for claims under Part 8 CPR.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
- CPR 7.6 (extension of time for serving a claim form). Relevant case law authorities are considered in paragraphs 7.6.2 and 7.6.3 of 'Civil Procedure' (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
- CPR 6.1-6.9, 6.11, 6.13-6.16, 6.20-6.22 and 6.25-6.28;
- CPR 7.2-7.5;
- CPR 8.1-8.2, 8.5-8.6 and 8.8-8.9;
- PD6A paragraphs 1-4, 6 and 8-10;
- PD7A paragraphs 1, 2.1-2.5, 4.1-4.2, 5.1-5.5, 6.1-6.2, 7.1-7.3 and 8.1-8.2; and
- PD8A paragraphs 3 and 7.

The following statutory instrument will be assessed at a level limited to the wording of the relevant provisions:
- High Court and County Courts Jurisdiction Order 1991 (SI 1991/724)

Syllabus

5. Parties
- partnerships, sole traders, LLPs and companies, trusts and deceased persons
• children and persons suffering from mental incapacity

Curriculum

Examinable material will consist of bringing claims against partnerships, sole traders, LLPs and companies, trusts and deceased persons; and bringing and settling proceedings involving children and protected parties.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:

- CPR 7.2A;
- CPR 19.7A and 19.8;
- CPR 39.6;
- PD7A paragraphs 5A and 5C; and
- PD 21 paragraphs 5-6.

Syllabus

6. Statements of Case

- claim forms and particulars of claim
- acknowledgement of service, defences, replies, counterclaims
- the effect of not responding to an allegation in a statement of case

Curriculum

Examinable material will consist of: contents of claim form, statements of value, contents of particulars of claim, contents of defence, defence of set-off, reply to defence, court’s power to dispense with statements of case, particulars of claim in personal injury, matters to be included in particulars of claim, and matters which must be specifically set out in particulars of claim and the defence; acknowledgement of service, consequence of not filing acknowledgement of service, and period for filing acknowledgement of service; filing a defence, consequence of not filing a defence, period for filing defence, agreement extending of period for filing a defence, service of copy of defence, making a counterclaim, reply to defence, court permission for subsequent statements of case, claimant’s notice where defence is that money claimed has been paid, and stay of claim if not defended or admitted.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:

- CPR 10.1-10.3;
- CPR 16.1-16.8;
- CPR 15.1-15.11;
- PD15 paragraphs 1-3; and
Syllabus
7. **Claiming remedies in contract and tort**
   - claiming damages for breach of contract and in tort
   - claiming equitable remedies
   - claims for misrepresentation
   - claiming interest on money remedies up to judgment

Curriculum
Examinable material will consist of claiming damages for breach of contract and in tort; claiming equitable remedies, including specific performance, injunctions, rescission and rectification; claims for misrepresentation; and claiming interest on money remedies up to judgment pursuant to contract or statute, including section 35A Senior Courts Act, section 69 County Courts Act and sections 1-4 of the Late Payment of Commercial Debts (Interest) Act 1998.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
   - CPR 16.4;
   - PD 16 paragraphs 7-8.

The following statutory provisions may also be assessed:
   - section 35A Senior Courts Act, section 69 County Courts Act and
   - sections 1-4 of the Late Payment of Commercial Debts (Interest) Act 1998.

Syllabus
8. **Multiple Causes of Action, Counterclaims and Other Additional Claims**
   - multiple causes of action and multiple parties
   - counterclaims against the claimant or an additional party
   - contribution notices and claims against third parties and fourth parties

Curriculum
Examinable material will consist of: multiple causes of action and multiple parties, changes of parties, provisions where two or more persons are jointly entitled to a remedy, adding and substituting parties, adding or substituting parties after the end of a relevant limitation period, removal of parties, transfer of interest or liability, counterclaims against the claimant or an additional party, and claims for contribution or indemnity from another party.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
   - CPR 19.5 (adding or substituting parties after the end of a relevant limitation period). Relevant case law authorities are considered in paragraphs 19.5.2, 19.5.7 and 19.5.8 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
   - CPR 19.1-19.4;
The following statutory provision will be assessed at a level limited to the wording of the relevant provision:
  • Limitation Act 1980 section 35.

Syllabus

9. Amendment

• permission or consent to amend
• costs consequences of amendment

Curriculum

Examinable material will consist of amendments to statements of case, the power of the court to disallow amendments made without permission, amendments to statements of case with permission of the court and amendments to statements of case after the end of a relevant limitation period.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
  • CPR 17.3 (amendments to statements of case with permission of the court). Relevant case law authorities are considered in paragraphs 17.3.5-17.3.8 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
  • CPR 17.1-17.2 and 17.4; and
  • PD17 paragraphs 1-2.

The following statutory provision will be assessed at a level limited to the wording of the relevant provision:
  • Limitation Act 1980 section 35.

Syllabus

10. Further Information

• requests for further information
• responding to a request for further information

Curriculum

Examinable material will consist of obtaining further information, requests for further information, responding to requests for further information and restriction on the use of further information.
The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:

- CPR 18.1-18.2;
- PD 18 paragraphs 1-5.

**Syllabus**

11. Default Judgment and Summary Judgment

- default judgments
- applications to set aside
- summary judgments

**Curriculum**

Examinable material will consist of: claims in which default judgment may be obtained, conditions to be satisfied for default judgment, procedures for obtaining default judgment, nature of judgment obtained, default judgment in claims against more than one defendant, evidence on requests and applications for default judgment, setting aside or varying default judgment, grounds for summary judgment, proceedings in which summary judgment is available, procedure for obtaining summary judgment, evidence at a summary judgment hearing, the court’s powers on a summary judgment application and setting aside orders for summary judgment.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:

- CPR 13.3 (cases where the court may set aside or vary default judgment) and
- CPR 24.2 (grounds for summary judgment). Relevant case law authorities are considered in paragraphs 13.3.1-13.3.5 and paragraphs 24.2.3-24.2.7 of 'Civil Procedure' (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:

- CPR 12.1-12.6, 12.8 and 12.10;
- CPR 13.1-13.2, 13.4 and 13.6;
- CPR 24.1 and 24.3-24.6;
- PD 12 paragraphs 1-5; and
- PD 24 paragraphs 1-7 and 9-10.

**Syllabus**

12. Case Management, Sanctions and Striking Out

- the small claims track, fast track and multi-track
- allocation
- case management conferences
- costs management
- directions
- relief from sanctions
- striking out a claim
Curriculum

Examinable material will consist of the court’s case management powers, court’s power to make orders of its own initiative, power to strike out statements of case, sanctions, relief from sanctions, power of court to rectify where there have been errors of procedure, costs management, case management, directions questionnaires, stays to allow for settlement, referrals to mediation, scope of the small claims track, fast track and multi-track, allocation, directions in fast track cases and case management in multi-track cases.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:

- CPR 3.4 (power to strike out as statement of case) and 3.9 (relief from sanctions). Relevant case law authorities are considered in paragraphs 3.4.1, 3.4.2, 3.4.3, the first paragraph of 3.4.3.2, the first paragraph of 3.4.3.3, 3.9.1 and 3.9.3-3.9.5 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:

- CPR 2.11;
- CPR 3.1, 3.3, 3.5, 3.8, 3.10 and 3.12-3.18;
- CPR 26.1 and 26.3-26.10;
- CPR 28.3;
- CPR 29.1-29.9;
- PD 3E paragraphs 1-7;
- PD 26 paragraphs 7 and 9; and
- PD 29 paragraphs 3-10.

Syllabus

13. Disclosure and Inspection of Documents

- disclosure and inspection of documents
- specific disclosure
- collateral use of disclosed documents
- pre-action disclosure
- disclosure against non-parties
- legal professional privilege and without prejudice communications in civil cases

Curriculum

Examinable material will consist of: disclosure and inspection, right of inspection of disclosed documents, the meaning of document, standard disclosure, duty of search, disclosure of documents in party’s control, disclosure of copies, procedure for standard disclosure, disclosure lists, disclosure statements, withholding disclosure or inspection, specific disclosure or inspection, disclosure in stages, documents referred to in statements of case, inspection and copying of documents, pre-action disclosure, disclosure against non-parties, and other powers of the court to order disclosure.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
• CPR 31.3 (right of inspection of a disclosed document); 31.6 (standard disclosure); 31.12 (specific disclosure); 31.16 (pre-action disclosure); 31.17 (disclosure against non-parties); and 31.18 (other powers of the court to order disclosure). Relevant case law authorities are considered in paragraphs 31.3.5-31.3.6, 31.3.12, 31.3.14, 31.3.27 and 31.3.40; 31.6.2-31.6.4; 31.12.1.1 and 31.12.2; 31.16.3-31.16.5; 31.17.1, 31.17.2.1, 31.17.3 and 31.17.4; and 31.18.2 and 31.18.4-31.18.8 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
• PD 31A paragraphs 1-2, 2A and 3-8.

The following statutory provisions will be assessed at a level limited to the wording of the relevant provisions:

Syllabus

14. Interim Applications
• with notice and without notice applications
• documentation required in interim applications
• periods of notice in interim applications
• the duty of full and frank disclosure in without notice applications

Curriculum

Examinable material will consist of how to apply for an interim remedy, applicant’s disclosure duties in applications made without notice or on short notice, consequences of material non-disclosure, where to make an application, content of application notice, filing and serving application notice, applications made without notice, applications dealt with without a hearing, setting aside or varying orders made without notice, proceeding in absence of a party, dismissal of applications totally without merit, pre-action applications, evidence in interim applications, and supply by the applicant of a draft order.

The following provision of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
• CPR 25.3 (how to apply for an interim remedy). Relevant case law authorities are considered in paragraphs 25.3.2-25.3.8 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
• CPR 23.1-1;
• CPR 25.2;
• PD 23A paragraphs 2-5, 9, 12.1, 13; and
• PD 25A paragraphs 4 and 5.
Syllabus

15. Interim Payments and Security for Costs
- interim payments
- security for costs

Curriculum

Examinable material will consist of the procedure for applying for interim payments, conditions to be satisfied and matters to be taken into account, evidence on interim payment applications, powers of the court where it has made an order for interim payment, restrictions on disclosure of interim payments, applying for security for cost, and the conditions to be satisfied on an application for security for costs.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
- CPR 25.6-9;
- CPR 25.12, 25.13(1), (2)(a) and (2)(c);
- PD 25B paragraph 2.

Syllabus

16. Interim Injunctions
- interim injunctions
- American Cyanamid principles
- exceptions and variations to American Cyanamid
- usual undertakings and cross-undertakings

Curriculum

Examinable material will consist of applying for interim injunctions; American Cyanamid principles; exceptions and variations to American Cyanamid, including mandatory interim injunctions, interim injunctions that finally dispose of the case, and cases where there is no arguable defence; and usual undertakings and cross-undertakings in interim injunction cases.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
- CPR 25.1 (orders for interim remedies) and 25.3 (how to apply for an interim remedy). Relevant case law authorities are considered in paragraphs 25.1.9-25.1.11, 25.1.14.1 and 25.1.15 of ‘Civil Procedure’ (the White Book) 2015. Relevant material on interim injunctions is also contained in paragraphs 15-7 to 15-18, 15-20 to 15-22, 15-24 to 15-27 and 15-29 to 15-30 of Volume 2 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
- CPR 25.2.
Syllabus

17. Offers to Settle

- Calderbank offers and offers to settle under Part 36
- consequences of accepting Part 36 offers
- withdrawing, reducing and increasing offers to settle
- consequences of failing to obtain judgment more advantageous than offer to settle

Curriculum

Examinable material will consist of Calderbank offers and offers to settle under Part 36, form and content of Part 36 offers, time when a Part 36 offer is made, clarification of a Part 36 offer, withdrawing or changing the terms of a Part 36 offer, acceptance of a Part 36 offer, costs consequences and effects of accepting a Part 36 offer, restrictions on disclosure of a Part 36 offer and costs consequences following judgment.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:

- CPR 36.2 (Part 36 Offers to Settle), 36.13 (costs consequences of acceptance of a Part 36 offer) and 36.17 (costs consequences following judgment). Relevant case law authorities are considered in paragraphs 36.2.1, 36.2.3.1, 36.13.1, 36.17.1.1, 36.17.1.2 and 36.17.3 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:

- CPR 36.1, 36.3-11 and 36.14-16.

Syllabus

18. Evidence of Fact

- evidence of fact in civil proceedings
- witness statements and witness summonses
- notices to admit facts and notices to prove documents

Curriculum

Examinable material will consist of the power of the court to control evidence, evidence of witnesses, service and use of witness statements at trial and other hearings, witness summaries, use of witness statements for other purposes, false statements in witness statements, notices to admit facts, notices to prove documents, issuing and serving witness summonses, and evidence by deposition.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:

- CPR 32.5 (use at trial of witness statements). Relevant case law authorities are considered in paragraphs 32.5.1-32.5.3.1 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
• CPR 32.1-4, 32.6-16, 32.18-19, 34.1-12.

Syllabus

19. Expert Evidence
• the general exclusionary rule in relation to evidence of opinion
• the main exceptions to the rule
• expert opinion evidence in civil proceedings

Curriculum

Examinable material will consist of the general exclusionary rule in relation to evidence of opinion and main exceptions to the rule, the use of expert opinion evidence in civil proceedings, expert evidence at trial, the court's duty and power to restrict expert evidence, duties and responsibilities of experts, expert reports, written questions to experts, single joint experts, discussions between experts, consequences of failing to disclose an expert's report, and obtaining further expert evidence.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
• CPR 35.1 (court's duty to restrict expert evidence), 35.3 (expert's overriding duty to the court) and 35.7 (single joint experts). Relevant case law authorities are considered in paragraphs 35.0.5, 35.1.1, 35.3.3-4 and 35.7.6 of 'Civil Procedure' (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
• CPR 35.2, 35.4-6, 35.10-14; PD35 paragraphs 1-9.

The following statutory provision may also be assessed: section 3 of the Civil Evidence Act 1972.

Syllabus

20. Civil Trial and Evidence
• the trial of civil cases
• hearsay evidence in civil proceedings
• convictions as evidence in civil proceedings

Curriculum

Examinable material will consist of the power of the court to control evidence, evidence of witnesses, evidence by video link, use of witness statements at trial, the use of hearsay evidence at trial, the use of plans, models and photographs as evidence, convictions as evidence in civil proceedings, and the trial of civil cases, including trial timetables, order of speeches, calling and examining witnesses, judgment, submissions on orders for costs and permission to appeal.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
• CPR 32.5 (use at trial of witness statements). Relevant case law authorities are considered in paragraphs 32.5.1-32.5.3.1 of 'Civil Procedure' (the White Book) 2015.
The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
- CPR 32.1-3, 33.1-33.6;
- PD 28 paragraph 8; and
- PD 29 paragraph 10.

The following statutory provisions may also be assessed:
- section 11 Civil Evidence Act 1968, and
- sections 1-4 Civil Evidence Act 1995.

Syllabus

21. Judgments, Orders and Enforcement
- judgment and orders, including Tomlin orders
- enforcing money judgments

Curriculum

Examinable material will consist of drawing up and filing judgments and orders, service of judgments and orders, when judgments and orders take effect, consent judgments and orders, Tomlin orders, applying to set aside or vary judgments and orders, time for complying with judgments and orders, correction of errors in judgments and orders, judgments on both claim and counterclaim, methods of enforcing judgments and orders, and transfer of proceedings for enforcement.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
- CPR 40.6 (consent judgments and orders). Relevant case law authorities are considered in paragraph 40.6.2 of 'Civil Procedure' (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
- CPR 40.3-4, 40.7-9, and 40.11-13;
- CPR 70.1-2 and 70.3;
- PD 40B paragraphs 4 and 8; and
- PD 70 paragraphs 1A.1 and 1.1.

Syllabus

22. Costs
- summary and detailed assessment of costs
- standard and indemnity costs
- interim costs orders
- costs orders in civil cases
Curriculum

Examinable material will consist of costs budgets, costs management, filing and exchanging budgets, costs management orders, costs management conferences, court regard to budgets in making case management decisions, court discretion as to costs, interim costs orders, standard or indemnity basis of assessment, factors taken into account in deciding amount of costs, procedure for assessing costs, summary assessment of costs, detailed assessment of costs, time for complying with order for costs, and court powers in relation to misconduct.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
- CPR 44.2 (court’s discretion as to costs). Relevant case law authorities are considered in paragraphs 44.2.3 and 44.2.6-15 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
- CPR 44.1, 44.3-4, 44.6-7 and 44.11;
- CPR 47.1;
- PD 44 paragraphs 3-6, 8, and 9.1-9.2.

Syllabus

23 Appeals
- civil appeals in England and Wales (excluding appeals to the Supreme Court)

Curriculum

Examinable material will consist of permission to appeal, routes of appeal, time for appealing, appellant’s notice, grounds on which appeals may succeed, appeal court powers, hearing of appeals, fresh evidence in appeals, respondent’s notice, and skeleton arguments.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities:
- CPR 52.11 (hearing of appeals). Relevant case law authorities are considered in paragraphs 52.11.1-2 of ‘Civil Procedure’ (the White Book) 2015.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions:
- CPR 52.1, 52.3-7 and 52.10;
- PD52A Section 3 (destinations of appeal), Section 4 (obtaining permission to appeal) and Section 5 (skeleton arguments).

Reading/Reference List:

Primary Text
Providers must use Civil Procedure (the ‘White Book’) (Sweet & Maxwell, annual) as the primary text.
Other Texts
Providers should draw on a balanced selection of books (in addition to the White Book) dealing with civil litigation, evidence and remedies which are currently available, including:

Blackstone’s Civil Practice (Oxford University Press, annual) (not a substitute for use of the White Book)

The Civil Court Practice (‘the Green Book’) (LexisNexis, annual) (not a substitute for use of the White Book)

A Practical Approach to Civil Procedure, Stuart Sime (Oxford University Press)
2.2.3 Criminal Litigation, Evidence and Sentencing

a. Description/Rationale:

This part of the course considers the fundamental principles, key rules and core elements of criminal litigation with a view to preparing students for pupillage and the early years of practice at the Criminal Bar.

b. Aims and Objectives (knowledge and skills):

This part of the course aims to provide students with a sound understanding and knowledge of the fundamental principles, key rules and core elements of criminal litigation, and in particular:

- Preliminaries to prosecution, bail and remands
- Procedure in the magistrates’ courts, allocation for trial, and sending to the Crown Court for trial or sentence
- Disclosure of unused material and defence statements
- Indictments
- Preliminaries to trial in the Crown Court
- Summary and Jury trial procedure
- Preliminary evidential matters, and the burden and standard of proof
- Preliminary issues relating to witnesses and the rules relating to the examination of Witnesses
- Hearsay evidence, character evidence, confessions and unlawfully obtained evidence, inferences from the defendant’s silence and other conduct, visual identification evidence, opinion evidence and experts, and privilege
- Youth courts and the appearance of youths in other courts
- Sentencing principles, non-custodial sentences, custodial sentences, ancillary orders and costs on conviction, and the dangerous offender provisions
- Appeals from the magistrates’ courts and from the Crown Court

c. Intended Learning Outcomes:

On completion of this part of the course, students should be able to demonstrate a sound understanding and knowledge of the criminal process as a whole and how cases progress through the system. In particular, students should be able to demonstrate a sound understanding and knowledge of the following specific topics:

1. Overview of criminal procedure
2. Preliminaries to prosecution
3. Bail and remands
4. Procedure in the magistrates’ courts, allocation for trial, and sending to the Crown Court for trial or sentence
5. Disclosure of unused material and defence statements
6. Indictments
7. Preliminaries to trial in the Crown Court
8. Summary trial procedure
9. Jury trial procedure
10. Preliminary evidential matters
11. Burden and standard of proof
12. Preliminary issues relating to Witnesses
13. The rules relating to the examination of Witnesses
14. Hearsay Evidence
15. Character evidence
16. Confessions and unlawfully obtained evidence
17. Inferences from the defendant’s silence and other conduct
18. Visual identification evidence
19. Opinion evidence and experts
20. Privilege
21. Youth courts and the appearance of youths in other courts
22. Sentencing principles
23. Non-custodial sentences
24. Custodial sentences
25. Ancillary orders and costs on conviction
26. The dangerous offender provisions
27. Appeals from the magistrates’ courts and from the Crown Court in its appellate capacity
28. Appeals from the Crown Court

d  Teaching & Learning Strategies:

Small Group Sessions should be centred upon the exploration of a prepared problem or case. Large Group Sessions may also be used.

e  Assessment:

The knowledge areas are assessed through separate papers (but also pervasively through the skills assessments). The precise form of assessment is subject to the conditions set out in the Assessment Framework (A2.1.3). Summative assessment must take the form of one closed book examination three hours long, comprising Part A MCQ questions, set centrally, marked centrally and electronically, plus Part B SAQs, set centrally and marked locally. There must be a pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to students as to which parts of the syllabus will or will not be assessed. Students must be given the opportunity to attempt, and receive feedback on, formative (mock) assessments so as to provide appropriate preparation for summative (final) assessments. It is for Providers to demonstrate how this requirement has been met.

Note:

The CEB, acting through its Chief Examiners, will issue clarification from time to time of any changes in substantive law, rules of procedure, or Codes of Practice as they affect the assessment of the centrally set assessments in Criminal Litigation, Evidence and Sentencing

It is incumbent upon students and Providers to refer to the CEB page of the BSB website for updates and further guidance on a regular basis.
The CEB page of the BSB may be found at:


Indicative Content/Teaching schedule:

Unless otherwise indicated, at the end of the course the students should be able to demonstrate that they have reached the required standard, as set out in paragraph C above, in all of the individual content areas specified below.

Section 1: Overview

Syllabus

1. Overview of criminal procedure
   - The classification of offences (indictable, either-way and summary)
   - The structure of the criminal courts in England and Wales
   - The funding of criminal cases
   - The importance and application of the Criminal Procedure Rules, in particular the overriding objective and the case management functions of the court

Curriculum

Examinable material on the classification of offences will consist of definition of the classes of offences and determining which class an offence is in.
   - The relevant material is addressed in paragraphs D6.1-6.4 of Blackstone's Criminal Practice 2015.
   - Students will be required to know the classification of the following offences: theft, robbery, burglary, fraud, sexual assault, rape, common assault, ABH, GBH/wounding contrary to sections 18 and 20 OAPA 1861, criminal damage and possession, possession with intent and supply of Class A and B drugs.

Examinable material on the structure of the criminal courts in England and Wales will consist of the structure of the Crown Court, categories of judge in the Crown Court, the role of justices in the Crown Court, trial on indictment, appeals to the Crown Court, committal for sentence to the Crown Court, summary offences in the Crown Court, bail in the Crown Court, magistrates’ courts, magistrate and district judges in the magistrates’ courts, jurisdiction of magistrates’ courts, jurisdiction of the Court of Appeal (Criminal Division) and appeals to the Supreme Court from the Court of Appeal (Criminal Division).
   - The relevant material is addressed in paragraphs D3.1, D3.2, D3.4, the first paragraph of D3.10, D3.13-3.17, D3.20, D3.24, D26.1 and D30.3-30.4 of Blackstone's Criminal Practice 2015.

Examinable material on funding of criminal cases will consist of public funding and representation orders.
   - The relevant material is addressed in paragraphs D32.1, D32.4 and D32.6 of Blackstone's Criminal Practice 2015.
Examinable material on the importance and application of the Criminal Procedure Rules, the overriding objective and the case management functions of the court will consist of the overriding objective, the roles of the court and parties in case management, case progression officers, practical case management and consequences of failure to abide by time limits.

- The relevant material is addressed in paragraphs D4.2, D4.6-4.7, the first two paragraphs of D4.8, D4.10 and D4.11-4.13 of Blackstone’s Criminal Practice 2015.

Examinable material will also consist of the content of the following provisions of the Criminal Procedure Rules: CrimPR rules 1.1-1.3, 3.2-3.3, 3.5, 3.9 and 3.11. Candidates will not be required to memorise individual rule numbers.

Syllabus

2. Preliminaries to prosecution

- The Codes of Practice issued under the Police and Criminal Evidence Act 1984 (PACE) and their importance to criminal investigations
- The provisions of Code C.10 (cautions and special warnings) and Code C.11 (interviews)
- the provisions of Code D.3 (identification by witnesses)
- The main powers of arrest and the detention and treatment of suspects
- The role of the Crown Prosecution Service and other prosecutors
- The different methods of commencing criminal proceedings and time limits

Curriculum

Examinable material on the PACE Codes of Practice and their importance to criminal investigations will consist of general consideration of police powers in the investigation of crime.

- The relevant material is addressed in the first and last sub-paragraphs of paragraph D1.1 of Blackstone’s Criminal Practice 2015.

Examinable material on Code C.10 and Code C.11 will consist of interviews generally (including the definition of interview, where an interview may be conducted, cautions and special warnings, information about legal advice, significant statements or silence, conduct of the interview, when interviews should cease, the recording of interviews, special categories of persons, and intoxicated persons).

- The relevant material is addressed in paragraphs D1.81-D1.92 of Blackstone’s Criminal Practice 2015.

Examinable material on Code D.3 will consist of general consideration of the procedures in Code D, identification evidence and identification issues, dealing at trial with breaches of Code D and dock identification.

- The relevant material is addressed in paragraphs F18.1-F18.7 of Blackstone’s Criminal Practice 2015.

Examinable material on the main powers of arrest and the detention and treatment of suspects will consist of reasonable suspicion, the use of force (including the use of handcuffs), powers of arrest, legal characteristics of arrest, communication of fact of and grounds for arrest, action following arrest, police powers of arrest without warrant, arrest for breach of the peace, warrants issued by magistrates’ courts and the Crown Court, detention and treatment of suspects, the applicability of PACE and Codes of Practice to the detention and treatment of suspects, the
custody officer, custody records, notification of arrest, right of access to a solicitor, and detention and treatment of juveniles and mentally disordered or vulnerable persons (including appropriate adults).

- The relevant material is addressed in paragraphs D1.4, D1.7, D1.8, D1.14-1.18, D1.20, the first sub-paragraph of D1.21, D1.22-1.23, D1.33, D1.35-1.36, D1.40, D1.44-1.45, D1.52, D1.55 and D1.63-1.68 of Blackstone's Criminal Practice 2015.

Examinable material on the role of the Crown Prosecution Service and other prosecutors will consist of the role of the prosecutor, commencement of proceedings against suspects arrested by the police and the role of the Crown Prosecution Service (including involvement in the charging process).

- The relevant material is addressed in paragraphs D3.44, D3.46, D3.49 and D3.50 of Blackstone's Criminal Practice 2015.

Examinable material on different methods of commencing criminal proceedings and time limits will consist of the procedure for securing the presence of the accused before a magistrates’ court, the written charge and requisition procedure, laying an information and issuing a summons, content of the written charge or information, and the time within which summary trial should take place.

- The relevant material is addressed in paragraphs D5.2, D5.4, D5.6, D5.8, D5.12, D21.17 and D21.18 of Blackstone's Criminal Practice 2015.

Syllabus

3. **Bail and remands**

- adjournments and remands
- time limits applicable to remands in custody and applications for their extension (detailed knowledge of specific time limits not required)
- the presumption in favour of bail and the occasions when it does not apply; the statutory grounds for withholding bail, and the matters that have to be considered by the court
- bail conditions that can be applied and under what circumstances
- the procedure for making a bail application, the practice and procedure on further application to the Crown Court following a decision to refuse bail in the magistrates’ court
- grounds upon which the prosecution can appeal to the Crown Court against a decision to grant bail
- dealing with defendants who have failed to surrender to bail or breached their bail conditions

Curriculum

Examinable material on adjournments and remands will consist of the power to adjourn, case management and adjournments and remanding the accused on adjournments.

- The relevant material is addressed in paragraphs D5.27 and D5.29-D5.30 of Blackstone's Criminal Practice 2015.

Examinable material on custody time limits will consist of periods of remand in custody, further remands, remand on bail, custody time limits, periods applicable, effect of expiry of custody time limit, and the procedure for seeking an extension of time limits.
• The relevant material is addressed in the first sub-paragraph of D5.31 (the general 8 clear days rule only); the first sub-paragraph of D5.32, D5.36, D15.7, D15.14-15.15, D15.18 and D15.23 of Blackstone's Criminal Practice 2015.

Examinable material on the presumption in favour of bail, the occasions when it does not apply, the statutory grounds for withholding bail, and matters that have to be considered by the court will consist of the court’s power to grant bail, bail by magistrates’ courts, bail by the Crown Court, the presumption in favour of bail, no bail for homicide or rape if previous conviction, refusing bail to accused charged with an imprisonable offence, the risk of absconding, further offences or interference with witnesses, other grounds for withholding bail, and refusing bail to an accused charged with summary and non-imprisonable offences.

• The relevant material is addressed in paragraphs D7.1-D7.4, D7.6-7.7, the first sub-paragraph of D7.8, D7.11-7.13, D.7.15-7.22; D7.23-7.31, D7.35 and D7.36 of Blackstone's Criminal Practice 2015.

Examinable material on bail conditions will consist of the duty to surrender to custody, conditions that may be imposed by the court, electronic monitoring, sureties, securities, applications to vary bail conditions and breach of bail conditions.

• The relevant material is addressed in paragraphs D7.44-48, D7.50, D7.55, D7.60, D7.65-7.66 of Blackstone's Criminal Practice 2015.

Examinable material on bail procedure will consist of application procedure in magistrates’ courts, the right to make repeated argued bail applications, certificates of full argument, bail application procedure in the Crown Court, and repeated bail applications in the Crown Court.

• The relevant material is addressed in paragraphs D7.67, D7.68, the first sub-paragraph of D7.70, D7.78, D7.80, D7.83-7.84 and D7.86 of Blackstone's Criminal Practice 2015.

Examinable material on prosecution appeals against the grant of bail will consist of the prosecution right of appeal and procedure.

• The relevant material is addressed in paragraphs D7.92-7.93 of Blackstone's Criminal Practice 2015.

Examinable material on failure to surrender to bail or breach of bail conditions will consist of powers of the court when a bailed accused fails to appear, breach of bail conditions, and the offence of absconding.

• The relevant material is addressed in paragraphs D7.97-7.98, D7.102, D7.104, the first two paragraphs of D7.106, D7.109, D7.111-7.112 and D7.114 of Blackstone's Criminal Practice 2015.

Syllabus

4. **Procedure in the magistrates’ courts, allocation for trial, and sending to the Crown Court for trial or sentence**

• the rules relating to the provision of initial details of the prosecution case

• preliminary hearings and entering a plea in the magistrates’ court, including equivocal pleas

• the factors the defendant should be aware of in deciding whether to elect Crown Court trial
- plea before venue and allocation, including the special rules for criminal damage and low value shoplifting cases
- committal for sentence
- sending indictable offences to the Crown Court
- the sending of linked summary only offences and the procedure for dealing with them in the Crown Court

Curriculum

Examinable material on rules relating to the provision of initial details of the prosecution case will consist of knowledge of CrimPR Part 10, including the time when initial details of the prosecution case must usually be provided together with the options open to the parties and the court in the event of non-compliance by the prosecution.

- The relevant material is addressed in paragraphs D5.18, D5.20 of Blackstone's Criminal Practice 2015.

Examinable material on preliminary hearings, entering pleas in the magistrates’ courts and equivocal pleas will consist of pre-trial hearings by live link, proceeding to sentence, early administrative hearings, pre-trial hearings and pre-trial rulings, case management and equivocal pleas.

- The relevant material is addressed in paragraphs D5.38, D5.41, D21.34-21.35, D21.40 and D12.100 (which considers equivocal pleas on indictment) of Blackstone's Criminal Practice 2015.

Examinable material on factors the defendant should be aware of in deciding whether to elect Crown Court trial will consist of the relative formality and length of proceedings in the two forums, the perceived advantage of a jury as the tribunal of fact, the differing defence disclosure obligations, costs, having separate tribunals of fact and law, the different avenues of appeal and the fact that reasoned decisions for conviction are required in a summary trial.

- The relevant material is addressed in paragraph D6.19 of Blackstone's Criminal Practice 2015.

Examinable material on plea before venue and allocation will consist of determination of mode of trial, plea before venue, mode of trial, rules relating to the presence of the accused, legitimate expectations as to sentence, the binding effect of indication of sentence, the magistrates’ decision whether to accept jurisdiction, the prosecution influence on the decision, the special procedure on criminal damage charges, and the special provision for low value shoplifting.

- The relevant material is addressed in paragraphs D6.6-6.9, the first sub-paragraph of D6.12, D6.14-6.18, D6.22-6.27 and D6.29 of Blackstone's Criminal Practice 2015.

Examinable material on committals for sentence will consist of powers to commit for sentence and be limited to the fact that there are different provisions relating to different circumstances.

- The relevant material is addressed in paragraphs D.23.31, D23.44 and the first sub-paragraph of D23.57 of Blackstone's Criminal Practice 2015.

Examinable material on sending indictable offences to the Crown Court will consist of court of first appearance, sending cases to the Crown Court under section 51 of the Crime and Disorder Act 1998 (including either way offences, the situation where there are co-accused, subsidiary matters and presence of the accused).
• The relevant material is addressed in paragraphs D10.1 and D10.4-10.11 of Blackstone’s Criminal Practice 2015.

Examinable material on sending linked summary offences and dealing with them in the Crown Court will consist of the relevant statutory provisions.
• The relevant material is addressed in paragraph D6.40 (Mode of Trial for summary offences) of Blackstone’s Criminal Practice 2015.

Syllabus

5. Disclosure of unused material and defence statements

• investigator’s duty to retain unused material (detailed knowledge not required), prosecutor’s duty of disclosure and the test for determining whether unused material should be disclosed by the prosecution
• time limits for prosecution disclosure, applications to compel prosecution to disclose and the continuing duty to review
• defence duties of disclosure, defence statements and consequences of defence disclosure failures
• public interest immunity and third party disclosure

Curriculum

Examinable material on the investigators’ duty to retain unused material, the prosecutor’s duty of disclosure and the test for determining whether unused material should be disclosed by the prosecution will consist of the scheme of the legislation, commencement dates, the investigation stage, responsibilities of investigators and disclosure officers, the duty to record and retain material, the duty to reveal material to the prosecutor, the responsibilities of the prosecutor to review material, disclosure post-charge but prior to statutory obligation, the statutory test for disclosure, service of schedules and prosecution obligations in summary trials.
• The relevant material is addressed in paragraphs D9.2, the first sub-paragraph of D9.4, D9.6, D9.8, the first sub-paragraph of D9.10, D9.12-9.16 and D9.18-9.22 of Blackstone’s Criminal Practice 2015.

Examinable material on time limits for prosecution disclosure, applications to compel the prosecution to disclose and the continuing duty to review will consist of time limits for disclosure, method of disclosure, continuing duty to review, and defence applications for prosecution disclosure.
• The relevant material is addressed in paragraphs D9.23 – D9.27 of Blackstone’s Criminal Practice 2015.

Examinable material on defence duties of disclosure, defence statements, and consequences of defence disclosure failures will consist of the defence statement, alibi, notification of details of defence witnesses, defence disclosure in cases tried summarily, defence disclosure time limits in cases tried in the Crown Court, and sanctions for failure in defence disclosure.
Examinable material on public interest immunity and third party disclosure will consist of the practice and procedure of investigators, obligations of prosecutors and pre-trial disclosure of third party material.

- The relevant material is addressed in D9.50, the first sub-paragraph of D9.56, the first sub-paragraph of D9.72 up to ‘(see para. 3.6)’ and D15.81 of Blackstone’s Criminal Practice 2015.

Syllabus

6. **Indictments**
   - the indictment, including time limits and the structure and format of an indictment
   - rules governing joinder of counts on an indictment and the consequences of misjoinder
   - rules relating to specimen counts
   - joinder of defendants on an indictment
   - applications to sever the indictment
   - applications to amend indictments
   - voluntary bills of indictment

Curriculum

Examinable material on the indictment will consist of the requirement that an indictment be signed, responsibility for drafting an indictment, time limits for preferring a bill of indictment, general form of an indictment, degree of detail required in particulars, components of particulars, and dealing with continuous offences.

- The relevant material is addressed in first sub-paragraph of D11.1 and paragraphs D11.2, D11.6, D11.8, D11.9, D11.23, D11.28, D11.32, D11.34 (from (c)), D11.35 (up to CPD II, paragraph 14A.10 at (d)) of Blackstone’s Criminal Practice 2015.

Examinable material on joinder and misjoinder of counts will consist of the rule in Crim PR rule 14.2(3) on joinder of counts in an indictment, application of the rule, charges founded on the same facts, and series of offences of the same or similar character.

- The relevant material is addressed in paragraphs D11.63, D11.64 (insofar as it establishes that proceedings flowing from an improperly joined count are a nullity), D11.65-11.66 and D11.70 of Blackstone’s Criminal Practice 2015.

Examinable material relating to specimen counts will consist of specimen or sample counts (including the procedure for specimen counts, and potential problems with specimen counts).

- The relevant material is addressed in paragraphs D11.36-11.38 of Blackstone’s Criminal Practice 2015.

Examinable material on joinder of defendants on an indictment will consist of the power to indict all parties to a joint offence for it in a single count, without the need to distinguish between principals and secondary parties, and the power to join two or more accused in one indictment on separate counts for the same or different offences.

- The relevant material is addressed in paragraphs D11.72-11.75 of Blackstone’s Criminal Practice 2015.
Examinable material on applications to sever the indictment will consist of the power to sever an indictment, severance of counts on an indictment, and the court’s discretion to order separate trials of the accused.
- The relevant material is addressed in paragraphs D11.76-11.79 and D11.86-11.88 of Blackstone’s Criminal Practice 2015.

Examinable material on applications to amend indictments will consist of the extent of the power to amend, amendment by insertion of a new count, the evidential basis for the new count, and timing of amendment.
- The relevant material is addressed in paragraphs D11.100-11.101, D11.104-11.05, and the first sub-paragraph of D11.106 of Blackstone’s Criminal Practice 2015.

Examinable material on voluntary bills of indictment will be limited to knowledge of the fact that such a procedure exists and the circumstances in which it is appropriate to use it.
- The relevant material is addressed in paragraphs D10.44 and D10.48 of Blackstone’s Criminal Practice 2015.

Examinable material on indictments will also consist of the content of Part 14 of the CrimPR and the notes thereto, together with CPD II, paragraphs 14A.1 to 14A.5 and 14A.10.

Syllabus

7. Preliminaries to trial in the Crown Court
- arraignment, change of plea and pleas to lesser offences
- preliminary and plea and case management hearings
- prosecution offering no evidence and leaving counts to lie on file
- applications to dismiss

Curriculum

Examinable material on arraignment, change of plea and pleas to lesser offences will consist of procedure on arraignment, pleas that may be entered on arraignment, entry and effect of plea of not guilty, plea of guilty, requirement that accused plead personally, effect of plea of guilty, adjournment following plea of guilty, mixed pleas from an accused, plea of guilty to a lesser offence, change of plea from not guilty to guilty, and change of plea from guilty to not guilty.

Examinable material on preliminary, preparatory and plea and case management hearings will consist of early guilty plea hearings and preliminary hearings, and plea and case management hearings.
- The relevant material is at D15.39, D15.44 and D15.47-15.48 of Blackstone’s Criminal Practice 2015.

Examinable material on the prosecution offering no evidence and leaving counts to lie on file will consist of offering no evidence under section 17 of the Criminal Justice Act 1967, and leaving counts to lie on file.
• The relevant material is addressed in paragraphs D12.81-12.83 of Blackstone's Criminal Practice 2015.

Examinable material on applications to dismiss charges will consist of applications for dismissal, the procedure for applications for dismissal and the test on dismissal applications.
• The relevant material is addressed in paragraphs D10.23, the first sub-paragraph of D10.24, and paragraph D10.27 of Blackstone's Criminal Practice 2015.

Syllabus

8. **Summary trial procedure**
• pre-trial rulings
• proceeding in the absence of the defendant
• abuse of process in the magistrates’ courts
• procedural steps in a summary trial, including role of the legal adviser, the procedure for raising points of law, and the different ways in which evidence may be presented or proved and speeches
• submission of no case to answer
• verdicts

Curriculum

Examinable material on pre-trial rulings will consist of pre-trial hearings and pre-trial rulings.
• The relevant material is addressed in paragraph D21.35 of Blackstone's Criminal Practice 2015.

Examinable material on proceeding to trial in the absence of the defendant will consist of the court’s powers and procedure in cases of trial in the absence of the accused.
• The relevant material is addressed in CrimPR rule 37.11 and in paragraphs D5.43 and D22.13 of Blackstone's Criminal Practice 2015.

Examinable material on abuse of process in the magistrates’ courts will consist of the effect of delay and the court’s discretion not to proceed on account of delay.
• The relevant material is addressed in paragraph D21.21 of Blackstone’s Criminal Practice 2015.

Examinable material on the procedural steps in a summary trial will consist of the prosecution opening speech, prosecution witnesses, written evidence at summary trial, formal admissions, objections to prosecution evidence (including objections to admissibility under section 78 and section 76 of PACE), closing speeches, the role of the justices’ clerk or legal adviser, and the content of CrimPR rule 37.3.
• The relevant material is addressed in the first sub-paragraph of D22.36, D22.37, the first sub-paragraph of D22.38, D22.40-22.41, D22.43, the first sub-paragraph of D22.44 up to “…confession”; D22.62, D22.77-78 of Blackstone’s Criminal Practice 2015.

Examinable material on making a submission of no case to answer will consist of submissions of no case to answer, the extent to which the court may have regard to the credibility of prosecution witnesses, and the prosecution right of reply.
• The relevant material is addressed in paragraphs D22.49-22.51 of Blackstone's Criminal Practice 2015.

Examinable material on verdicts will consist of the duty to give reasons and the circumstances in which the court may find the defendant guilty of a lesser offence.
• The relevant material is addressed in paragraphs D22.67-22.69 (first sentence only) of Blackstone's Criminal Practice 2015.

Syllabus

9. **Jury trial procedure**
  • proceeding in the absence of the defendant
  • unrepresented defendants
  • abuse of process in the Crown Court
  • procedural steps in a jury trial, including the different ways in which evidence may be presented or proved, dealing with points of law during the trial and submission of no case to answer
  • speeches and summing up
  • verdicts, including majority verdicts and conviction of a lesser offence

Curriculum

Examinable material on proceeding in the absence of the defendant will consist of the general rule that an accused should be present throughout his trial, the exceptions to the general rule and the principles to be considered.
• The relevant material is addressed in paragraphs D15.84, D15.88, and D15.89 (1) and (2) of Blackstone's Criminal Practice 2015.

Examinable material on unrepresented defendants will consist of the accused’s right to give or call evidence and restrictions on the accused.
• The relevant material is addressed in paragraphs D17.17-17.19 of Blackstone's Criminal Practice 2015.

Examinable material on abuse of process in the Crown Court will consist of the court’s power to stay proceedings.
• The relevant material is addressed in paragraphs D3.70-3.72 of Blackstone's Criminal Practice 2015.

Examinable material on procedural steps in a jury trial, including the different ways in which evidence may be presented or proved, dealing with points of law during trial and submission of no case to answer will consist of the opening speech, calling prosecution witnesses, reading statements, formal admissions, objections to prosecution evidence, editing of prosecution evidence, submissions of no case to answer, defence opening speeches, the defence case, order of defence evidence, the accused as a witness, the decision to call the accused, and the discretion of the judge to call or recall a witness.
• The relevant material is addressed in paragraphs D16.10-12, D16.17, D16.36, D16.40-16.41, D16.52, D16.54-59, D17.7-17.9, D17.12 and D18.10 of Blackstone's Criminal Practice 2015.
Examinable material on speeches and summing up will consist of discussion with counsel of the law, counsel’s duty to assist the court, order of speeches, limitations as to content, and the judge’s summing up (including written directions, standard directions, defences, the facts, appointment of a jury foreman and unanimity).


Examinable material on verdicts will consist of retirement of the jury, questions from the jury, majority verdicts (including time requirements and minimum number), verdicts of guilty of a lesser offence, the judge’s discretion in directing the jury as to alternative offences, returning the verdict and juries unable to agree on a verdict.


Syllabus

10. Preliminary evidential matters
- basic principles of evidence
- tribunals of fact and law
- common law powers to exclude evidence and discretionary power to exclude under section 78 of PACE

Curriculum

Examinable material on basic principles of evidence will consist of facts in issue, formal admissions, relevance, circumstantial evidence, and real evidence.

- The relevant material is addressed in paragraphs F1.1, F1.3, F1.11, F1.18, the first paragraph of F8.45 and F8.50 of Blackstone’s Criminal Practice 2015.

Examinable material on tribunals of fact and law will consist of the general principles in a trial on indictment and summary trial.

- The relevant material is addressed in paragraphs F1.32 and F1.38 of Blackstone’s Criminal Practice 2015.

Examinable material on the court’s powers to exclude evidence will consist of general principles of the common law discretion to exclude evidence and of the discretionary power to exclude evidence under section 78 of PACE.

- The relevant material is addressed in paragraphs F2.1, F2.9 and F2.10 of Blackstone’s Criminal Practice 2015.

Syllabus

11. Burden and standard of proof
- the distinction between the legal burden and the evidential burden of proof
- the general rule concerning the incidence of the burden of proof in criminal cases and the exceptions to it
• the standard of proof required in criminal cases when the legal burden rests on the prosecution
• the standard of proof required when the legal burden rests on the defence

Curriculum

Examinable material on the distinction between the legal burden and the evidential burden of proof will consist of consideration of legal and evidential burdens, and discharge of burdens borne by the prosecution and defence.
  • The relevant material is addressed in paragraphs F3.1-3.5 of Blackstone’s Criminal Practice 2015.

Examinable material on the general rule concerning the incidence of the burden of proof and exceptions to it will consist of the general rule on incidence of the legal burden, statutory exceptions, the impact of the Human Rights Act, and the general rule on incidence of the evidential burden (including cases of self-defence).
  • The relevant material is addressed in paragraphs F3.6-3.10, F3.18, F3.37 and F3.41 of Blackstone’s Criminal Practice 2015.

Examinable material on the standard of proof required in criminal cases when the legal burden rests on the prosecution will consist of the general rule and the usual direction where the legal burden is on the prosecution.
  • The relevant material is addressed in paragraphs F3.48-3.49 of Blackstone’s Criminal Practice 2015.

Examinable material on the standard of proof required when the legal burden rests on the defence will consist of the usual direction where the legal burden is on the defence.
  • The relevant material is addressed in paragraph F3.54 of Blackstone’s Criminal Practice 2015.

Syllabus

12. Preliminary issues relating to Witnesses
• competence and compellability
• oaths and affirmations
• issue of a witness summons and warrant of arrest

Curriculum

Examinable material on competence and compellability will consist of the meaning of competence and compellability, the general rule as to competence and compellability, competence of the accused, competence and compellability of the spouse or civil partner of the accused, and the competence of children and persons with a disorder or disability of the mind.
  • The relevant material is addressed in paragraphs F4.1-4.2, F4.8, F4.10, F4.14-4.15 and F4.21 of Blackstone’s Criminal Practice 2015.

Examinable material on oaths and affirmations will consist of the general rule and exceptions, and the giving of sworn and unsworn evidence by children.
• The relevant material is addressed in paragraphs F4.23 and F4.32 of Blackstone’s Criminal Practice 2015.

Examinable material on issue of a witness summons and warrant of arrest will consist of securing the attendance of witnesses, compelling attendance, punishment for failure to attend, and the powers of magistrates to issue a witness summons and warrant of arrest.

• The relevant material is addressed in paragraphs D21.27, D21.28 and D15.93-15.95 (first four lines only) of Blackstone’s Criminal Practice 2015.

Syllabus

13. The rules relating to the examination of Witnesses

• examination in chief: form of questioning, memory refreshing, the use of previous consistent statements, hostile witnesses
• cross-examination: form of questioning, previous inconsistent statements, restrictions on cross-examination, including finality on collateral matters
• re-examination: form of questions
• the special measures available to vulnerable witnesses and witnesses in fear of testifying

Curriculum

Examinable material on examination in chief will consist of the impermissibility of leading questions, refreshing the memory from documents in the course of evidence and out of court, previous consistent statements and complaints, statements in rebuttal of allegations of recent fabrication, and hostile witnesses.


Examinable material on cross-examination will consist of previous inconsistent statements, the nature and sequence of cross-examination, cross-examination by an accused in person, the object of cross-examination, role of the judge during cross-examination, order of cross-examination, effect of failure to cross-examine, scope of cross-examination, leading questions, exclusionary rules of evidence, powers of the judge to restrain unnecessary or improper questions and impose time limits, cross-examination as to credit and the rule of finality of answers to questions on collateral matters.

• The relevant material is addressed in paragraphs F6.49, F7.1-7.2, F7.4-7.6, F7.8, F7.11-7.18 and F7.42 of Blackstone’s Criminal Practice 2015.

Examinable material on re-examination will consist of the principal rules of re-examination.

• The relevant material is addressed in paragraph F7.60 of Blackstone’s Criminal Practice 2015.

Examinable material on special measures will consist of the range of special measures available and the general eligibility categories.

• The relevant material is addressed in paragraphs D14.1-14.5 of Blackstone’s Criminal Practice 2015.
Syllabus

14. **Hearsay Evidence**
- general principles of the rule against hearsay in criminal proceedings
- exceptions to the hearsay rule, gateways to admissibility and safeguards in the Criminal Justice Act 2003
- making and opposing applications to adduce hearsay evidence under the Criminal Procedure Rules

Curriculum

Examinable material on general principles of the rule against hearsay in criminal proceedings will consist of the definition of hearsay evidence, hearsay and previous statements of witnesses, hearsay and 'matters stated', matters not intended to be believed or acted upon, and mechanically produced evidence as hearsay.
- The relevant material is addressed in paragraphs F15.1-2, F15.5, the first two paragraphs of F15.10, F15.17-15.20, F15.22 and F15.26 of Blackstone's Criminal Practice 2015.

Examinable material on exceptions to the hearsay rule, gateways to admissibility and safeguards in the Criminal Justice Act 2003 will consist of unavailable witnesses, business and other documents, discretionary exclusion of admissible statements, hearsay admissible in the interests of justice and its relationship with other hearsay exceptions, warnings as to quality of hearsay, admissibility of public documents, evidence of reputation, statements forming part of the res gestae, statements in response to emotionally overpowering events, common law confessions and admissions, statements in furtherance of common enterprise, common law admissibility of body of expertise, multiple hearsay, evidence affecting the credibility of admissible hearsay, and unconvincing and superfluous hearsay.

Examinable material on making and opposing applications to adduce hearsay evidence under the Criminal Procedure Rules will consist of notice requirements.
- The relevant material is addressed in Part 34 of the CrimPR and paragraph F16.5 of Blackstone's Criminal Practice 2015.
Syllabus

15. Character evidence
- evidence of bad character under the Criminal Justice Act 2003
- gateways to admissibility of non-defendant bad character
- gateways to admissibility and powers for exclusion of defendant bad character
- procedure for adducing and opposing the introduction of bad character evidence
- proof of convictions
- bad character directions
- evidence of good character and good character directions

Curriculum

Examinable material on evidence of bad character under the Criminal Justice Act 2003 will consist of bad character, convictions, reprehensible behaviour, misconduct in connection with investigation or prosecution, and previous allegations as evidence of bad character.
- The relevant material is addressed in paragraphs F12.3-12.4, F12.6-12.7, F12.9 and F12.11 of Blackstone's Criminal Practice 2015.

Examinable material on gateways to admissibility of non-defendant bad character will consist of gateways to admissibility, important explanatory evidence, evidence of substantial probative value in relation to a matter in issue, credibility as a matter in issue and matters relevant to assessment of probative value.
- The relevant material is addressed in paragraphs F14.5-14.8, the first sub-paragraph of F14.9 and paragraph F14.10 of Blackstone’s Criminal Practice 2015.

Examinable material on gateways to admissibility and powers for exclusion of defendant bad character will consist of statutory gateways, powers of exclusion, important explanatory evidence, evidence of propensity, evidence of bad character and identification, cross-admissibility of bad character evidence, evidence of acquittals, evidence of bad character adduced by co-accused, evidence to correct a false impression, and attack on another person’s character.

Examinable material on the procedure for adducing and opposing the introduction of bad character evidence will consist of notice requirements and applying to exclude bad character evidence.
- The relevant material is addressed in Part 35 of the Crim PR, paragraph F12.27 of Blackstone's Criminal Practice 2015, and paragraph R-237 onwards of the Supplement to Blackstone's Criminal Practice 2015.

Examinable material on proof of convictions will consist of proof of convictions and acquittals, convictions as evidence of facts on which they are based, foreign convictions, convictions of persons other than the accused, the court’s discretion to exclude, and convictions of the accused.
- The relevant material is addressed in paragraphs F11.1 and F11.6 of Blackstone's Criminal Practice 2015.
Examinable material on bad character directions will consist of weight of character evidence and judicial direction.
- The relevant material is addressed in paragraphs F12.21-12.22 of Blackstone's Criminal Practice 2015.

Examinable material on evidence of good character and good character directions will consist of the purpose of adding evidence of good character, the need for a jury direction, directions on credibility where the accused testifies, directions on credibility where the accused does not testify, directions on propensity, qualified and effective good character directions, directions where one co-accused is of good character, and the meaning of good character.
- The relevant material is addressed in paragraphs F13.1-13.11, the first sentence of F13.13 and F13.17-13.18 of Blackstone's Criminal Practice 2015.

**Syllabus**

16. **Confessions and unlawfully obtained evidence**
- the definition of confessions under PACE
- admissibility and exclusion of confessions
- determining the admissibility of confessions and the voir dire procedure
- the admissibility of evidence obtained as a result of inadmissible confessions
- the exclusion of other prosecution evidence at common law and under section 78 of PACE
- common categories of evidence that may be the subject of applications to exclude under section 78
- making or challenging applications to exclude evidence under section 78

**Curriculum**

Examinable material on the definition of confessions under PACE will consist of definition of confessions, guilty pleas and mitigation, confessions otherwise than in words, and partly and wholly exculpatory statements.
- The relevant material is addressed in paragraphs F17.1-17.5 of Blackstone's Criminal Practice 2015.

Examinable material on admissibility and exclusion of confessions will consist of principles of admissibility under section 76 of PACE, exclusion for oppression, the ambit of oppression, relevance of character and attributes of the accused, exclusion for unreliability, exclusion under section 78 of PACE, and section 78 and PACE Codes of Practice.
- The relevant material is addressed in paragraphs F17.8-17.14, F17.17-17.20, F17.24, F17.33-F17.40 and F17.42 of Blackstone's Criminal Practice 2015.

Examinable material on determining admissibility of confessions and the voir dire procedure will consist of the voir dire procedure and sections 76 and 78 of PACE, and the effect of exclusion on the prosecution.
- The relevant material is addressed in paragraphs F17.62-17.64, F17.68 and F17.83 of Blackstone's Criminal Practice 2015.

Examinable material on the admissibility of evidence obtained as a result of inadmissible confessions will consist of discovery of facts and confessions relevant to show speech, writing or expression.
• The relevant material is addressed in paragraphs F17.85-17.87 and the first sub-paragraph of F17.89 of Blackstone's Criminal Practice 2015.

Examinable material on the exclusion of other prosecution evidence at common law and under section 78 of PACE will consist of the discretion to exclude evidence at common law, the discretion to exclude under section 78 of PACE, the general rule of admissibility, and exclusion of evidence obtained by torture or inhuman or degrading treatment.
• The relevant material is addressed in paragraphs F2.1, F17.30, F17.32, F2.9-2.12, F2.14-2.16, F2.28, and F2.31 of Blackstone’s Criminal Practice 2015.

Examinable material on common categories of evidence that may be the subject of applications to exclude under section 78 will consist of evidence obtained in consequence of significant and substantial breaches of the PACE Codes of Practice.
• The relevant material is addressed in paragraphs F2.48-2.49 of Blackstone's Criminal Practice 2015.

Examinable material on making or challenging applications to exclude evidence under section 78 will consist of the making or challenging applications in the Crown Court and in the magistrates’ courts.
• The relevant material is addressed in paragraphs F2.29, F1.39-1.40, F1.43, F1.45, D22.41 and D22.43 of Blackstone's Criminal Practice 2015.

Syllabus

17. **Inferences from the defendant’s silence and other conduct**
• evidential significance of the defendant’s lies and directions that should be given to the jury
• inferences from the defendant’s failure to mention facts when questioned
• inferences from the defendant’s failure to account for objects, substances and marks and from the defendant’s failure to account for his presence at the scene of a crime
• inferences from the defendant’s failure to testify in his own defence during the trial, including the advice that should be given to a defendant about this issue

Curriculum

Examinable material on evidential significance of the defendant’s lies and directions that should be given to the jury will consist of Lucas directions, cases where a Lucas direction is required, and situations where a Lucas direction is unnecessary.
• The relevant material is addressed in paragraphs F1.21-1.22 of Blackstone’s Criminal Practice 2015.

Examinable material on inferences from the defendant’s failure to mention facts when questioned will consist of the right to silence, adverse inferences under section 34 of the Criminal Justice and Public Order Act 1994 from failure to mention facts later relied on in court, facts relied on, prepared statements, caution, legal advice to remain silent, waiver of privilege, and directions as to permissible inferences.
Examinable material on inferences from the defendant’s failure to account for objects, substances and marks and from the defendant’s failure to account for his presence at the scene of a crime will consist of adverse inferences under sections 36 and 37 of the Criminal Justice and Public Order Act 1994, and the conditions to be satisfied.

- The relevant material is addressed in paragraphs F19.34 and F19.36-19.39 of Blackstone’s Criminal Practice 2015.

Examinable material on inferences from the defendant’s failure to testify in his own defence during the trial, including the advice that should be given to a defendant about this issue will consist of inferences under section 35 of the Criminal Justice and Public Order Act 1994, and proper inferences of guilt.

- The relevant material is addressed in paragraphs F19.41-19.43 and F19.45-19.52 of Blackstone’s Criminal Practice 2015.

Syllabus

18. Visual identification evidence
- visual identification cases and the Turnbull Guidelines

Curriculum

Examinable material on visual identification evidence and the Turnbull Guidelines will consist of the applicability of the Turnbull Guidelines, the scope of the Turnbull Guidelines, supporting evidence in visual identification cases (including mutually supportive identifications, self-incrimination and the accused’s silence), the quality of the witness in visual identification cases and stopping a trial based on inadequate identification.

- The relevant material is addressed in paragraphs F18.9-18.19 of Blackstone's Criminal Practice 2015.

Syllabus

19. Opinion evidence and experts
- the general prohibition on the use of opinion evidence in criminal cases and the exceptions to this rule
- the use of expert opinion evidence at trial

Curriculum

Examinable material on the general prohibition on opinion evidence will consist of the general rule and the exceptions relating to non-expert and expert opinion evidence. The relevant material is addressed in paragraphs F10.1 and F10.2 of Blackstone's Criminal Practice 2015.

Examinable material on the use of expert opinion evidence at trial will consist of competence of expert witnesses, matters calling for expertise, opinions on ultimate issues, the duty of experts and the function and weight of expert evidence.
• The relevant material is addressed in paragraphs F10.4-10.5, F10.8-10.9, F10.35-10.36, F10.41 of Blackstone's Criminal Practice 2015.

Syllabus

20. Privilege
• the privilege against self-incrimination
• legal professional privilege and waiver of privilege

Curriculum

Examinable material on the privilege against self-incrimination will consist of the general principles of privileged relationships, the scope of the privilege against self-incrimination, incrimination must be of a person claiming privilege.
• The relevant material is addressed in paragraphs F9.34 and F9.38 of Blackstone's Criminal Practice 2015.

Examinable material on legal professional privilege and waiver of privilege will consist of the scope of legal professional privilege, legal advice privilege, litigation privilege, communications in furtherance of crime or fraud, and waiver of privilege and section 34 Criminal Justice and Public Order Act 1994.
• The relevant material is addressed in paragraphs F9.49, F9.52, F9.55-9.56, and F9.65 (first eight lines only) and F9.69-9.70 of Blackstone's Criminal Practice 2015.

Syllabus

21. Youth courts and the appearance of youths in other courts
• the categorisation of youths into ‘child’ and ‘young person’
• procedure in the youth court
• circumstances in which a youth will appear in the adult magistrates’ courts and the Crown Court, including reference to how the dangerous offender provisions apply to youths
• the sentences available to the youth court

Curriculum

Examinable material on the categorisation of youths into ‘child’ and ‘young person’ will consist of the terminology used in youth cases.
• The relevant material is addressed in paragraph D24.2 of Blackstone’s Criminal Practice 2015.

Examinable material on procedure in the youth court will consist of mode of trial, exclusion of the public, attendance of parents or guardians, course of the trial in a youth court, plea before venue procedure for juveniles, cases where a juvenile is charged with an adult, and determining age.

Examinable material on circumstances in which a youth will appear in the adult magistrates’ courts and the Crown Court, including reference to how the dangerous offender provisions apply to
youths, will consist of court of first appearance, determining mode of trial of juveniles, and dangerous offenders.

- The relevant material is addressed in paragraphs D24.6, D24.20, D24.21, D24.25-24.27, D24.37 and the final paragraph of D24.39 of Blackstone's Criminal Practice 2015.

Examinable material on the sentences available to the youth court will consist of committal for sentence, youth court sentencing powers generally, and detention and training orders.

- The relevant material is addressed in paragraphs D24.59, D24.101, E7.15, E7.18 (but only the minimum and maximum terms of a detention and training order, not the periods in between) and E7.20 (but only the fact that they can be consecutive, no other detail required) of Blackstone's Criminal Practice 2015.

### Syllabus

#### 22. **Sentencing principles**

- purposes of sentencing and sentencing guidelines
- assessment of seriousness, reduction in sentence for guilty plea, aggravating and mitigating features, the totality principle and prevalence
- pre-sentence reports, medical reports, and victim personal statements
- indications as to sentence
- sentencing in the Crown Court
- sentencing procedure in the magistrates' courts
- committal for sentence

#### Curriculum

Examinable material on purposes of sentencing and sentencing guidelines will consist of the purposes of sentencing set out in section 142 of the Criminal Justice Act 2003, and use of Sentencing Council sentencing guidelines.

- The relevant material is addressed in paragraphs E1.1-E1.3 of Blackstone's Criminal Practice 2015.

Examinable material on assessment of seriousness, reduction in sentence for guilty plea, aggravating and mitigating features, the totality principle and prevalence will consist of determining the seriousness of an offence, reduction in sentence for guilty plea, aggravating factors (including previous convictions, offending on bail, racial or religious aggravation, offences with a terrorist connection, aggravation related to disability, sexual orientation or transgender identity, and general aggravating factors), mitigation (including general mitigating factors and personal mitigation), the totality principle and prevalence.

- The relevant material is addressed in paragraphs E1.7-1.9 and E1.14-1.22 of Blackstone's Criminal Practice 2015.

Examinable material on pre-sentence reports, medical reports, and victim personal statements will consist of the use in sentencing of pre-sentence reports, medical reports and victim personal statements.

- The relevant material is addressed in paragraphs E.1.27, E1.30 and E1.33 of Blackstone's Criminal Practice 2015.
Examinable material on indications as to sentence will consist of judicial indications, the Goodyear approach, responsibilities of the court, responsibilities of the defence, responsibilities of the prosecution and the indication process.

- The relevant material is addressed in paragraphs D12.60-12.65 of Blackstone's Criminal Practice 2015.

Examinable material on sentencing in the Crown Court will consist of ascertaining the facts of the offence, duties of the prosecutor in relation to sentencing, victim impact statements, counsel’s duty to assist the court, the factual basis for sentence, disputes about facts following a plea of guilty, Newton hearings (including general approach, duty of the accused’s legal representatives, and the power of the court to direct a hearing, and procedure in a Newton hearing), written basis of plea, disputes about facts following a verdict of guilty, evidence of character and antecedents, taking other offences into consideration, sample offences, reports on the accused, pre-sentence reports, medical and psychiatric reports, mitigation of sentence, pronouncement of sentence (including giving reasons), and deferring sentence.


Examinable material on sentencing procedure in the magistrates’ courts will consist of adjournments prior to sentence, presenting facts, character and antecedents, Newton hearings, adjudication of and pronouncement of sentence (including majority decisions, and explaining reasons), restrictions on sentencing powers in either way and summary offences, aggregate prison terms and fines, compensation orders, custody for young offenders and other sentencing powers.

- The relevant material is addressed in paragraphs D23.1, D23.2, D23.6-23.9, D23.14, D23.16-23.18 and D23.20-23.22 of Blackstone's Criminal Practice 2015.

Examinable material on committals for sentence will consist of powers to commit for sentence and be limited to the fact that there are different provisions relating to different circumstances.

- The relevant material is addressed in paragraphs D.23.31, D23.44 and the first sub-paragraph of D23.57 of Blackstone's Criminal Practice 2015.

**Syllabus**

23. **Non-custodial sentences**
   - absolute and conditional discharges
   - fines and the consequences of default
   - community sentences and the consequences of breach of a community sentence
   - binding over orders

**Curriculum**

Examinable material on absolute and conditional discharges will consist of the court’s power to grant absolute and conditional discharges, use of absolute discharge and conditional discharge and breach of conditional discharge.
- The relevant material is addressed in paragraphs E12.1, E12.2-12.3 and E12.5 of Blackstone's Criminal Practice 2015.

Examinable material on fines and the consequences of default will consist of fines in the Crown Court, powers of the Crown Court to impose fines, the power and duty of the court to fix a term in default, fines in the magistrates’ court, enforcement of fines, sentencing principles with regard to fines, proportionality to the gravity of the offence, taking account of the means of the offender instalment payments and combining fines with other sentences or orders.

Examinable material on community sentences and the consequences of breach of a community sentence will consist of the criteria for the imposition of a community order, pre-sentence reports and community sentences, community order requirements (including unpaid work, rehabilitation activity, programme, prohibited activity, curfew, exclusion, residence, mental health treatment, drug rehabilitation, alcohol treatment, attendance centre and electronic monitoring requirements, but students are not expected to memorise the lengths of each individual order) and the enforcement of community orders (including breach, revocation and amendment of community orders).

Examinable material on binding over orders will consist of the power of the court to bind over to keep the peace.
- The relevant material is addressed in paragraphs E13.1-13.3 of Blackstone's Criminal Practice 2015.

**Syllabus**

**24. Custodial sentences**
- custodial sentences in the Crown Court and magistrates’ courts
- restrictions on imposing custodial sentences
- length of sentence
- mandatory and minimum sentences
- suspended sentences

**Curriculum**

Examinable material on custodial sentences in the Crown Court and magistrates’ courts will consist of available custodial sentences, maximum custodial sentences, and limits on the power of magistrates’ courts to impose imprisonment.
- The relevant material is addressed in paragraphs E2.1-2.1 and E2.5 of Blackstone's Criminal Practice 2015.

Examinable material on restrictions on imposing custodial sentences will consist of the general restriction in section 152 of the Criminal Justice Act 2003 on imposing custodial sentences.
- The relevant material is addressed in paragraphs E2.7-2.8 of Blackstone's Criminal Practice 2015.
Examinable material on length of sentence will consist of the general provision in section 153 of the Criminal Justice Act 2003, dealing with several offences, time remanded in custody to count as time served, crediting periods of remand on bail, concurrent and consecutive custodial sentences and the relevance to sentence of early release provisions.

- The relevant material is addressed in paragraphs E2.9-2.12, E2.16, E2.19-2.21 and E2.23 of Blackstone's Criminal Practice 2015.

Examinable material on mandatory and minimum sentences will consist of mandatory life sentences for murder, and minimum custodial sentences for Class A drug offences and domestic burglary.

- The relevant material is addressed in paragraphs E3.1-3.2, E5.1, E5.3-5.4 and E5.8 of Blackstone’s Criminal Practice 2015.

Examinable material on suspended sentences will consist of the power to impose suspended sentences under section 189 of the Criminal Justice Act 2003, consecutive terms, combining with other sentences or orders, imposition of requirements, breach of community requirements, and commission of further offences.

- The relevant material is addressed in paragraphs E6.1, E6.3, E6.5-6.8, E6.11-6.12 and E6.14 of Blackstone’s Criminal Practice 2015.

**Syllabus**

25. Ancillary orders and costs on conviction

- costs on conviction
- compensation
- forfeiture and deprivation orders
- registration of sex offenders
- confiscation under the Proceeds of Crime Act 2002

**Curriculum**

Examinable material on costs on conviction will consist of orders that the accused pay prosecution costs, amount of an order for prosecution costs, and the proper approach to an order that the accused pay prosecution costs.

- The relevant material is addressed in the first sub-paragraph of D33.20, the first sub-paragraph of D33.22, and the summary of ex parte Dove in paragraph D33.24 of Blackstone’s Criminal Practice 2015.

Examinable material on compensation will consist of the power of the court to make compensation orders and combining compensation orders with other sentences or orders.

- The relevant material is addressed in paragraphs E16.1 (knowledge of words of the section not required) and E16.15 of Blackstone’s Criminal Practice 2015.

Examinable material on forfeiture and deprivation orders will consist of the nature and effect of deprivation orders under section 143 of the Power of Criminal Courts (Sentencing) Act 2000, and the statutory power to make forfeiture orders under section 27 of the Misuse of Drugs Act 1971.

- The relevant material is addressed in paragraphs E18.1 (knowledge of words of section not required), E18.2 and E18.7 (knowledge of words of section not required) of Blackstone’s Criminal Practice 2015.
Examinable material on registration of sex offenders will consist of notification requirements under the Sexual Offences Act 2003.

- The relevant material is addressed in the first sub-paragraph of paragraph E23.1 of Blackstone's Criminal Practice 2015.

Examinable material on confiscation will consist of confiscation orders under section 6 of the Proceeds of Crime Act 2002.

- The relevant material is addressed in paragraph E19.8 of Blackstone's Criminal Practice 2015.

**Syllabus**

26. **The dangerous offender provisions**

- specified offences
- assessment of dangerousness

**Curriculum**

Examinable material on specified offences will consist of section 224 of the Criminal Justice Act 2003.

- The relevant material on offence classification is addressed in paragraphs E4.1 and 4.3 of Blackstone's Criminal Practice 2015.

Examinable material on assessment of dangerousness will consist of section 229 of the Criminal Justice Act 2003.

- The relevant material is addressed in paragraph E4.19 of Blackstone's Criminal Practice 2015.

**Syllabus**

27. **Appeals from the magistrates’ courts and from the Crown Court in its appellate capacity**

- the power of the magistrates to rectify mistakes
- the general right of appeal from the magistrates’ court to the Crown Court
- the procedure in the Crown Court for dealing with the appeal
- the powers of the Crown Court on appeal, including the power to increase sentence
- appeal to the High Court by case stated and by judicial review
- appeals from the Crown Court

**Curriculum**

Examinable material on the power of the magistrates to rectify mistakes will consist of setting aside a conviction, and variation of sentence.

- The relevant material is addressed in paragraphs D22.70 (save for the last sub-paragraph), D23.24 and D23.25 of Blackstone’s Criminal Practice 2015.
Examinable material on the general right of appeal from the magistrates’ court to the Crown Court will consist of appeals against conviction and sentence.

- The relevant material is addressed in paragraphs D29.1 and D29.3 of Blackstone’s Criminal Practice 2015.

Examinable material on the procedure in the Crown Court for dealing with the appeal will consist of the procedure on appeal to the Crown Court, the constitution of the court and the procedure at the appeal hearing.

- The relevant material is addressed in paragraphs D29.6 and D29.7 of Blackstone’s Criminal Practice 2015.

Examinable material on the powers of the Crown Court on appeal, including the power to increase sentence will consist of the provisions of section 48 of the Senior Courts Act 1981.

- The relevant material is addressed in paragraphs D29.10 and D29.13 of Blackstone’s Criminal Practice 2015.

Examinable material on appeal to the High Court by case stated and by judicial review will consist of principles of appeal by way of case stated, determination by the Divisional Court of an appeal by way of case stated, prerogative orders generally, the principal grounds for judicial review, the choice between judicial review and case stated and appeal from the Divisional Court.

- The relevant material is addressed in paragraphs D29.18, D29.24, the first two sub-paragraphs of D29.25, D29.27, D29.42 and D29.44 of Blackstone’s Criminal Practice 2015.

Examinable material on appeals from the Crown Court will consist of appeal by way of case stated and by judicial review.

- The relevant material is addressed in the first sub-paragraph of D29.38 and paragraph D29.40 of Blackstone’s Criminal Practice 2015.

Syllabus

28. **Appeals from the Crown Court**

- the power of the Crown Court to rectify mistakes as to sentence
- the right to appeal to the Court of Appeal and the requirement to obtain leave
- the more common grounds that can give rise to appeal against conviction and sentence
- the procedural requirements for applying for leave to appeal, including the practical steps that counsel should take when advising and preparing grounds of appeal
- renewal of application before full court after a refusal by single judge
- the power of the Court to make a loss of time direction
- the rules concerning the Court of Appeal hearing fresh evidence during the appeal
- the principles the Court of Appeal will adopt when determining appeals against conviction and sentence
- consequences of a conviction being quashed, including ordering re-trials
- Attorney General’s references on points of law and references of unduly lenient sentences
- prosecution appeals against trial judge rulings
- the Criminal Cases Review Commission
- appeals to the Supreme Court
Examinable material on the power of the Crown Court to rectify mistakes as to sentence will consist of variation of sentence and extent of the power to vary.

- The relevant material is addressed in paragraphs D20.95 and D20.96 of Blackstone's Criminal Practice 2015.

Examinable material on the right to appeal to the Court of Appeal and the requirement to obtain leave will consist of statutory bases of jurisdiction of the Court of Appeal, matters dealt with by the full court, matters dealt with by a two-judge court, statutory basis of appeal against conviction, appeal against conviction with leave and appeal against conviction following a plea of guilty.


Examinable material on the more common grounds that can give rise to appeal against conviction and sentence will consist of wrongful admission or exclusion of evidence, erroneous exercise of discretion, rejection of submission of no case to answer, defects in the indictment, inconsistent verdicts, conduct of the trial judge, misdirection on law, wrongful withdrawal of issues from the jury, misdirection on facts, improper comment on facts or defence case, comment on failure of the accused to testify, comment on the accused's character, sentence wrong in law, sentence wrong in principle or manifestly excessive, judge's remarks when sentencing, procedural errors, sense of grievance, disparity of sentence and failure to distinguish between offenders.


Examinable material on the procedural requirements for applying for leave to appeal, including the practical steps that counsel should take when advising and preparing grounds of appeal will consist of notice of appeal and notice of application for leave to appeal, grounds of appeal, drafting and contents of grounds of appeal, advice with grounds, perfection and variation, duty of counsel with regards to grounds of appeal, procedure for obtaining leave to appeal, extension of time for leave to appeal, transcripts, and hearing of an appeal.

- The relevant material is addressed in paragraphs D27.1, D27.3, D27.5, D27.6, D27.7, D27.8, D27.10, D27.12, D27.13, D27.22 and D27.23 of Blackstone's Criminal Practice 2015.

Examinable material on renewal of application before full court after a refusal by single judge will consist of the procedure for renewing an application for leave.

- The relevant material is addressed in paragraph D27.11 of Blackstone's Criminal Practice 2015.

Examinable material on the power of the Court to make a loss of time direction will consist of directions concerning loss of time and frivolous and vexatious appeals.

- The relevant material is addressed in paragraph D26.12 of Blackstone's Criminal Practice 2015.

Examinable material on the rules concerning the Court of Appeal hearing fresh evidence during the appeal will consist of the approach taken to the admission of evidence under section 23 of the Criminal Appeal Act 1968.

- The relevant material is addressed in paragraph D27.25 of Blackstone's Criminal Practice 2015.
Examinable material on the principles the Court of Appeal will adopt when determining appeals against conviction and sentence will consist of the statutory basis of determination of appeal, and the safety test.

- The relevant material is addressed in paragraphs D26.14-D26.15 of Blackstone’s Criminal Practice 2015.

Examinable material on consequences of a conviction being quashed, including ordering re-trials will consist of the decision to order a retrial and substituting a verdict on a partially successful appeal.

- The relevant material is addressed in paragraphs D26.36, D26.37 and D26.39 (save for the last 3 sub-paragraphs) of Blackstone’s Criminal Practice 2015.

Examinable material on Attorney General’s references on points of law and references of unduly lenient sentences will consist of reference on a point of law following acquittal, and reference for review of sentence.

- The relevant material is addressed in paragraphs D28.6 and D28.8 of Blackstone’s Criminal Practice 2015.

Examinable material on prosecution appeals against trial judge rulings will consist of appeals by the prosecution against adverse rulings, terminating rulings, consideration of an appeal and announcing the decision to appeal.

- The relevant material is addressed in paragraphs D16.74, the first sub-paragraph of D16.76, D16.77 and D16.78 of Blackstone’s Criminal Practice 2015.

Examinable material on the Criminal Cases Review Commission will consist of references by the Criminal Cases Review Commission.

- The relevant material is addressed in paragraph D28.1 of Blackstone’s Criminal Practice 2015.

Examinable material on appeals to the Supreme Court will consist of appeals by the prosecution and defence on points of law of general public importance.

- The relevant material is addressed in paragraphs D30.1 and D30.3 of Blackstone’s Criminal Practice 2015.

**Reading/Reference List:**

Providers should draw on a balanced selection of books dealing with criminal litigation, evidence and sentencing which are currently available including:

**Practitioner works**

Archbold Criminal Pleading and Practice (Sweet & Maxwell, annual)
Archbold Magistrates’ Court Criminal Practice (Sweet & Maxwell, annual)
Blackstone's Criminal Practice (Oxford University Press, annual)
Butterworths Stone’s Justices’ Manual (LexisNexis, annual)
Ed. Rees: Current Sentencing Practice (Sweet & Maxwell)
Banks on Sentence (Robert Banks)
**Law Reports**
- Criminal Appeal Reports
- Criminal Appeal Reports (Sentencing)
- Criminal Law Review
- Justice of the Peace Reports

**Electronic sources**
- Courts and Tribunals Judiciary: [www.judiciary.gov.uk](http://www.judiciary.gov.uk)
- The Sentencing Council: [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)
- The Crown Prosecution Service: [www.cps.gov.uk](http://www.cps.gov.uk)
- Banks on Sentence (Robert’s Postbag): [http://www.banksr.co.uk/](http://www.banksr.co.uk/)

**Finding Tools**
- Anthony and Berryman’s Magistrates’ Court Guide (LexisNexis, annual)
- McLean and Dixon Crown Court Index (Sweet & Maxwell, annual)
2.2.4 Professional Ethics

a Description/Rationale:

This unit, taught as a discrete topic, highlights the core professional values which underpin practice at the Bar of England and Wales. It aims to instil and build up in students the essential qualities of ethical behaviour at the Bar by nurturing and developing to a high level these existing attributes in students. Encompassing more than the knowledge and formalities outlined in the Professional Code of Conduct, this will furnish far reaching and fundamental knowledge of ethics that underlies practice at the Bar.

b Aims and Objectives (knowledge and skills):

This section seeks to:

- inculcate the fundamental concepts of professional and ethical values required of a practising barrister at the Bar of England and Wales
- provide knowledge and understanding of the philosophical issues and purposes underpinning ethical behaviour, including the concept of duty in professional life both to the client and to the rule of law
- provide in depth knowledge and understanding of the equality requirements of the Code of Conduct within the BSB Handbook.

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

1. understand and appreciate the core professional values which underpin practice at the Bar of England and Wales, particularly the additional moral responsibilities held by the profession (over and above the population in general) due to decision-making roles, functions and authority which are key to practice at the Bar
2. correctly identify issues of professional ethics and conduct which appear in given situations as likely to arise in a barrister's practice (e.g. conflict of interest)
3. demonstrate a sound working knowledge of the provisions of the Code of Conduct of the Bar of England and Wales, including the equality and diversity rules, and demonstrate existing and future adherence to that Code
4. demonstrate the capacity to provide a professional and responsible approach to clients who place trust in the profession on the basis that the service provided will be of benefit
5. display a professional and responsible approach to the course, staff and other students, and to observe the Code of Practice in order to prevent exploitation of clients and preserve the integrity of the profession, maintaining the public's trust and ensuring continuance of the provision of service

d Teaching & Learning Strategies:

Professional ethics must be taught as a separate unit, seriously and in-depth. Case studies (highlighting practical dilemmas) and practical examples should be used. All teaching and learning must be designed to enable students to appreciate the core principles which underpin the Code of Conduct. Providers must ensure the participation
of experienced practitioners in the design and delivery of professional ethics issues within the course. Professional ethics issues should be included in group discussions and other course activities, so that Providers can demonstrate that professional ethics pervade all aspects of their course.

e Assessment:

Students must be assessed and be judged competent in professional ethics and conduct, and they should, on a regular basis, be required to make explicit use of the Code in timetabled lessons. The tutor notes accompanying these lessons should clearly indicate the nature of the issue(s) and possible responses. The precise form of assessment is subject to the conditions set out in the Assessment Framework (A2.1.3). Formative-only exercises may be used. Summative assessment must take the form of one closed book examination, two hours long, comprising Part A, MCT questions, set centrally, marked centrally and electronically, plus Part B SAQs, set centrally and marked locally. There must be a pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to students as to which parts of the syllabus will or will not be assessed.

Students must be given the opportunity to attempt, and receive feedback on, formative (mock) assessments so as to provide appropriate preparation for summative (final) assessments. It is for Providers to demonstrate how this requirement has been met.

Note:

The CEB, acting through its Chief Examiners, will issue clarification from time to time of any changes in substantive law, rules of procedure, or Codes of Practice as they affect the assessment of the centrally set assessments in Professional Ethics.

It is incumbent upon students and Providers to refer to the CEB page of the BSB website for updates and further guidance on a regular basis.

The CEB page of the BSB may be found at:


Students may wish to maintain, during their year of study, a reflective journal on ethical issues which relates in particular to their courtroom observation. This is advisable, but not a requirement.

f Indicative Content/Teaching schedule:

1 Ethical Issues at the Bar

- core professional values which underpin practice at the Bar of England and Wales (what is meant by ethics and why it matters; the ethics according to which barristers work in England and Wales): BSB Handbook Part 1, Sections A to D; Part 2, Section A;
- the equality rules of the Code of Conduct: BSB Handbook Part 2, Section D1.2;
- core principles underpinning the Code of Conduct and Bar Council guidance including:
i. the principle of professional independence
ii. the principle of integrity
iii. the principle of duty to the court
iv. the principle of loyalty to the lay client
v. an understanding of the problems and perception of conflict of interest
vi. the principle of non-discrimination
vii. commitments to maintaining the highest professional standards of work, to the proper and efficient administration of justice and to the Rule of Law: BSB Handbook Part 2, Sections B and C2;

• issues of professional ethics and conduct which appear in given situations likely to arise in a barrister’s practice (including requirements as to the client’s identity, the proper keeping of records, and knowledge and awareness of money laundering regulation): BSB Handbook Part 2, Section C2;
• the ‘Cab Rank Rule’ and its importance: BSB Handbook Part 2, Section C3, rC29-30;
• provisions of the Code of Conduct of the Bar of England and Wales (in given situations) – instilling the ability to follow the spirit of the Code in situations where there is no provision that is directly applicable
• reconciling the different duties owed to a professional client, lay client, the court, and the Legal Services Commission: BSB Handbook Part 2, Section C3
  i. duties to the Lay Client including performance in and out of court, privilege and confidentiality issues
  ii. duty to the court – not misleading the court, dealing with clients’ previous convictions, pleading fraud: BSB Handbook Part 2, Section C1;
• means of handling relationships with other people: opponents and colleagues; the tribunal; judiciary; instructing solicitors; clients (both lay and expert); court clerks; dealing with witnesses: BSB Handbook Part 2, Section C3;
• consideration of dishonest conduct and conduct likely to diminish public confidence in the legal profession: BSB Handbook Part 2, Section C4;
• choosing the course of action which is consistent with the provisions and principles of the Code; where to find guidance if/when needed.

2 Personal attributes and skills: BSB Handbook Part 2, Section C3, rC20
• professional and responsible approaches to the profession, to the course and to their obligations to staff and other students
• approach to equality issues, including non-discrimination; awareness of equality issues; need to make ‘reasonable adjustments’ where appropriate: BSB Handbook Part 2, Section C3, rC28; Section C5.2;
• the Complaints procedure and penalties for infringement of the Code of Conduct (what happens if things go wrong and how to minimise the risk): BSB Handbook Part 2, Section D1.1, rC99-104;
• and awareness of penalties for academic misconduct on the BPTC: BSB Handbook Part 4 Section B8.
Reading/Reference List:

Handbook
The following chapters from the BSB Handbook will form the basis for the syllabus in 2015/16. Where a chapter is included it means (unless otherwise indicated) that the whole text (rules and guidance) of the chapter is included:

Part 1
   A – D
Part 2
   A, B
   C1, C2, C3, C4, C5.1, C5.2
   D1.1 (rC99 – rC104)
   D2.1 & D2.2
   D4
Part 3
   B2, B3, B7, B9
   C1, C2
Part 4
   B8
   C
Part 6

Additional material
There is currently a small number of guidance documents separately listed alongside the BSB Handbook. The documents to be included in the syllabus may be amended or added to within the annual syllabus guidance document in October. However, presently the following guidance documents (as listed under the Handbook section of the BSB website) should be treated as included:

Guidance on Practising Rules and Requirements
- Guidance for Unregistered Barristers (Barristers without Practising Certificates) – Supplying Legal Services and Holding Out
- Public Access Guidance for Barristers

Guidance on the Administration of a Barrister’s Practice
- First Tier Complaints Handling
- Guidance on Referral and Marketing Arrangements for Barristers Permitted by the BSB
- Confidentiality Guidance
- Guidance on Self-Employed Practice

Guidance on the Professional Conduct of Barristers
- Guidance on Reporting Serious Misconduct of Others
- Media Comment Guidance
- Guidance on Insurance and Limitation of Liability
- Issuing of Documents in Court by a Barrister
- Guidance on Clash of Hearing Dates (Listings)

The Farquharson Guidelines – The Role and Responsibilities of the Prosecution Advocate
Pending the provision of guidance from the Bar Council and/or the Bar Standards Board, paragraphs 1 to 15 of the Chancery Bar Association guidance on Money Laundering in relation to the Money Laundering Regulations and the parts of the Proceeds of Crime Act 2002 that are relevant to a barrister’s practice.

This guidance is written by Paul Marshall, No 5 Chambers, on behalf of the Chancery Bar Association.

2.2.5 Opinion Writing

a Description/Rationale:

The aim of this part of the course is to develop the student’s skill in opinion writing; that is, providing written advice to the instructing solicitor and lay client. Providing written advice in the forms of opinions is an important part of professional activity. Opinions must be practical, reliable, clear and well-presented.

b Aims and Objectives:

The unit aims to

- take students from the academic sphere (in which legal essays are expected to discuss legal principles and difficulties with some depth of research) into the professional sphere in which they hope to prosper in competition with other skilled professionals, in assisting clients with particular legal problems
- develop students’ skill by teaching them:
  i. that they must understand the client’s problem and do their best (subject always to ethical considerations) to provide a practical solution to the problem
  ii. that they must understand the facts, distinguishing between those which are undisputed and those which are likely to be in dispute, and distinguishing the relevant from the irrelevant (a process which interacts with analysis of the applicable law)
  iii. they must have a sound knowledge of the applicable law, analysing the problem so as to give reliable and realistic advice on its solution
  iv. their advice must be clear, practical and as definite as possible
  v. in giving written advice they must eliminate mistakes in spelling and grammar, cultivate a clear and concise prose style, and present the opinion in a professional format.
- enable students to identify clients’ needs through a thorough grasp of the facts, the law and the relevant procedures
- develop in students the skill of analytical reasoning.

c Intended Learning Outcomes:

By the end of this unit the student will be able to:
• identify and address the needs and objectives of the client and seek (subject always to ethical considerations) to provide a practical solution to the client's problems
• accurately identify and show a thorough grasp of all the material facts, the relevant law, the real issues, the relevant procedure, parties and evidence, distinguishing one issue from another; and asking
• identify and ask for further information/evidence, when necessary
• give clear, sound, practical advice on the matters raised in the instructions and advise on any practical steps to be taken
  • where appropriate, advise on the need for expert evidence, on quantum of damages, and on any limitation aspects
  • and generally give realistic and practical advice as to steps to be taken, including further inquiries or investigations, compliance with pre-action protocols, and other protocols necessary to take the matter forward.

In addition, opinions must:
• cover everything that needs to be covered, be fully reasoned and follow a clear line of reasoning
• answer all questions put in instructions
• use a clear and appropriate structure, dealing with each issue in a logical order and separating issues into paragraphs in a sensible way, dealing with one issue at a time and giving each its due weight and significance
• be signed and dated, properly headed and laid out, making sensible use of subheadings where appropriate, and written in a style appropriate to an Opinion
• be in clear grammatical English, correctly spelt, appropriately punctuated and written fluently and concisely in appropriate language
• follow a logical order, distinguishing between different topics with appropriate subheadings
• be as short as is consistent with advising properly on all aspects of the matter.

d Teaching & Learning Strategies:

Knowledge and understanding gained in Civil and Criminal areas should be utilised for opinion writing as well as their being taught as a discrete subject.

e Assessment:

Assessment must consist, as a minimum, of one formal unseen time-constrained invigilated examination (where ‘open book’ materials may be used as specified in advance). From Academic Year 2013-14, candidates may be provided with an option to undertake their Opinion Writing and Drafting assessments on computers, as long as security requirements are met and a policy is in place to deal with issues in the event of software failure.

In addition, at least five opinions covering a broad range of scenarios should be undertaken by students as formative exercises. Each exercise must require the application of legal research and legal knowledge, and on each of the six occasions, the student must receive individual feedback from the tutor. Poor English, grammar and syntax must be penalised.
f Indicative Content/Teaching schedule:

1 Overview
- needs and objectives of the client; solution of the client’s problems
- identification of material facts, relevant law, real issues, relevant procedure and evidence; distinction between issues
- specialised language and grammar
- headings, sub-headings, lay out and style; lines of reasoning
- structure, order, weight and significance; conciseness and length
- practical approach, as opposed to academic discussion of the law
- addressing questions expressly or implicitly raised in the instructions by expressing clear conclusions where appropriate, alternatively explaining why there can be no clear conclusions
- explanation of legal and factual alternatives, and setting out of conclusions, with full advice
- identifying the need for relevant further information/evidence, explaining where appropriate why the further information is needed
- providing clear, identifiable, appropriate, sound, practical advice on the matters raised in the instructions.

Reading/Reference List:

Providers should draw on a balanced selection of student text books dealing with opinion writing which are currently available.
2.2.6 Drafting

a Description/Rationale:

The aim of this unit/section is to equip the student with a critical knowledge, understanding and the conceptual and analytical skills necessary to draft a variety of documents including, *inter alia*, Claim Forms, Statements of Case and Witness Statements, Indictment, Grounds and Advice on Appeal in a criminal case.

b Aims and Objectives (knowledge and skills):

This unit will:

- examine the nature, function and value of pleadings and learn to draft a full range of pleadings and other documents from simple to complex in civil and criminal proceedings using precedent appropriately
- explain and demonstrate how to analyse critically a range of legal issues (claims, Witness Statements, Indictments, Grounds of Appeal and Advice on Appeal in a criminal case and settlement agreements)
- develop practical skills in drafting so that documents are properly presented and structured in clear grammatical and correct English.

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

- demonstrate a sound understanding of the nature, function and value of pleadings
- draft a full range of pleadings and other documents from simple to complex in civil and criminal proceedings using precedent appropriately (for example Particulars of Claim in a Claim Form; Any Statement of Case; Order; Witness Statement; Indictment; Grounds of Appeal and Advice on Appeal in a criminal case. Part 8 Claim Form; compromise agreement)
- draft documents that are written in clear grammatical English, correctly spelt and appropriately punctuated, and in a style that is fluent and concise, and appropriate to the document
- draft documents that are well structured, with proper headings and laid out, neat on the page, and containing all necessary formalities
- produce work that is accurate and contains correct figures and sums
- produce drafts that are precise and unambiguous, in terms that are appropriate, in compliance with the requirements of practice, sound in law, settled in the appropriate court and drafted to achieve the objectives agreed with the client
- analyse and set out the material facts and tell a clear story, identifying the material issues and omitting all immaterial matters
- accurately state the client’s case, and identify the relief sought.

d Teaching & Learning Strategies:

Teaching may make use of large and/or Small Group Sessions. Following each practice exercise students must receive individual feedback from the tutor.
e  Indicative Content/Teaching schedule:

1  General drafting
   • claim form with Particulars of Claim;
   • statement of Case;
   • order;
   • witness statement;
   • indictment;
   • grounds of appeal and advice on appeal in a criminal case.
   • Part 8 Claim Form;
   • settlement/compromise agreement.

2  Style and terminology
   • stating the client’s case, and identify the relief sought.
   • application of material facts, clarity and identifying material issues (omitting all immaterial matters);
   • requirements of practice, relevant law, and court procedures;
   • relation structurally to other documents and consistency with accompanying advice;
   • use of precedents;
   • drafting, terminology;
   • accurate and correct use of figures and sums;
   • grammatical English, correctly spelt and appropriately punctuated;
   • language and style appropriate to the document;
   • headings and lay out, formalities and structure.

3  Remedies (general)
   • whether a range of remedies should be pursued; and
   • applicable time limits.

4  Contract
   • pleading and responding to the correct heads of damages for breach of contract, including limitations on compensatory damages;
   • pleading quantum in accordance with the correct legal principles and consistently with the evidence;
   • the availability of equitable remedies, including specific performance, injunctions, rescission and rectification;
   • remedies for misrepresentation;
   • pleading claims for interest pursuant to contract or statute (Judgments Act 1838; Late Payment of Commercial Debts (Interest) Act 1998).

5  Tort
   • pleading and responding to the correct heads of damages, the calculation of quantum, the reduction of damages, aggravated and exemplary damages and the availability of injunctions; and
   • quantifying damages in cases of personal injury;
   • pleading interest on damages in claims for personal injury.
Assessment:

Formal assessment must be by means of one formal unseen time constrained invigilated examination (where open book materials may be used as specified in advance). From Academic Year 2013-14, candidates may be provided with an option to undertake their Opinion Writing and Drafting assessments on computers, as long as security requirements are met, and a policy is in place to deal with issues in the event of software failure.

In addition, at least five practice drafting exercises covering a broad range of legal issues should be undertaken by students as formative exercises. Each exercise must require the application of legal research and legal knowledge. On each of the six occasions in each skill the student must receive individual feedback from the tutor. Poor English, grammar and syntax will be penalised. (NB: see section B3.2.3 on language issues.)

Reading/Reference List:

Written skills

Providers should draw on a balanced selection books dealing with drafting which are currently available including:

Encyclopedias and loose-leaf works

Butterworths Civil Court Precedents (2012)
Encyclopedia of Forms & Precedents (LexisNexis Butterworths) (2012)
The Litigation Practice (Sweet & Maxwell) (2012)
Practical Civil Courts Precedents (Sweet & Maxwell) (2012)

Books

Atkins Court Forms (2012)
Blackstone’s Civil Practice (OUP) (2012)
Bullen, E., Leake, S.M, Jacob, Sir J.I.H, Bullen, Leake and Jacob’s Precedents of
Pleadings (Sweet & Maxwell) (2011)
Civil Procedure (Sweet & Maxwell)
Pleadings Without Tears, W Rose & R Eastman (OUP) (8th ed., 2012)
2.2.7 Conference Skills

a Description/Rationale:

The aim of this part of the course is to provide students with knowledge and understanding of the theory underpinning the application of the skills of a conference, making them sensitive to issues of client care, and emphasising the importance of an associated awareness of professional ethics.

b Aims and Objectives (knowledge and skills):

This section/unit seeks to:

- provide students with knowledge and understanding of the theory underpinning the application of the skills of a conference
- make students sensitive to issues of client care
- make students aware of professional ethics, equality and conduct issues that may arise within the context of a conference (including issues such as reasonable adjustments etc.)

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

1. demonstrate an understanding of the objectives of a conference and the factual, legal, procedural and evidential issues that should be raised in a conference
2. conduct the conference in a structured and efficient way, follow an agenda as far as possible and cover all relevant issues in a logical sequence
3. communicate effectively with the client and advise the client as appropriate.

d Teaching & Learning Strategies:

Students must be given the opportunity to practise conducting a conference on at least four occasions across a broad range of scenarios involving lay and professional clients. Each of the four conferences must be observed by a tutor and the tutor must provide feedback to the student. Each conference should, wherever possible, be video/DVD recorded.

Following each conference exercise, students should be offered the opportunity to reflect on the conduct of the exercise and to review their own performance, including how, with hindsight, they might have done it differently.

There should, if possible, be participation by members of the public, as ‘clients’ or observers to provide additional feedback.

e Assessment:

There must be a minimum of one formal oral assessment, although additional formative assessment should be utilised, as indicated above (i.e., at least three additional ‘formative-only’ opportunities).
f  Indicative Content/Teaching schedule:

1  General Conference skills
   • demonstrating an understanding of the objectives of a conference;
   • demonstrating an understanding of the factual, legal, procedural and evidential issues that should be raised in a conference;
   • conducting the conference in a structured and efficient way, following an agenda as far as possible and covering all relevant issues in a logical sequence;
   • communicating effectively with the client and responding appropriately to the client's concerns and questions by putting the client at ease and using appropriate language;
   • advising the client appropriately by explaining the legal, procedural and evidential issues in clear and unambiguous language;
   • demonstrating an understanding of the need to observe professional ethics when conducting and concluding a conference.

2  Conducting a Conference with a client
   • ensuring the client understands the objectives of the conference;
   • listening to what the client says;
   • permitting the client to raise concerns;
   • listening to the client in a non-judgmental manner, empathising with and reassuring the client when appropriate;
   • clarifying the relevant gaps and any ambiguities;
   • selecting and using appropriate questioning techniques;
   • eliciting the information required to advise the client;
   • demonstrating a clear understanding of the client's account of the case/facts.

3  Advising
   • setting out the strengths and weaknesses of the case;
   • advising on the consequences of any course of action taken;
   • advising on what further action should be taken;
   • ensuring the client understands what has been discussed;
   • obtaining the client's full instructions;
   • adhering to the instructions;
   • avoiding invention/fabrication of facts;
   • avoiding misleading the client as to the facts or the law;
   • explaining fully and frankly when required;
   • observation of the rules of professional conduct.

4  Interpersonal skills
   • having due regard for the client’s background, together with the impact this might have on their situation and view of their case (and in order to avoid stereotyped assumptions being made);
   • possessing and exercising sensitivity to the client’s predicament and state of mind (as caused by anxiety, distress, or anger).
Reading/Reference List:

Providers should draw on a balanced selection of books dealing with conference skills currently available including:

2.2.8 Resolution of Disputes Out of Court [ReDOC]

a Description/Rationale:

This section/part of the course aims to provide knowledge and understanding of the various alternative methods of dispute resolution which fall outside the usual judicial process before courts or tribunals and may be exercised prior to a possible court hearing, or at any time during the litigation process, or prior to appeal, including mediation, negotiation, arbitration, early neutral evaluation, expert determination, and other alternative dispute resolution processes. It focuses on the advisory, representational and advocacy skills required of barristers in such processes with particular attention to mediation. It explains the theory underpinning the application of the skills of such processes, including the range of tactics and strategies for use in mediation, negotiation and other techniques, and their use in the context of professional ethics and conduct.

b Aims and Objectives:

This section seeks to:

- provide knowledge and understanding of the range of methods of dispute resolution that lie outside the normal judicial processes, including negotiation, mediation (through a neutral third party), arbitration, collaborative law and conciliation and the practical skills required to advise upon, prepare for and represent parties at all stages of these processes
- provide an understanding (leading to the use of) the skills needed in a range of tactics and strategies for use as basic tools in negotiation and mediation
- make students aware of the key elements of mediation (but not with the intention of training them as mediators) and the role of the mediation advocate or representative
- make students aware of the links to case analysis and professional ethics and conduct issues that may arise within the context of mediation, negotiation or other forms of dispute resolution
- give students a basic understanding of the barrister’s role in mediation and the skills required to be effective on behalf of their clients and encourage them to develop such skills.

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

1. demonstrate an understanding of the range of methods of dispute resolution outside process in court, and an ability to select cases appropriate for each process together with an understanding of the appropriate stage at which to engage in each process
2. demonstrate an awareness and basic knowledge of the process and practice of mediation, including some of the techniques adopted by mediators, so as to be able effectively to advise professional and lay clients about, prepare them for, and represent them at mediation
3. have a working knowledge of the law and practice of arbitration and expert determination, and other methods of dispute resolution
4. be able to select strategies and methods for conducting a negotiation or representing the client at a mediation that will further the client's best interests including giving advice as to the steps that need to be taken and the preparations in terms of documents, evidence and where necessary invoking the aid of the court to assist the process
5. understand and demonstrate the skills needed in order to conduct a negotiation in their client's best interests
6. apply factual and legal issues in a case that is otherwise being resolved, in an effective way
7. demonstrate an understanding of the need to observe professional ethics when conducting and concluding alternative methods of dispute resolution
8. demonstrate a basic level of mediation advocacy skills.

d Teaching & Learning Strategies:

Formal lectures/Large Group Sessions are normally used for knowledge delivery. Demonstrations by experienced practitioners should also be incorporated. Students may be given the opportunity to practise conducting a negotiation and mediation with fellow students across a broad range of scenarios. These should be observed by a tutor, should ideally be recorded on video/DVD and used for discussion/feedback provided to students involved or observing.

The process should include opportunities for students to demonstrate the mediation advocacy skills they have learned by means of participation in 'mock' mediation. The mock mediation session should be inter-active, with pauses to allow for moderated question and answer sessions.

e Assessment:

There must be a minimum of one formal examination totalling 100% of assessment for this topic, to include reference to and coverage of the necessary skills involved. The written examinations must be closed book and should ideally involve providing students with a series of hypothetical cases and scenarios and asking them practical and ethical questions.

Indicative Content/Teaching schedule:

1 General dispute resolution skills
   • the importance of mediation, arbitration and negotiation as means of settling a case;
   • the importance of planning alternative ways of resolving a case;
   • the importance of giving clear, accurate, advice to a client about the potential advantages and disadvantages of Alternative Dispute Resolution processes such as mediation;
   • selecting strategies and methods for involvement in mediation or conducting a negotiation that furthers the client's best interests;
   • the observation of professional ethics when involved in these processes.

2 Planning
   • identifying factual and legal issues and how they relate to each other;
   • identifying the objectives of the client and of the other side;
identifying any conflict in the objectives of both sides and identify means of resolving such conflicts;
• prioritising objectives and controlling clients’ expectations;
• identifying the strengths and weaknesses of each side;
• counteracting the perceived weakness of his/her own case, undermining the strengths of the other side’s case, and exploiting weaknesses of the other side’s case;
• identifying the best alternative to a negotiated settlement (‘BATNA’) and bottom line as appropriate;
• identifying and dealing with practical issues such as choice of appropriate mediator, venue, documentation, and parties attending and authority to settle;
• identifying the requisite contents of the pre-mediation agreement.

3 Conducting
• choosing and implementing a strategy or strategies for achieving the realistic objectives of the client;
• modifying and/or changing the chosen strategy or strategies as appropriate;
• constructing and working within a structure that allows the negotiation, mediation or other dispute resolution process, to proceed in a clear, logical and coherent fashion;
• creating an environment that is ‘safe’ and conducive to settlement;
• presenting arguments clearly and in a confident and persuasive manner;
• where appropriate presenting the case in a favourable light by emphasising its strengths and mitigating its weaknesses and in a way that is likely to achieve its desired ends;
• picking up points made by the opponent and replying in a way that progresses the client’s case;
• advising upon offers and concessions where it is in the client’s best interests to do so;
• seeking to protect the client’s position against the arguments of the opponent and responding in a way that is likely to achieve the desired ends;
• demonstrating an understanding of the need throughout to observe professional ethics;
• ensuring that the written heads of agreement or settlement agreement is clear, unambiguous and enforceable, and fully complies with the wishes and intent of the parties.

4 Compromise
• principles and procedures governing consent and Tomlin Orders.

Reading/Reference List:

Providers should draw on a balanced selection of books dealing with ReDOC which are currently available including:

A Practical Approach to Alternative Dispute Resolution, S Blake, J Browne and S Sime (2012, OUP)
A2.3 Options (Specialised Subject Areas)

2.3.1 General Requirements

General requirements relating to the options are as follows:

1. All new option proposals must be presented to the BPTC Sub-Committee for approval at least one year before the commencement of the academic year in which the new option is proposed to be taught. “For example, for a new option to commence academic year 2014/2015, the proposed option content and learning outcomes should be sent to the BSB and BPTC Sub-Committee before the start of the 2013/2014 academic year (i.e. before about September 2013).”

2. Flexibility is permitted to Providers (subject to validation), so booklists rather than details of course content are provided.

3. There should be a minimum number of six options offered (no more than two may be offered as ‘double options’ to ensure choice).

4. The options must offer a broad range of areas from which the students may make their choice.

5. Students must choose two single options or one double option.

6. Taught single options should be delivered over no less than sixteen hours contact time. All other options, such as clinical options and double options should be equivalent in the nature of the contact time provided.

7. No less than 50% of the duration of the option must be directed to the practice of skill(s) learnt in the core of the course.

8. Options must build upon the development of the skills delivered in the core of the course.

9. Options must be taught with a view to professional practice.

10. The assessment of the options must include a skills exercise, which may be formative. Summative assessment must be a minimum of one written or oral assessment (materials may be used)

11. Options may be delivered during terms two and three, or three only, but must not be delivered in term one (during the first ten weeks of the course) with the exception of a Pro Bono/Law Clinic option.

NB: Providers will be expected, at accreditation/review, to provide details, for example of the intended learning outcomes, for each option. Owing to the wide range of options which, subject to approval by the BSB, may be offered by Providers, the following list focuses on a selection of the most popular and is indicative of the range of different types of related publications that an institution will be expected to hold. For serial publications, Providers will be expected to possess complete or substantially complete sets covering at least the last ten years issues. Items marked thus [*] indicate that paper format is essential; electronic optional [may be subject to change].

2.3.2 Administrative Law

Law Reports

A selection from:
Administrative Law Reports (1989-)
Butterworths Local Government Law Reports (1999-)
Crown Office Digest (1988-)
Knights Local Government Reports (1902-1998) continued as Butterworths Local Government Reports (1999-)

**Law Journals**
Public Law (1956-)
Statute Law Review (1980-)

**Encyclopedias and loose-leaf works**
Encyclopedia of Local Government Law (Sweet & Maxwell)

### 2.3.3 Advanced Arbitration

**Law reports**
Arbitration Law Reports (2001-)
Lloyd's Arbitration Reports (1985-1992)

**Law journals**
A selection from:
Arbitration International (1985-)
International Arbitration Law Review (1997-)

**Practitioner works**
International Handbook on Commercial Arbitration (Kluwer)
Merkin, R. Arbitration Law. (Informa Publishing Group)
Mustill, Sir M.J. & Boyd, S. Commercial Arbitration (LexisNexis Butterworths)

### 2.3.4 Company Law

**Law reports**
A selection from:
All England Law Reports Commercial Cases (1999-)
Business Law Reports (2006-)
Butterworths Company Law Cases (1978-)
Commercial Cases (1896-1941)
Lloyd's Law Reports (1919-)

**Law journals**
A selection from:
Company Lawyer (1980-)
Industrial Law Journal (1972-)
Journal of Business Law (1975-)
Lloyd's Maritime and Commercial Law Quarterly (1974-)

**Encyclopedias and loose-leaf works**
A selection from:
British Company Law & Practice (Sweet & Maxwell)
British Company Law Library (Sweet & Maxwell)
Butterworths Corporate Law Service (LexisNexis Butterworths)
Gore-Brown on Companies (Jordans)
Palmer’s Company Law (Sweet & Maxwell)
Thomas, R. Company Law in Europe (LexisNexis Butterworths)

2.3.5 Competition Law

Law journals
Journal of Business Law (1975-)

Encyclopedias and loose-leaf works
Butterworths Competition Law Service (LexisNexis Butterworths)
Encyclopedia of Competition Law (Sweet & Maxwell)

Books
Providers should draw on a balanced selection of books dealing with competition law which are currently available.

2.3.6 Employment Law

Law reports
A selection from:
Employment Law Reports (2000-)
Industrial Cases Reports (1972-)
Industrial Relations Law Reports (1972-)
Industrial Tribunal Reports (1966-1978)
Knights Industrial and Commercial Reports (1966-1975)
Restrictive Practices Cases (1957-1972)

Law journals
A selection from:
Equal Opportunities Review (1985-)
European Industrial Relations Review (1974-)
IDS Employment Law Brief (2005-), formerly IDS Brief, Employment Law and Practice (1972-2005)
Industrial Law Journal (1972-)
Industrial Relations Law Bulletin (1993-)

Encyclopedias and loose-leaf works
A selection from:
Encyclopedia of Employment Law (Sweet & Maxwell)
Harvey on Industrial Relations and Employment Law (LexisNexis Butterworths)

2.3.7 Family Law

Law reports
Butterworths Family Court Reporter (2000-), formerly Family Court Reporter
Part A – Curriculum

(1987-1999)
Family Law (1971-)
Family Law Reports (1980-)

**Law journals**
A selection from:
Childright: Journal of Child Law (1983-)
Family Law (1971 - )

**Family Court Practice** (the Red Book)

**Encyclopedias and loose-leaf works**
A selection from:
Butterworths Family Law Service (LexisNexis Butterworths)
Children: Law and Practice (Hersham and McFarlane)
Clarke Hall & Morrison on Children (LexisNexis Butterworths)
Family Law Practice (annual issue)
Matrimonial Property and Finance (Duckworth)
Rayden and Jackson on Divorce and Family Matters

2.3.8 Housing Law

**Law reports**
Housing Law Reports (1976-)

**Law journals**
Legal Action (1972-)

**Encyclopedias and loose-leaf works**
A selection from:
Arden, A. & Partington, M. Housing Law (Sweet & Maxwell)
Encyclopedia of Housing Law & Practice (Sweet & Maxwell)
Housing Law & Precedents (Sweet & Maxwell)

2.3.9 Landlord and Tenant

**Law reports**
A selection from:
Estates Gazette Law Reports (1902-)
Estates Gazette Case Summaries (1988-)
Estates Times Legal Supplement (1986-)
Property, Planning and Compensation Reports (1950-)

**Law journals**
Conveyancer and Property Lawyer (1936-)
Estates Times (1968-)

**Encyclopedias, loose-leaf works and practice books**
A selection from:
Emmet & Farrand on Title (Sweet & Maxwell)
Hill & Redman’s Law of Landlord & Tenant (LexisNexis Butterworths)
Woodfall, W. The Law of Landlord and Tenant (Sweet & Maxwell)

2.3.10 Planning Law

Law reports
A selection from:
Estates Gazette Planning Law Reports (1987-)
Journal of Planning and Environment Law (1948-)
Planning Appeals Decisions (1985-)
Property, Planning and Compensation Reports (1950-)

Law journals
Journal of Planning and Environment Law (1948-)

Encyclopedias and loose-leaf works
A selection from:
Butterworths Planning Law Service (LexisNexis Butterworths)
Encyclopedia of Environmental Law (Sweet & Maxwell)
Encyclopedia of Environmental Health Law & Practice (Sweet & Maxwell)
Encyclopedia of Planning Law & Practice (Sweet & Maxwell)
Garner’s Environmental Law (LexisNexis Butterworths)
Sweet & Maxwell’s Planning Law, Practice & Precedents (Sweet & Maxwell)

2.3.11 Sale of Goods and Consumer Law

Law reports
Butterworths Trading Law Cases (1984-)
Trading Law (includes Trading Law Reports) (1984-)

Law journals
Consumer Law Journal (1993-)

Encyclopedias and loose-leaf works
A selection from:
Butterworths Trading and Consumer Law (LexisNexis Butterworths)
Encyclopedia of Consumer Credit Law (Sweet & Maxwell)
Encyclopedia of Consumer Law (Sweet & Maxwell)
Howell. Law of Weights and Measures (LexisNexis Butterworths)
Miller, C.J. Product Liability and Safety Encyclopaedia (LexisNexis Butterworths)

2.3.12 Taxation

Law reports
A selection from:
British Tax Cases (1982-)
Reports of Tax Cases (1875-)
Simon’s Tax Cases (1972-)
Value Added Tax Tribunal Reports (1973-)
Law journals
British Tax Review (1979-)

Encyclopedias and loose-leaf works
A selection from:
British Tax Service (LexisNexis Butterworths)
CCH British Tax Library (CCH Publishing)
De Voil Indirect Tax Service. (LexisNexis Butterworths)
Foster's Inheritance Tax. (LexisNexis Butterworths)
Simon's Direct Tax Service (LexisNexis Butterworths)
Sumption, A. Capital Gains Tax. (LexisNexis Butterworths)

2.3.13 Pro Bono Work as an Option

Pro Bono work may be included as an option (with assessment by means of a self-reflective journal). See also 2.4.3 below.

2.4 Additional Areas

2.4.1 General

Additional subject areas and activities may be included in the course, as described in this section, but they are not assessed. Information on these topics should be covered at induction or subsequently. For example, orientation and general introductions to accommodation, library and IT provision etc should be provided as part of induction. Further and more detailed information about methods of Legal Research, Pro Bono opportunities, Court visits, Forensic Accounting, management skills and other subject areas may be provided as part of induction and/or at a subsequent point in the course. The areas should not be assessed but made available to students:

2.4.2 Legal Research Methods

1 Legal research methods should normally be dealt with as part of induction for students, or otherwise early in the course, in order to furnish the student with the necessary skills to follow a line of investigation and explore the necessary contexts of a case (using both paper-based and online resources), effectively building on prior experience to underpin the various knowledge and skills areas

2 Induction into Legal research methods should:

- enable students to approach methods of legal research in a practical rather than academic manner
- enable students to be selective, precise and efficient in the identification and utilisation of resources

so that students will be able to:

- analyse issues raised by the case, identifying questions of law that need to be investigated and answered
• analyse and discuss the arguments presented and judgments delivered in cases reported in the law reports
• demonstrate an understanding of the structure of legal literature and the media through which it is made available
• make effective use of a law library (using both paper based and IT resources), keeping up to date with developments
• examine facts in detail, look at all the possible interpretations, identify which facts are in dispute and which information is missing/needed, how the facts can be linked together to prove a case and construct a persuasive argument
• use and interpret legal citations and abbreviations, and correctly reference material used.

3 Steps should be taken (at induction and/or in subsequent sessions) to ensure that students are familiar and able to work with the following:

a. Legal Research Methods

• analysis of the issues raised by the case and identification of which questions of law have to be answered;
• development of relevant keywords;
• the structure of legal literature and the media through which it is made available;
• use of a law library and the catalogues and indexes it contains;
• use of IT skills to locate and retrieve relevant information;
• selection of relevant original material, commentary, opinion and guidance;
• use of indexes within legal materials to find relevant information;
• use and interpretation of legal citations and abbreviations;
• currency of information and being up to date with legal developments generally;
• organisation of the written response into a logical structure with concise and accurate summary/paraphrase of relevant material;
• application of the law to the facts of the problem so as to produce satisfactory answers to the problem posed;
• provision of clear advice as a result of legal investigation and research;
• acknowledgement/referencing of all sources and materials cited;
• devising a research trail to show how the answers have been reached;
• use of IT skills to present the results of research.

b. Fact Management/Case Analysis

• presentation of data in a variety of ways;
• gaps, ambiguities and contradictions in information, and their identification
• prioritising the objectives of the client in terms of practical outcomes and legal remedies;
• placing information in context;
• identifying and prioritising the facts and legal issues raised;
• selecting possible solutions to the client’s problem;
• recognising the interaction between law and fact;
• assessing the strengths and weaknesses of a case;
• organising information in a variety of ways to aid understanding, prove propositions of law, and assist at trial;
- distinguishing between relevant and irrelevant facts; and between fact and inference;
- constructing an argument from the facts to support the client's case by developing a theory of the case and/or by selecting a theme or themes to fit that theory;
- evaluation of issues in response to new information and in the light of tactical considerations.

**Recommended reading:**

Providers should draw on a balanced selection of student text books dealing with legal research skills which are currently available.

### 2.4.3 Pro Bono Opportunities

Providers are required to ensure there are opportunities for students to undertake suitable Pro Bono (or FRU) work. The BSB recognizes the immense value of such opportunities and experience, and the contribution such activity may make to the overall learning experience. However, it is not compulsory for students to undertake such work. Pro Bono work may be included as an option, with assessment by means of a self-reflective journal. See 2.3.13 above.

### 2.4.4 Court Visits and Personal Development Files

Students are encouraged to attend court to observe cases for full or half days and Providers may wish to assist or support students’ attendance at court. A reflective report (Personal Development Portfolio) may be compiled by the student but is not compulsory and will not be assessed. Recording details of the case(s) observed in court, with consideration of procedures and events and evaluation of how they informed learning on the BPTC, can be very valuable for students (considered in relation to the formal tuition on the course), but is not a requirement. Students may be briefed and debriefed on the cases they observe and, ideally, have the opportunity to be addressed by the judge or counsel.

### 2.4.5 Management and ‘Soft’ Skills

1. Providers are at liberty to include management skills related to leadership, team-working, communication, people management, client care and skills for dealing with the public. These may well permeate other areas of the course, but the separate delivery of management skills appropriate to practice at the Bar (as a self-employed practitioner or as a member of the Employed Bar) is not a requirement.

Providers may also want to incorporate consideration of the ability of barristers to supply legal services to the public, e.g., public access scheme.

Consideration of the significant recent change that barristers are now permitted to practise as managers or employees of Alternative Business Structures (ABSs) and the implications therein for practice management is an area ripe for exploration.

2. Forensic accounting (i.e., guidance in the use of financial information and accounts, both corporate and individual) will normally be covered at the Pupillage stage. The inclusion of such management skills is therefore not a compulsory element of the
BPTC, should not be assessed separately, and must not contribute to the overall grade for the course.
A3 Teaching & Learning

3.1 Principles of Teaching & Learning

1 A number of principles underlie the requirements for the delivery of the BPTC content as outlined in section A2 above.

2 Courses approved by the BSB must conform in terms of aims and objectives, course content and standards to the requirements as specified. The delivery and assessment of the intended learning outcomes may be achieved in a variety of ways, but certain requirements for the delivery of the course are mandatory and are specified in the sections which follow.

3.2 Teaching & Learning Strategy

It is acknowledged that each Provider will have its own departmental and institutional strategies for teaching and learning. However, it is important that, for delivery of the BPTC, strategies for delivery are in line with BSB requirements as outlined in this document. A copy of the teaching strategy for the course must be provided at accreditation and when any course is reviewed.

3.3 Structure and Mode of Delivery of the BPTC

1 The great majority of teaching must be delivered by Small Group Sessions.

2 Small Group Sessions must be designed and timetabled for delivery to no more than 12 students.

3 Teaching and learning must focus on what happens in practice

4 Providers must demonstrate the appropriateness of their chosen teaching methodologies for delivery of their chosen approach to content, throughout the course

5 The following must be considered in determining how the course is to be delivered:

- contact hours
- the learning outcomes for the session in which the particular skill, knowledge or values is delivered or assessed
- the stage of the course at which the lesson is to be delivered
- the nature of the pre-session preparation required of students
- the nature of any learning activities to be conducted in the lesson
- the number of practice sessions that the student is to be afforded.

3.4 Details of Delivery

3.4.1 General

The curriculum is presented in this Handbook according to units or modules, and must be assessed according to the schedule provided (A2.1.3); it is acceptable for delivery to take
place integrating knowledge and skills within broad Civil and Criminal areas. Assessment must be as specified.

The skills must be introduced through discrete lessons. Thereafter, they must be developed through small group lessons, workshops, practice sessions, formative assessments and other course activities.

Providers must demonstrate that the format of teaching sessions on the course is appropriate to the skill being taught and that, when taken as a whole and in conjunction with other course activity, these provide a coherent framework for progression and the development of skills.

Providers must be able to demonstrate that the development and practice of the skills is done in the context of the application of legal knowledge, and with regard to what happens in practice. At all stages it must be emphasised that the training is designed to enable the students to render a professional service to members of the public.

3.4.2 Small Group Sessions

The great majority of teaching must take place in Small Group Sessions of 12 students or fewer. (If, in accordance with B4.10.3, a student exceptionally attends a different SGS from that which they have been timetabled to attend, and the student’s attendance results in the specific class comprising more than 12 students, that class shall still be treated as an SGS, so long as the Provider is satisfied that the student learning environment and outcomes are unaffected.)

3.4.3 Large Group Sessions

Large groups are defined as those comprising more than 12 students and may include combined group teaching or lectures to the whole cohort.

Providers must be able to justify the inclusion of Large Group Sessions within the course, both collectively and for individual sessions.

The BSB is unlikely to permit a course to proceed where Small Group Sessions accounted for less than 75% of contact hours. Such a course would only be permitted where there was strong justification.

Justification for Large Group Sessions may include:

- Introducing and providing an overview of a new area;
- Elucidating difficult issues;
- Providing demonstrations;
- Providing a synthesis or summary of learning and testing understanding;
- Providing a forum for debate after Small Group Sessions.

Wherever possible Large Group Sessions should be interactive, encourage questions and answers from the floor and make full use of visual aids.
Large Group Sessions should not be used merely to deliver or dictate material that is available in a similar format in commercially available texts or that otherwise is available or could be delivered in printed form.

### 3.4.4 Practical Work/Sessions for the Delivery of Skills and Competencies

Students must be provided with at least the following opportunities to practise and receive feedback on each skill in Small Group Sessions across a range of scenarios likely to be encountered by a barrister in the early years of practice:

- **Advocacy:** the equivalent of twelve 15-minute practice exercises (of which three formally assessed)
- **Conferencing:** 4 complete, tutor observed conferences (of which one formally assessed)
- **Opinion Writing:** 6 assignments (of which one formally assessed)
- **Drafting:** 6 assignments (of which one formally assessed)

Students must on occasion practise oral skills in unfamiliar student groupings.

Students must be provided with training in the skills necessary to support peer review, self-evaluation, and reflective learning.

Providers must ensure that students routinely receive feedback on their practice of each skill, consistent with the learning outcomes set for the session in which the practice took place.

Providers must ensure that students receive formal individual tutor feedback following at least one formative assessment before each summative assessment.

Students must be provided with exemplars of good practice in respect of each skill.

The range of scenarios used for skills practice should reflect the learning outcomes and ensure an appropriate mix of civil and criminal work. Providers should use the scenarios to integrate pervasive themes such as Professional Ethics which should permeate all courses (although also taught and assessed as a separate unit).

### 3.4.5 Legal Research and Casework Skills

Fact management/Case analysis and legal research methods are the fundamental enabling skills of the specialist advocate, and students need to be judged competent in legal research methods. They must be given due prominence in the course and be closely integrated with other skills. Fact management and legal research must be introduced in discrete induction or training sessions, even though they are not separately assessed (see section A 2.4.1 for a list of areas that will need to be covered at induction, through subsequent sessions or by self-direction by students).

Candidates’ skills in such areas will be reflected in their written and advocacy work. Providers must demonstrate how the skills of fact management and legal research pervade their course (in addition to the training sessions) and include fact management skills in the assessment criteria for the assessed skills.
For delivery of information about legal research methods, Providers are advised to use a range of sessions, as part of induction or delivered subsequently. It is important that this should be in relation to student needs, given that, owing to variations in undergraduate courses, some students may commence the BPTC with different levels of skills and experience in the field. Where some may need a great deal of support, others may well need less.

3.4.6 Use of Learning Resources

Course materials include not only those prepared for or used in teaching and assessment, but also documentation such as student handbooks and other explanatory documents intended for student use. Students shall be expected to make frequent and regular use of an appropriate variety of practitioner and original source material.

Where Providers rely on commercially published teaching manuals, they must demonstrate how learning resources requirements are achieved within their course, and also be able to demonstrate their appropriateness to the session or activity in which they are used.

3.4.7 Part-time, Distance and Supported Learning

It is expected that appropriate use will be made by Providers of virtual learning environments (VLEs) in order to support student learning, as well as for use as a means of communication with students (e.g. Blackboard, WebCT or in-house packages). This may in particular be helpful if Providers wish to deliver the knowledge areas in a manner in which distance and supported learning is appropriate.

Where the BPTC is validated for delivery in part-time mode, the use of electronic or paper-based additional study material and guidance for students is essential and will be carefully considered at validation. Although the BSB supports in principle the need to make the course available in part-time and/or supported learning mode (in order to enable access), the need for the practical skills areas to be delivered in ‘live’ situations, means that a full distance learning mode is unlikely to be a successful way of delivering the BPTC and part-time day/evening or block teaching must be included in all part time courses.

3.4.8 Equality and Diversity in Teaching and Learning

Providers must ensure that all students have equality of opportunity both in admission to the course, whilst undertaking the course, and in terms of their final assessments.

The BSB sees its role as one of working in partnership with Providers with a focus on fostering a culture in which equality and diversity can be encouraged and supported. As such, should Providers have questions with respect to equality and diversity issues and how to address such issues in the preparation, administration, teaching and assessing of their respective course, they are encouraged to contact the BSB for guidance.
A4 Assessment and Progression

4.1 Arrangements for Assessment

4.1.1 The knowledge areas are assessed through discrete papers and pervasively through the skills assessments. The precise form of the final examination papers is determined centrally while it is for Providers to determine the pervasive elements subject to the conditions set out in the Assessment Framework (section A2.1.3). However, assessment must be such that any part of the syllabus may be assessed and that a broad range of the syllabus is assessed. No indication will be given to students as to which parts of the syllabus will or will not be assessed.

4.1.2 The BPTC assessment regulations of each of the accredited institutions shall conform to the assessment framework set out in A2.1.3, providing assessments and calculating overall performance in accordance with those requirements. Students shall be assessed in accordance with the assessment regulations in force at the time of their first registration on the course. In addition, students shall be assessed in accordance with the regulations and methods published by the institution at which they are registered. Students must consent in writing to any changes to the assessment regulations made after their registration.

4.1.3 As part of assessment, the minimum attendance requirement of 90% must be met. This should usually be calculated on a termly basis (see B4.10.3 for details). Students should be able to demonstrate, if required, fulfilment of the attendance requirement, i.e. that he or she has maintained full attendance or that where classes have been missed, evidence has been provided of extenuating circumstances accepted by the Provider, and the missed outcomes covered in the student’s own time.

4.1.4 All candidates must thus engage in at least the minimum number of supervised skills practice opportunities required by the BSB and made available during the course. Evidence might include videotapes of performance and tutor feedback, or written feedback sheets, in the oral skills, and submitted drafts with written feedback in the written skills. Students are encouraged to maintain a file of their experiences, which can demonstrate coverage of as wide a range of the outcomes as practicable. This may also include the student’s own notes and completion of a reflective and analytical report covering court visits undertaken. This is regarded as a useful exercise but is not compulsory.

4.2 Centralised Assessment

The following papers, each comprising a SAQ section and an MCQ section, are set on behalf of the BSB by the CEB:

- Civil Litigation, Evidence and Remedies
- Criminal Litigation, Evidence and Sentencing
- Professional Ethics.

Students at all BPTC Providers will attempt the examinations in the knowledge subjects (comprising both an SAQ and MCQ element) on the same day at the same time (dates to be determined by the BSB and published before the start of the academic year). SAQs will normally be marked locally by Providers and MCQs will be marked electronically at
the BSB. The CEB reserves the right to sample SAQ scripts and take an overview of MCQ and SAQ marks across all Providers, making any adjustments that are deemed necessary. Confirmed MCQ and SAQ marks for the centralised subjects will then be returned to Providers and combined with marks for other parts of the course to give an overall BPTC score for each student.

The CEB is concerned only with overall consistency in the three specified knowledge subjects and at no time will it be involved in discussing the marks of individual students, or in discussing an individual student’s extenuating circumstances. Providers will continue to operate local processes for issues pertaining to individual students (e.g. extenuating circumstances and academic misconduct).

4.3 Forms of Assessment

4.3.1 Coursework (in-course assessment)

Procedures for the submission of coursework will be in accordance with institutional procedures. Care must be taken to ensure there is no ‘bunching’ of assignments and that scheduling of assessments/deadlines is appropriate.

4.3.2 Recorded ‘Performance’ Assessment

Skills assessments should wherever possible be recorded (by DVD or other suitable digital format) to facilitate feedback and discussion of performance.

4.3.3 Formal Time-Constrained Examinations

Formal time-constrained examinations must be conducted in accordance with the regulations for examinations B4.5.

4.4 External Examiners

In order to ensure that assessment is fair to candidates and that there is comparability of assessment across Providers, a system of External Examiners is also in place. External Examiners moderate the assessments and student performance in the areas to which they are allocated in particular Providers. They do not mark individual papers, other than in exceptional circumstances. For details see Part B Regulations (section B4.8).

4.5 Referrals and Re-sits

The facility should be made available for candidates failing assessments to retrieve or make good that failure. Regulations governing this process, together with any limitations are given in section 4.10 of Part B Regulations.

4.6 Academic Misconduct and Plagiarism

Procedures are in place to deal with academic misconduct that may occur as part of the Assessment process. Details are provided in Part B, Regulations, section B6, together with information about the related appeals process. The BSB takes academic misconduct very seriously and students must be warned by Providers that any such transgressions by
students will clearly impact on the appropriateness of their behaviour in terms of professional ethics and conduct.

Transgressions or ‘convictions’ for academic misconduct (including plagiarism) by students will be reported to the Inn of Court of which they are a member and can result in the exercise of a disciplinary procedure that may lead to expulsion from membership of the Inn of Court.
A5 Resources

5.1 Staffing

5.1.1 Staff/Student Ratio

5.1.1.1 Providers must comply with the following Staff to Student Ratio (SSR) from 15 September to 31 July in any academic year and at every site in which the course is delivered. For the avoidance of doubt, it is not acceptable for a provider to fail to comply with the SSR for any period, however short, after 15 September in any academic year. Where a Provider delivers the course in both full-time and part-time modes, the SSR applies to the global figure, and, for the purposes of this rule, the word ‘cohort’ refers to this global figure.

(a) For the first 60 validated student places, the SSR is set at 1:12 and one full-time equivalent (FTE) member of staff must be appointed for every 12 validated places (whether those places are filled or not).

(b) For the next 60 validated student places, the SSR is set at 1:12 and one FTE member of staff must be appointed for every group, or part group, of 12 enrolled students (from the time of enrolment).

(c) Thereafter, for any cohort which exceeds 120 students in size, the SSR for the additional students is set at 1:16 and one FTE member of staff must be appointed for each additional group, or part group, of 16 enrolled students (from the time of enrolment).

(d) For these purposes a part-time student (or validated place for a part-time student) should be counted as 0.5 of a full-time student (or validated place for a full-time student).

5.1.1.2 The ratios in para 5.1.1.1 are the minimum level for the adequate delivery of the BPTC programme.

5.1.1.3 There must be a sufficient proportion of FTE staff entirely or largely dedicated to the BPTC based at the particular site to enable the provider to meet the SSR above.

5.1.1.4 The BSB recognises the valuable contribution that fractional staff, freelance staff and visiting lecturers may make to the delivery of the course. Accordingly, such staff may be counted towards the SSR. However, the use of a significant number or proportion of such staff (or those on zero hours contracts) will require justification.

5.1.1.5 Where a member of staff teaches the course at more than one location and/or teaches on other courses, her/his employment may be included in the relevant SSR calculation, provided that the time attributable to the BPTC in the particular location is recorded accurately and there is no double-counting.

5.1.1.6 Any failure to comply with any aspect of this SSR rule must be notified to the BSB as soon as possible, and may result in a triggered visit.
5.1.2 Staff requirements where a course is no longer running

Where a Provider has withdrawn from offering the BPTC, but students from previous courses remain enrolled (e.g. because they have interrupted their studies or are required to re-sit assessments), the BSB will impose specific staffing (and other) requirements in order to ensure that the students are able to complete their studies as seamlessly as reasonably possible. In particular, the BSB will expect the Provider to retain sufficient teaching staff with expertise in each subject where a student has yet to pass an assessment. That expertise should include the teaching and assessment of the relevant subject(s). The BSB will also expect the Provider to retain sufficient management (Course Leader or equivalent), pastoral (personal tutors), and library and career staff so that the students are adequately served. In addition, if the Provider has offered ongoing support to students (e.g. careers advice) following completion of their studies, then the BSB will expect the Provider to continue such support or to offer an alternative that is at least equivalent.

5.1.3 Support Staff

In addition to the course team there must be:

- a dedicated course administrator
- an on-site IT/AV technician (need not be dedicated to the BPTC but support must be adequate)
- a professionally qualified law librarian responsible for maintaining the BPTC book stock and services
- sufficient library staff trained to support the BPTC.

5.1.4 Staffing Requirements (ATC)

1 In order to teach and assess advocacy, staff must be accredited by the ATC. Prior to seeking accreditation, they must have received adequate in-house training in the principles and application of the Hampel Method of advocacy teaching.

Staff appointed for the teaching and must be accredited at the date of being first employed to teach advocacy on the BVC/BTPC. In exceptional circumstances (for example where an appointment is made at short notice due to the sudden departure of an existing member of staff, or to cover for illness or maternity leave etc), staff who are not accredited must gain accreditation within ten weeks of having first started to teach advocacy.

During this ten week period unaccredited staff may teach but not assess advocacy, and must be monitored and receive guidance and support from a nominated accredited advocacy trainer.

Where a candidate fails to be recommended for accreditation, he or she will receive written feedback on their performance from the ATC examiners, and may seek accreditation on another occasion. Such candidates may not teach or assess advocacy until such time as they do become recommended for BSB accreditation by the ATC.
Note: Additional guidance on the process is provided by the ATC. There will be no exemptions to the above policy, since it is difficult to define the circumstances under which a trainer has qualified, and to distinguish between the standards of accreditation in other countries. It is unlikely to be onerous for those accredited in other jurisdictions to undergo the BSB/ATC accreditation process as a form of staff development, which is likely to be beneficial in any circumstances.

Providers will be responsible for costs of any subject-specific training required by the BSB, such as Advocacy, for the purpose of teaching and assessment.

2 Each full-time member of the BPTC team must undertake at least five days of staff development each year. The course leader will decide what is considered legitimate staff development. In the case of staff members who no longer practise as barristers, it should include time spent with practising barristers whose practices cover the subject(s) being taught by the staff member (see 5.1.4 below for details). The monitoring panel will review the course leader’s decisions. Proportionate training must be undertaken by staff on fractional appointments to a minimum of one day per year.

5.1.5 Staff Development Activities

Staff development may on exception be carried over for up to three years where an individual member of staff plans to, or has taken part in, an approved, extensive staff development activity. But, in such a case, the member of staff would be expected to complete at least one day of staff development in each of the intervening years.

Under normal circumstances the staff development activities should address (over a given period of time)

- delivery skills
- professional practice experience
- changes in the law and legal process
- the ability to relate to a diverse student body (achieved, for example, by training normally expected to be provided in a HEI)
- facility with IT equipment and software
- management skills
- engagement in developments in education within the wider academic community

Examples of activities that would fulfil these requirements are:

- enrolment on a teaching qualification
- in-house designed and delivered courses
- externally delivered courses
- conferences (Bar, Solicitors Regulation Authority, Bar Professional Training Course, Legal Practice Course, Association Law Teachers, Society Legal Scholars etc.)
- professional practice as a door tenant or on a release basis
- marshalling
- engagement in external working parties and projects
- delivering legal training to other professional bodies e.g. the police and solicitors
The above list is not intended to be complete or exclusive. However, the spirit of the requirement is that the development needs of staff are identified (during appraisal and review) and that staff are exposed to a range of development activities from which their involvement on the BPTC will benefit. In this regard it would be usual to see staff engage in professional updating and delivery skills courses on a regular basis. A notional budget per staff member per annum should be agreed.

5.2 Rooms and Accommodation

5.2.1 General Requirements

1. Accommodation must be appropriate to professional training in specification and presentation.

2. Institutions are expected to ensure that all reasonable adjustments are made to accommodate disabled students including students with learning difficulties [see also section on assessment below].

3. Lecture theatres must contain modern presentational tools (e.g., video or DVD, PowerPoint, CD-ROM, Internet, OHP). The acoustics and sight lines of the lecture theatre must be satisfactory. The layout should facilitate an interactive approach to teaching in Large Group Sessions and the seating ideally should be raked.

5.2.2 Seminar Rooms

- Seminar rooms must be of sufficient size to conduct oral skills in groups of twelve comfortably.
- Furnishings and the size and nature of the room must be sufficiently flexible to be able to conduct advocacy exercises that resemble behavior in court (stance, voice projection, position of court officers, witnesses, defendants etc.) and in the judge’s chambers, with other students being well sighted to observe comfortably.
- Court room furniture, whether demountable or permanent, must be available in a sufficient number of seminar rooms to enable advocacy exercises to take place in a court room setting regularly.
- A permanent mock court room must be available.
- A video/DVD camera/player and TV must be available in each room.
- Core practitioner works must be readily available for reference within seminar rooms.

5.2.3 Collaborative Study

There must be a common, social or base room to provide a place for study and discussion. The room must have access to refreshment facilities.
5.3 Library

5.3.1 Library Facilities and Services

Each Provider shall have a dedicated law library. Where this is part of an undergraduate provision or is not close to and readily accessible to BPTC accommodation, a practitioners’ library must be provided that houses the reference material as listed in this document and meets the other specifications set out below and elsewhere in this paper relevant to the provision of a library.


This statement sets out the standards that a law library established for educational purposes should provide to meet the resource needs of staff and students. The *Statement* is wide-ranging in scope and covers management, liaison and staffing issues, services to students, space and physical facilities, the content of printed collections and electronic database provision.

The library provision as a whole should be to a practitioner level, with an appropriate range of practitioner works (treatises, encyclopedias, precedents) for all areas of legal practice taught on the course, and consistent with the principles set out in the *Statement of Standards and Indicative List*. The provision of general sources must be over and above that provided for use by undergraduates but, on condition that sufficient multiple copies are provided, these may be shared with students following other courses of study. With regard to BPTC-specific material also, Providers must include texts for the study of professional ethics and practice, the knowledge subjects, the skills areas and option courses which must be over and above those provided for use by undergraduates but, on condition that sufficient multiple copies are provided these may be shared with students following other courses of study.

The collection of the law library should be held in a format, or combination of formats, that best serves the needs of its users and teaching requirements. A suitable balance between printed and electronic formats must be maintained so that students are able to make use of both paper-based and electronic legal research resources. A range of different types of publication must also be offered, which must include law reports, law journals, encyclopedias and loose-leaf works, other practitioner works and finding tools.

Collections must be kept up-to-date with loose-leaf works regularly updated. The latest editions of textbooks must be purchased. Sufficient multiple copies must be provided, and alternative and specialist works must be available where the syllabus requires.

The library must be open in term time for at least 11 hours a day from Monday to Friday inclusive, 7 hours on Saturdays and on Sundays where practicable. Opening times must adequately address the support needs of part-time students.
The library must provide study spaces at a ratio of one study space to three students (FTE). This ratio excludes spaces for use with PCs unless there is adequate space around the PC for workbooks to be laid flat.

The library must provide a book loan service. Adequate printing and photocopying facilities must be provided at a reasonable price.

### 5.3.2 Budget

Since pupil barristers should be able to display equal competence in the use of paper and electronic research sources, Providers should ensure that their policies for access to research sources and the provision of library collections reflect this requirement. Providers must also ensure that, in the allocation of time to training and practice in legal research methods, a reasonable balance is maintained between the two formats. This will need to be demonstrated at approval, and during monitoring and review.

The library budget must be set at a level sufficient to provide the resources needed in order to meet the requirements set out in the *Statement of Standards* referred to above and any additional course requirements set out in this document. It must for example take into account the need for both printed and electronic formats of some material in order to meet the requirements that pupil barristers be able to display equivalent competence in paper and electronic research.

Annual expenditure must keep pace with current prices for materials and with developments in course provision, teaching needs and professional legal practice. The annual budget is exclusive of capital expenditure for set-up costs; back runs of material, staff books and copies of manuals to students. The sufficiency of the budget will need to be demonstrated as approval, and during monitoring and review.

### 5.3.3 List of Library Holdings for the BPTC

The lists included with each subject area in Part A2.2 give the titles of required and/or recommended texts and materials in paper and electronic format. Reference works listed in this Handbook are those institutions should provide, unless a particular title is marked "holding optional" in the list.

### 5.4 Information Technology

#### 5.4.1 Hardware

The following specifications must be met:

- An appropriate number of IBM compatible PCs must be provided for the use of BPTC students.
- An appropriate number of printers must be provided.
- Central Processing Units and the operating system must be to current or immediately previous industry standard.
- 95% of PCs must be networked and capable of supporting the software outlined below.
• Wireless network technology must be available and operational over a substantial part of the study areas in the library and in any seminar rooms frequently used by students for personal or group study purposes.

5.4.2 Software

The following software should be available to staff and students:

• a word processing package to current or immediately previous industry standard
• a keyboard skills package to current or immediately previous industry standard
• a spreadsheet package to current or immediately previous industry standard
• a presentation package, such as PowerPoint
• full internet access with an up to date internet browser
• a substantial range of legal research databases providing access to statutes, law reports, law encyclopaedias and practitioner works
• off-site access to legal research databases, VLEs and, ideally, the personal accounts of students containing word processing software and files
• an email service
• a network/web site for use by the BPTC.

Providers will be expected to be using VLEs for the delivery of at least a part of the course.

5.4.3 Training

Providers will be required to provide IT skills support classes for students and all reasonable adjustments in this area for disabled students.

5.4.4 Audio–Visual

In addition to the audio-visual equipment mentioned under accommodation and the technical support mentioned under staffing, institutions must provide sufficient audio-visual recording and playback equipment and appropriate accommodation to enable students to practice their oral skills (through self-study or in informal groupings) outside of class time.
A6 Student Support

6.1 Information to Students and Student Handbooks

6.1.1 Providers will be expected to act in accordance with the UK Quality Code for Higher Education [Quality Code], and the requirements set forth therein. Providers will be required to publish a student charter (or equivalent) setting out the rights and duties of staff and students.

6.1.2 Prior to admission, Providers are advised to make applicants aware of what will be expected of them on the course and how they should prepare. Information should include reference to the formal admissions requirements, attendance requirement and the standard of English language required.

6.1.3 In addition to information about entry requirements and the standard of the course, information must also be provided about careers, expectations and possibilities, in terms of the numbers of pupillages available nationally, and the success rates. A ‘Health warning’ about the risks of entering the profession should be given to all students and statistical information should be prominently displayed in online and paper material. Destinations (including pupillages) of graduates should be included, normally for the previous three years.

6.1.4 On enrolment, every student must be provided with a copy of the course handbook containing, *inter alia*, staffing list, accommodation and learning resources (dedicated and shared), the course structure, course timetable, assessment timetable, course regulations, assessment regulations, equality policy and appeals procedure.

6.2 Admissions Advice

The formal admissions requirements must be met before the course commences (see Regulations section B3). Providers should have in place a transparent system for scoring candidates’ application to the BPTC. [Examples of good practice can be supplied.]

6.3 Attendance

6.3.1 Providers must include within the student charter details of the attendance requirement that sets out what is expected of students. This must make clear the interactive and participative demands of the course and, in this respect, their obligations to the learning experience of their fellow students. See Attendance Rule section B4.10.3.

6.3.2 Each applicant must be made aware of the BSB’s attendance requirement and each student must agree to abide by that requirement. The attendance requirement must state that full attendance on the course is expected but that, with reasons acceptable for the purposes of any internal extenuating circumstances procedure, the student may be absent for up to 10% of classes or other timetabled activities. Students who fall between 80% - 89% attendance may exceptionally be allowed these absences, where there are documented medical or other circumstances and missed work has been made up. A student falling below 80% attendance should be failed on the basis that it is not possible to meet the learning outcomes or to demonstrate that they have been met through assessment (B4.10.3).
6.3.3 Students who fall below the attendance requirement for reasons that would not normally be accepted as extenuating circumstances should be considered on an individual basis and warned accordingly if they are at risk of failure due to non-attendance. Such activities as attending mini-pupillages, Moots, events of Inns of Court, pro bono work, pupillage interviews etc may be allowed as extenuating circumstances if in moderation (see B4.10.3.3).

6.4 Academic Advice

Students must have a designated tutor for academic advice, and must be provided as appropriate with advice and guidance on:
- study skills (note taking, essay writing etc)
- examinations technique
- correct forms of referencing
- contacting staff
- withdrawal, deferral
- appeals

6.5 Pastoral Support

Provision must be made for student counselling services. Each student must have access to a counsellor for pastoral purposes if needed (this may be the same as for academic support).

6.6 Support Services for Disabled Students

In conjunction with the Disability Officer and/or relevant expert, procedures must be put in place to identify and evaluate the support requirements of any disabled student. Prior to enrolment, the Provider must agree a learning contract with any student that may require specialised learning support services, and with disabled students requiring reasonable adjustments. Such contracts must set out the duties and obligations of both the Provider and the student concerned.

6.7 Student Services, including Students Union or Students Association

Students must have access to the normal range of recreational and social facilities appropriate for those undertaking postgraduate study. Access to formal advice outside of the Provider’s counselling services (such as a Student Union or Students Association would supply in the event of academic misconduct, complaints or disciplinary procedures) should also be made available.

6.8 Careers

A careers service must be provided to students studying on the BPTC, making them aware of opportunities and means for progression at the Bar, and elsewhere.
6.9 **Work Based Learning – Placements and *Pro Bono***

Opportunities for placements, for example *Pro Bono* work, must be made available to students (see also A2.4.3 and A2.3.13).

6.10 **Student Involvement in Quality Assurance**

Provision must be made to collect students’ views on the course through questionnaires and for student representation on the course committee or similar body. There must be student involvement in quality assurance processes, including:
- representation on committees
- opportunities to provide formal and informal feedback on the course and/or aspects of it to the teaching team, management, External Examiners and the BSB use of student questionnaires

6.11 **Health and Safety**

There must be adherence to all standard Health and Safety requirements, according to the legal requirements for educational institutions.
Part B – Academic Regulations

Note: The BPTC is governed by the Bar Training Rules as approved on 6 January 2014 (which supersede the previous Consolidated Regulations of the Inns of Court and General Council of the Bar). Sections of the Bar Training Rules relevant to the BPTC are included as Appendix A. The material which follows below summarises and supplements those regulations. The making of an application by a Provider, or of enrolment on an approved course by a student, implies acceptance of these regulations.

B1 General Regulations for the BPTC

1.1 Overall Standard

The BPTC must be designed and delivered in accordance with the BPTC specification, to the level as defined in A2.1.4 above. The BPTC must be delivered as a discrete course, and students must not be co-taught with others on different programmes with different study aims.

1.2 Academic Awards and Professional Qualifications

Accreditation for the award of the professional qualification is the responsibility of the BSB as regulator. The requirements for the BPTC are specified as a means of determining both the level and duration of the course, but the granting of an academic award within the Framework for Higher Education Qualifications is within the remit of the awarding HEI with degree awarding powers. It is required that the course be delivered at postgraduate level.

It is anticipated that only very exceptionally would a candidate attain the academic award but not the professional qualification, for example where a disciplinary matter resulted in expulsion from Inn membership.

1.3 Credit Framework

In addition to the professional qualification, Providers may wish to deliver the course in such a way as to be recognised as a postgraduate diploma, equivalent to 120 CATS credits at postgraduate level (Level M or level 7, formerly known as level 4) according to the QAA Framework for Higher Education Qualifications. The facility to ‘top up’ such an award to a Master’s degree (180 credits) following suitable additional study is similarly outside the remit of the BSB, but is viewed positively. It is of interest to the BSB to know whether such an option is offered, even though there will be no BSB involvement in the validation of the academic award. An ‘exempting degree’ may combine the academic stage of training with the BPTC.

1.4 Duration of Course

1.4.1 The course shall begin no earlier than the third full week of September each year in accordance with normal arrangements for the academic year at the providing HEI. It must be of at least 30 weeks’ duration, excluding vacations. The course may be delivered in any of the three following modes:

- Full-time over one academic year
Part-time over two academic years
Integrated as an extension to a qualifying law degree, to a total of four academic years

1.4.2 Providers must demonstrate a minimum notional study time of 1,200 hours, i.e. 3 x 10 week terms or 2 x 15 week semesters. The course must commence not earlier than the third week of September each year, in order to fit in with the normal pattern of the Academic Year.

"Notional study time" includes all scheduled lessons and associated course activity, placement days or weeks, revision time and assessments, and private study time calculated as appropriate to the task for which the student is preparing.

1.5 Structure of the Course

1.5.1 Providers have flexibility over delivery of the course but should ensure that the pattern of delivery is determined with student needs in mind, particularly in relation to preserving private study time. Students should understand that their commitment is to a full-time course, and time that is kept clear of classes is intended for study.

1.5.2 The course must be structured so as to ensure the completion of the ‘induction’ components of the course at an early stage (e.g. guidance on legal research methods).

1.5.3 The ‘knowledge areas’ of Civil Litigation and Criminal Litigation should also be ‘front loaded’ on the course, and may be delivered in supported or online mode, if justified and approved at validation. Knowledge areas should not, however, be taught in isolation. The focus in the latter part of the course should be on the skills elements with, in particular, a significant proportion allocated to the teaching of skills, particularly Advocacy. The options may be taught in the final phase or term. There must be a significant proportion of final assessment in the last weeks of the course, in order to take into account the ‘exit velocity’ of students.
B2 Regulations for Approval, Monitoring and Review

NB: this section covers the regulatory aspects of approval, monitoring and review. Details of procedures are included in Section C of this handbook.

2.1 Regulations for the Approval of Courses

[This section should be read in conjunction with the procedures in Part C2]

2.1.1 Approval of new Bar Professional Training Courses

All new courses must be approved both internally by the University/Provider and externally by the BSB. Accreditation by the BSB will ensure that: the course is consistent with the BSB’s mission and objectives; it meets the BSB’s requirements; standards are appropriate to the professional qualification; the documentation is in accordance with requirements; the resources (staffing, library and IT) are satisfactory; and the quality and standards of teaching are maintained and will be enhanced where possible.

2.1.2 Changes to Approved Courses and Approval of New Modules/Options

Changes to existing provisions will also be subject to approval, the level of scrutiny being dependent on the amount and nature of the change. All individual new units/modules or components of courses leading to the BPTC qualification must be approved internally by the University/Provider in accordance with internal approval processes. The level of scrutiny by the BSB will depend on the nature of the new proposal and/or additions or changes to the existing course.

- **Minor modifications**, such as updating of bibliographies, timing of assessments or, other small changes not affecting the aims and outcomes of the course may be made without affecting its accreditation. Such changes should be dealt with through the normal internal monitoring processes.

- **Significant changes**, such as changes in assessment methods or weightings, addition or subtraction of units, or changes that may affect the aims and objectives of the course must be notified to the BSB, accompanied by evidence of internal approval through the Provider’s own mechanisms. This process must be completed before the change is implemented. Approval cannot be granted retrospectively.

- **Major changes**, such as major content or structural changes, the addition of a part-time mode, delivery on an alternative or additional site, or a collaborative arrangement of any kind will require re-accreditation. Part-time courses will only be approved where the Provider already delivers the course full time. ‘Serial franchising’ of the course (i.e. delegation to a third party) will not be permitted. (*Please refer to, Part C 2.9*)

- **Change in validated numbers.** Where a Provider wishes to increase or decrease their validated numbers, an application must be submitted in accordance with Part C 2.9.1. This process must be complete before the change is implemented and approval cannot be granted retrospectively.
2.1.3 Requirements for Accreditation

A proposal will only be accepted by the BSB if it conforms to all BSB regulations and procedures. The process of accreditation will be based on consideration of the rationale, aims and objectives of the course, a review or critical appraisal of any former, existing or related provision, scrutiny of available documentation, and, where deemed necessary by the BSB, a visit by a panel to consider the proposal, after which a report will be produced. Where advanced information or advertising of a proposed course is undertaken, where this is not approved first, the course must be advertised as ‘subject to accreditation’. Costs of accreditation visits will be met by the Provider.

2.1.4 Time Limits for Approval (with/without time limit)

Courses will normally be accredited for three years in the first instance, after which review and/or reaccreditation must take place. Continued approval will always be subject to satisfactory monitoring of the course. A shorter period of approval or limit to the number of intakes may be imposed if concerns are identified.

2.1.5 Conditional Approval

Approval may be subject to certain conditions being met. All conditions must be fulfilled, and confirmed by the BSB as having been fulfilled satisfactorily before delivery of the course can commence.

2.1.6 Infringement of Conditions and ‘Triggered’ Visits

Where conditions have not been met, or where there is infringement of conditions (e.g. student numbers, unacceptable operation of Examination Boards), then it is possible that an additional procedure, such as a special visit, may take place as necessary. Costs of such visits will be met by the Provider.

2.1.7 Appeals against Accreditation Decisions

In the event of a proposal not being approved by the BSB, further discussion should take place between the potential Provider that has made the appeal, the BSB, and members of the accreditation panel. The decision of the BSB will be final.

2.1.8 Withdrawal of Approval/Course Closure

Withdrawal of approval of a course may occur if there is evidence that it no longer meets minimum standards required or is no longer viable (for example if it no longer forms part of the strategic or business plan of the Provider). Withdrawal/termination of a course may also be instigated by a Provider that decides to close a course for similar reasons. In no case will approval be withdrawn without discussion with the Provider and those concerned.

Where a course closes, then special care must be taken of students on the course and support provided so they can finish their studies as appropriate. This may mean assistance with arrangements to complete the course elsewhere, or possibly financial compensation by the Provider. The care and support of any students on the course should always be a primary consideration.
Where a Provider has withdrawn from offering the BPTC, but students from previous courses remain enrolled (e.g., because they have interrupted their studies or are required to re-sit assessments), the BSB will impose specific staffing (and other) requirements in order to ensure that the students are able to complete their studies as seamlessly as reasonably possible. In particular, the BSB will expect the Provider to retain sufficient teaching staff with expertise in each subject where a student has yet to pass an assessment. That expertise should include the teaching and assessment of the relevant subject(s). The BSB will also expect the Provider to retain sufficient management (Course Leader or equivalent), pastoral (personal tutors), library and careers staff so that the students are adequately served. In addition, if the Provider has offered ongoing support to students (e.g., careers advice) following completion of their studies, then the BSB will expect the Provider to continue such support or to offer an alternative that is at least equivalent.

2.1.9 Information Requirements for Accreditation

Documentation must be provided according to the guidance in Part C2. BSB requirements are designed to align with internal requirements so as to avoid repetition and/or duplication of effort. A self-evaluation or review of former or related provision will need to be produced specially, as well as the rationale as to why a licence should be granted to deliver the BPTC, and accreditation given to the course specified. In summary, the formal submission must include the specification for the course (and title of any award), the aims and objectives; details of how the course framework is to be structured, delivered and assessed; the resources available; and the duration and mode of study. For details see Part C2.

2.1.10 Courses Delivered on Additional Sites

Courses delivered on secondary sites will require special scrutiny, which may include a site visit (see procedures in section C2.9.1).

2.1.11 Partnership with Other Institutions

Courses delivered through collaborative partnerships will require special scrutiny including a site visit and discussion of the management and quality assurance relations and structures at the partner institutions, and the mechanisms for oversight of the course by the HEI (see procedures in section C2.9.1).
2.2 Regulations for the Monitoring and Review of Courses

[This section should be read in conjunction with the procedures in Part C3]

2.2.1 Internal Monitoring

The annual monitoring guidance will be sent to Providers separately.

2.2.2 Monitoring/Review by the BSB

In addition to the internal annual monitoring process, all courses will be subject to monitoring/review by the BSB. This may take the form of either regular monitoring visits (generally one day) or triggered visits (where a cause for concern has been identified).

Reviews are used to ensure that provision is up to date, fit for purpose and well resourced – and to consider the cumulative effect of the internal annual monitoring process over a period of time. The monitoring process is based on the provision of a self-critical analysis, with accompanying documentation, to be considered and discussed at an event with a monitoring panel involving both internal and external assessors and subject specialists. For guidance on procedures see Part C3.
B3 Admission Regulations

[NB: see Appendix A, with the relevant extract of the Bar Training Rules]

3.1 Entry Requirements (Principles)

3.1.1 The BPTC Provider and the Bar Standards Board - The admission of an individual applicant to the BPTC is managed by the BPTC Provider but subject to fulfilment of the entry requirements to the BPTC as required by the BSB, and there being a presumption that the applicant will be able to complete the course successfully and have the potential to progress eventually to practise at the Bar.

3.1.2 BarSAS - Applications to enrol on the BPTC must be made via the online application system (https://www.barsas.com).

3.1.3 Minimum Requirements for Admission - Providers must abide by the minimum requirements for admission to the BPTC, as set down and amended from time to time by the BSB.

3.1.4 Admissions Policy - Providers must operate an admissions policy that is fair, based on merit, and non-discriminatory.

3.1.5 Entry Requirements are summarised below. Applicants must satisfy all of the following:

- Completion of the Academic Stage (Qualifying Law Degree (QLD) or non-Law Degree plus Common Professional Examination (CPE) /Graduate Diploma in Law (GDL))
- Membership of an Inn of Court
- Proficiency in the English Language
- A Pass in the Bar Course Aptitude Test (BCAT)

3.1.6 Course Failure - Students who have failed the BPTC may take it again from the beginning (subject to acceptance on a course by a Provider and the student having passed the BCAT).

3.2 Entry Requirements (Details)

Detailed below are the specified entry requirements for the Bar Professional Training Course.

3.2.1 Completion of the Academic Stage of Training (see Bar Training Rules)

In order to complete the Academic Stage through a QLD for the purpose of qualifying as a barrister, a student must:

i) hold a degree that is recognised as a QLD by the Joint Agreement between the Solicitors Regulations Authority and BSB;

ii) have been awarded the degree at or above the minimum standard; (class 2.2, lower second, refer to Academic Stage Handbook page five, paragraph 2.4).
In order to complete the Academic Stage through the CPE or GDL, a student must:

i) be eligible to undertake the CPE/GDL in accordance with the rules and regulations of the BSB;
ii) complete a CPE/GDL course that has been validated by the Joint Agreement between the SRA and BSB;
iii) complete the CPE/GDL course within the designated time-limits;
iv) pass all Foundation subjects plus one other area of legal study, except where exemptions have been granted;
v) not exceed the maximum number of attempts at any one Foundation subject;
vi) complete the whole of the CPE/GDL (other than subjects for which exemptions have been granted) at one institution; and
vii) not have reached the time after which the CPE/GDL is considered to be “stale”.

Further details of each of these requirements and the most recent regulations relating to the Academic Stage can be found in the Academic Stage Handbook at http://www.barstandardsboard.org.uk/qualifying-as-a-barrister/academic-stage/

3.2.2 Membership of an Inn of Court

a Before commencing the BPTC, a person must have been admitted to an Inn of Court.

b As with the requirement for completion of the Academic Stage of training, the process of obtaining membership of an Inn must similarly be fully completed before commencement of the BPTC. Applications must normally be made by 31 May each year. The process of application for membership of an Inn may take a considerable period of time and a candidate admitted to the BPTC who has not obtained membership of an Inn before the course commences will not be able to enrol or, having enrolled, will be asked to leave (or otherwise not have their BPTC qualification recognised professionally by the BSB).

Inns fees, or a portion thereof, are normally refundable if the candidate wishes for good reason not to apply or take up, or to withdraw from, a place on the BPTC. If the Provider accepts that the fees are properly refundable, Inns admission fees will also normally be refunded.

c Where membership of an Inn is withdrawn for disciplinary or other reasons then the student must withdraw from the BPTC with immediate effect. It should be noted that there is currently no requirement for a Criminal Records Bureau check for applicants to the BPTC. The Inns of Court currently rely on self-declaration. Where a candidate has reason to believe that their application for Inn membership may
not be straightforward (e.g. where they have a criminal conviction that they must declare), the candidate must allow for the extra time that consideration of their case may take and apply to the Inn well in advance of the deadline.

3.2.3 English Language Requirement

Please always check BSB website for most current information:

a. One of the entry requirements for the BPTC is that students are fluent in English. This rule applies regardless of the student's first language. From the first day of the course and at all subsequent times, students must be able to demonstrate that their oral and written English language ability is at least equivalent to:

   a. a minimum score of 7.5 in each section of the IELTS academic test; or
   b. a minimum score of 73 in each part of the Pearson Test of English (academic).

(Note that the Inns of Court and Providers may also impose additional entry requirements in addition to those requested by the BSB.)

b. On entry to the course students must be required to sign a statement that they are aware that this standard is required of all students who are enrolled on the BPTC, and that they consider that they have met it. For those with any doubt as to the level of their English skills, they are strongly advised to undertake one of the above tests before enrolling on the course.

c. Certificates issued by a test provider verifying the score achieved by a candidate in one of the above tests must be current and valid by reference to the rules of that test provider.

d. Subsequent to being admitted to the BPTC, should the BPTC Provider consider that a student's language ability is unsatisfactory or that there is a question as to whether any aspect of it is at the required level, the BPTC Provider must, as soon as the issue is identified, require the student to (i) take one of the above language tests and (ii) provide a test certificate certifying that they have achieved the required scores as soon as practicable and in any event within 28 days.

e. For the avoidance of doubt, those who are required to sit one of the above tests by a BPTC Provider must achieve the requisite score required above for each section or part of the English language test, e.g. a minimum score of 7.5 in each section of the IELTS academic test or a minimum score of 73 in each part of the Pearson Test of English (academic) in the same sitting.

f. Should the student then fail to provide evidence that they have achieved the required scores within 28 days of being asked to do so, the Provider must require the student to:
a. withdraw from the course; or
b. intermit and improve their score prior to being re-admitted to the course in a subsequent year.

g. Providers must (i) have robust systems in place for identifying students who do not appear to have language skills of the required level and requiring them to undertake testing, and (ii) provide evidence of these systems and their implementation of them in their annual reflective review and whenever required to do so by the BSB.

### 3.2.4 Bar Course Aptitude Test

As a requirement for entry to the BPTC, the BSB will require all BPTC applicants to take the Bar Course Aptitude Test (BCAT) and to achieve a pass. The BCAT result is valid for five years from the date of receiving the results. The BCAT is administered by Pearson VUE for the BSB; full details can be found here:


NB: where any of the above specified entry requirements (3.2.1 – 3.2.4) have not been completed and evidenced in full, any offer letter by a Provider must clearly indicate that the offer is conditional upon the requirements (e.g. revival of stale qualifications) being completed prior to the commencement of the course.

### 3.3 Admission with ‘Advanced Standing’ or AP(E)L

There is normally no admission with advanced standing to the BPTC. The course must be undertaken in its entirety. However, exemption from the BPTC may be granted to those who have qualified in other jurisdictions or as solicitors. Such exemption will usually be conditional on passing the Bar Transfer Test. (See Bar Training Rules rQ79-rQ97.)

### 3.4 Study Mode and Admission Requirements

#### 3.4.1 Mode of study (full-time, part-time, distance learning etc) does not modify the regulations regarding admission. These regulations apply equally and uniformly to full-time and part-time study, to ‘conventionally’ taught courses and courses delivered through open, flexible, work-based or distance learning.

#### 3.4.2 Students may be allowed to change the mode of study in the light of their changing academic, personal or professional circumstances if the Provider is able to offer the alternative study mode for that course, and if the proposed change is consistent with the aims and outcomes of the BPTC being met in full.

### 3.5 Changes of Course to another Provider

#### 3.5.1 Students may, at the discretion of the Provider, transfer to another Provider subject to:
- the availability of a ‘vacant’ place on the proposed course, and
- the agreement of the Course Directors of both current and future/proposed courses, and
- the change being proposed at an appropriate stage in the new course, and
- successful resolution of financial matters.

3.5.2 Sufficient time must remain between the agreement of the change and entry to the new course for the student to be able to fulfil the learning objectives according to the proposed new course, and to demonstrate that they have been fulfilled. The Inn of which the student is a member must be informed.

3.6 Authentication of Entry Qualifications

3.6.1 The Provider must seek evidence of personal, professional and educational experiences that indicate ability to meet the demands of the course. Students are required to provide proof that they hold the qualifications that they claim in seeking admission to a given course of study. Such documentation must be verified by Providers.

3.6.2 Any student who:
- does not comply with any reasonable request to provide such proof
- makes a false claim in respect of application for admission;
- presents false or fraudulent evidence of qualifications; or
- engages another person to impersonate him or her, or themselves impersonates another person in connection with an application for admission or in providing evidence of qualifications

is liable to exclusion. The facts must be reported to the relevant Inn of Court in every such case, in order for the Inn to assess whether the candidate is a fit and proper person to practise as a barrister.

3.7 Interviewing of Prospective Students

The interviewing of prospective candidates, in order to determine suitability, is considered by the BSB as desirable. Providers may devise and apply additional selection criteria.

3.8 Securing Pupillage before Commencing the BPTC

The securing of pupillage before undertaking the BPTC is considered by the BSB as desirable but is not a requirement. Please note that individuals who have successfully completed the Bar Vocational Course or the BPTC but have not successfully completed the professional stage of training for the Bar, e.g., pupillage, are no longer eligible to transfer into the solicitors' profession via the Qualified Lawyers Transfer Scheme (QLTS). The Solicitors Regulation Authority requires that all QLTS transferees have completed the full route to qualification. See [http://www.sra.org.uk/solicitors/qlts/key-features.page](http://www.sra.org.uk/solicitors/qlts/key-features.page) for more details.
3.9 Disabled Students

In terms of the Equality Act 2010 and other relevant legislation, ‘reasonable adjustments’ should be made for disabled candidates where necessary, including adjustments for assessment [please see Part A, paragraph 6.6]. The BSB may be consulted where there are any special requests for which BPTC Providers may need additional guidance in respect thereof.

3.10 Registration Information (as required by BSB and Inns of Court)

3.10.1 It is a requirement of the BSB and the Inns of Court that a student may not enrol on the BPTC unless he or she is a member of an Inn of Court. Consequently, both the Inns and BSB request that registration data is provided to both parties simultaneously. Providers will be informed of the required protocol for submitting this data, and submission will be due by 15 October or the next working day.

3.10.2 Any student who leaves the BPTC after the October list has been issued must be notified to the relevant Inn of Court and BSB as and when they leave.
Assessment Regulations for the BPTC

4.1 General Principles

4.1.1 The purpose of assessment is to allow students to demonstrate that they have fulfilled the course objectives (and achieved the academic standard required for the award).

4.1.2 The process of assessment must be clear, precise, valid and reliable.

4.1.3 Assessment must be carried out with rigour and fairness by examiners who are impartial, and who are competent to make judgments about the performance of individual students in relation both to the cohort and to students on other comparable courses. The particular role of the examiners is to ensure that the standard of the course is maintained and that each individual student receives fair treatment.

4.1.4 Each individual course will have its own description and assessment requirements, within the specified framework. Students must be informed at the commencement of the course of the material covered within each course and its assessment requirements (both formative and summative), including weightings.

4.1.5 The medium of assessment shall be English. Written assessments may be provided in Welsh if requested by candidates. The requirements of the Welsh Language Act 1993 are recognised but candidates who can only satisfy the assessment requirements in Welsh will not be competent to practise at the Bar of England and Wales.

4.1.6 Assessment of the BPTC must include an element of formal time-constrained examinations. Any instances of where this may not be appropriate for a particular candidate must be discussed with the BSB.

4.1.7 The maximum proportion of MCQs permitted for the assessment of any individual course (including those assessed centrally) is 50%. The maximum proportion of MCQs permitted for the assessment of the BPTC as a whole is 40%.

4.1.8 Provision has been made for centrally set final examinations in Civil Litigation, Criminal Litigation and Professional Ethics that are compulsory for all BPTC students.

4.2 Processes

4.2.1 Detailed arrangements must be specified for the operation of the assessment process, including the scheduling and amount of assessment, security, first and second marking, and moderation and arrangements for Examination Boards.

4.2.2 Assessment grades must be recorded accurately and systematically by suitably trained academic and/or administrative staff, with arrangements made for the aggregation of marks and grades. Students’ achievement must be recorded and their progress monitored for the duration of the course, including notification of failure of components and/or their being at risk of failing the course (for example through non adherence to the attendance rule, see B4.10.3).
4.2.3 Decisions (i.e. provisional grades for in-course assessment) should be notified to students as soon as possible after assessments, but it should be noted that all grades are provisional until moderated by External Examiners and confirmed at Examination Boards. End of course assessment grades and final overall course grades must not be notified to students until they have been confirmed at the final Examination Board with External Examiners present. Where applicable, Chair’s action may be taken only with the prior approval of the BSB.

4.2.4 It must be made clear to students where assessment is summative (i.e. the marks will count towards the grading of the final award) or where it is ‘formative’ only. Appropriate feedback must be provided to students on their assessment, so as to promote learning and ensure improvement.

4.2.5 All staff and external examiners involved in assessment must receive appropriate training and development, for example mentoring for new staff, or practitioner staff new to teaching, and ongoing staff development for others.

4.2.6 Anonymity of assessment should be in place for summative assessments.

4.2.7 Oral examinations should be used for the skills areas as appropriate.

4.2.8 One opportunity to re-sit each failed assessment is allowed in any subject, regardless of and not subject to any minimum grade being achieved on the remainder of the course. Where there are documented and accepted extenuating circumstances, a re-sit examination may be taken as ‘first sit’ and thus not count as the single permitted re-sit opportunity. [See paragraph 4.10.5]

4.3 Assessment Details

Details of assessment must be provided and must:

1. state the overall basis on which students will be assessed in relation to the overarching aims and intended outcomes of the course and in accordance with the assessment framework (A2.1.3).

2. state the specific requirements for individual assessments as they occur at different points in the course (with criteria for the marking and grading of assessments A2.1.5).

3. provide an appropriate balance between course work, practical work and formal examinations. It may be specified that all components of an assessment must be passed to demonstrate that all outcomes have been met.

4. specify which assessments are formative only; that is the grades do not count in the overall grade for the course, for example in mock and practice assessments.

5. adhere to regulations concerning the drafting of questions and assignments

6. adhere to the criteria for the recommendation of the qualification/level of qualification (e.g. Outstanding/Very Competent/Competent/Not Competent).

7. make clear to students that no compensation for failure in assessment is permitted
8. provide details concerning how initial failure may be made good (including the limit to the number of attempts at re-sit to one only – unless there are documented and accepted extenuating circumstances).

4.4 Responsibilities of Students

4.4.1 Students must make themselves available for examination and assessment, and present their work as required by the Provider.

4.4.2 Where a student fails to attend an examination or to submit work on time without good reason (supported by evidence, e.g. a medical certificate) then the student will be deemed to have failed that assessment.

4.4.3 Work must be legible, comprehensible and word processed. Work written in ink or in pencil may only be used when authorised, e.g., for completion of MCQs.

4.4.4 Students must provide details of any special circumstances which may affect their work (such as Extenuating Circumstances, see B4.10.5 below). These must be communicated as soon as possible and normally in advance of the date of the examination, or due date for coursework. Special circumstances may not subsequently be invoked as ‘insurance claims’ following poor performance, nor as excuses for academic misconduct. Long standing conditions are dealt with separately (see B4.10.6.2). Providers have local protocols for dealing with Extenuating Circumstances.

4.4.5 If students are found to have cheated or attempted to gain an unfair advantage then they may be deemed to have failed in terms of the academic misconduct procedure (see B6 below), and a decision may be taken as to whether the student may be reassessed and/or continue with their studies. Where a student is found to have cheated or behaved improperly in any assessment, that fact must be reported to the relevant Inn as soon as it is known to the Provider. If a student is found guilty by the Provider of cheating or other misconduct on the BPTC, the Provider and student must immediately notify his or her Inn in writing (Bar Training Rules rQ103). The student must not leave reporting this matter to his or her Inn until submission of his or her Call declaration.

4.4.6 The Provider is responsible for making information accessible to students regarding the timing, nature and location of assessment/reassessment and it is the student’s responsibility to attend.

4.5 Examinations

4.5.1 Timing and Location of Examinations

Students are required to attend for examinations and other assessments in locations specified by the Provider. The time and place of formal time-constrained examinations must be specified in advance by the Provider, giving due warning to candidates. A calendar of examinations must be drawn up and published to students well in advance. An accurate register of students eligible to take the examination must be made. Where a
disabled student has particular access needs in relation to an assessment centre, it is the responsibility of the Provider to ensure that locations are accessible for such students.

4.5.2 Format and Duration of Examinations

Examinations may take a variety of forms, which may include permitting access to specified equipment or material (i.e. ‘seen’ or ‘unseen’ examinations). The kind of examination, and also the duration, must have been approved at validation and should not be varied (unless the change is notified to the BSB and approved). The length of an examination may vary. Some forms of examinations (e.g. Multiple Choice) may be shorter in duration. The duration of centrally set examinations will be determined by the BSB.

4.5.3 Drafting of Course Work and Examination Papers

Tutors with responsibility for specified areas of the course must finalise examination and assignment questions anticipating the time required for internal checking and moderating as well as review by External Examiners. Papers must undergo internal checking and moderating to ensure that questions are clear and unambiguous, that they are a valid means of assessing that outcomes have been met, that they are properly edited and that external advice is sought if needed. The same assessment questions must not be reused within a three-year period. All assessments must be approved by External Examiners. Papers must then be kept in a secure place until required, for secure delivery to the place of the examination. Questions for examinations and referral or re-sit examinations must be finalised at the same time and must be similar (to ensure fairness) but not repeated/identical.

4.5.4 Conduct of Examinations

Examinations must be carried out in accordance with institutional procedures that adhere to the QAA UK Quality Code for Higher Education, Chapter B6, on the assessment of students. (Institutions must ensure that assessment is conducted with rigour, probity and fairness and with due regard for security). Examinations should be invigilated by members of staff who must be made aware of their responsibilities and provided with appropriate guidance on how to ensure that necessary arrangements are made, check attendance lists, ‘patrol’ from time to time, and deal with irregularities, e.g. late arrivals, apparent cheating, etc. Examinations for centrally set subjects will follow similar protocols and maybe subject to specific arrangements as determined by the BSB.

4.5.5 Cheating in Examinations

If a student is suspected of cheating in an examination (e.g. using notes, overlooking etc) then the invigilator should, acting according to institutional guidance, move the student and/or remove the material in question, sign the script at the point, note the time and details on the report, but allow the candidate to continue. Students suspected of communicating should first be warned and then moved if the situation recurs, with the time noted. If cheating or indiscipline of any kind disturbs other students then the offender should be removed from the room. Such incidents must be reported to the relevant Inn as appropriate (see B6 below).
4.6 Marking and Moderation of Non-Centralised Examinations and Coursework

4.6.1 When submitting work for assessment, students must comply with the assessment criteria for each module, and with any additional instructions, including the assessment requirements for each module assessment. They should also take cognisance of the generic grading descriptors (A2.1.5). If candidates do not comply with instructions, e.g., by exceeding the word limit, then a penalty may be imposed. Work submitted late without special permission due to Extenuating Circumstances (applied for in advance) should not normally be marked. An extension should not be granted beyond the time when work is due to be returned to other students.

4.6.2 Moderation of marks (i.e., by other internal examiners) is not necessary for every single piece of assessed work. However, work should be sampled by a second internal marker, who should pay particular attention to the top and bottom ends of the scale, and borderlines. This should preferably take place with the second internal marker unaware of the grade awarded by the first marker. If serious disagreement occurs between internal markers then a third marker may be consulted. The External Examiner, appointed by the BSB, may be consulted but may not act as a third marker to resolve marking disagreements. An External Examiner’s view on academic judgement is final.

4.6.3 Coursework scripts should be annotated with feedback to students (indicating errors, highlighting areas for improvement and showing how this may be achieved) and returned ideally within three weeks. Since examination scripts are not returned to students there is no need for extensive formative feedback. However, clear indication of the rationale for a particular mark must be given to assist the external examiner or moderator.

4.6.4 Oral presentations can be double marked by appropriate sampling, by a second marker in attendance, or by the use of video/DVD. Examination scripts serve no formative function and are therefore not returned to students.

4.6.5 Samples/copies of both course work and examination papers (top/middle/bottom and borderline) should be retained for three years in case they are needed for scrutiny by BSB External Examiners. Examination papers should be retained and made accessible to students for reference purposes, except for case studies that are reused. Students should be advised to retain work at least until they have been assessed for the qualifications.

4.6.6 Sections 4.6.1 – 4.6.5 above are only applicable to the marking and moderation of non-centralised examinations and coursework.

4.7 Examination Boards

4.7.1 Appointment

A board of examiners (Board or Examinations Board) must be appointed for every BPTC Provider in order to ensure fairness to students. The Board must be chaired by a senior academic who is not involved with the BPTC or responsible for delivery of the course and must include the director/leader responsible for the course itself. It should also if possible include a representative of the Provider’s academic quality unit/department. The board must include at least one BSB appointed External Examiner, without which it will not be
regarded as quorate by the BSB. An administrator or secretary must be present to record the final grades and awards.

4.7.2 Consideration of Results

The BSB gives no discretion to the boards of examiners to amend the grades of students in the light of circumstances affecting performance (i.e. marks may not be raised as a result of special circumstances) or for any other reason. This is to help achieve consistency between individual Provider Boards, equality of treatment to students at different institutions and to ensure that the principle of the demonstration of minimum competence is rigorously observed to protect the public. It follows that no discretion or rounding up is possible, even where there are extenuating circumstances. In addition, there is no reason for rounding up to be allowed simply because the overall mark for the course is finally very marginal. However, for overall grades (not grades of individual assessments), a ‘rounding up’ of borderline aggregate grades may be permissible (specifically the raising of a 69.95 – 69.99 to 70 and similar for other borderlines).

4.7.3 Release of Mark to Students

No results may be recommended for conferment of the professional qualification other than by a properly constituted Examinations Board. Hence course work grades may only be released (as provisional) to students after they have been confirmed by External Examiners; i.e. mid-year grades are not necessarily indicative of the final year result. Grades of end-of-course assessments or final results must not be released to students until moderated by External Examiners and confirmed at the Examinations Board. The final decision for any professional qualification rests with the BSB.

4.7.4 Individual Grades and Overall Profiles

An Examinations Board is authorised to consider students’ individual grades and overall profiles in accordance with the approved assessment regulations for the course (see A2.1.5 for grading of individual assessments and A2.1.6 for overall grades for the course). Boards must determine the action to be taken where a student fails to complete some or the entire course or where extenuating circumstances have affected a student’s performance.

4.7.5 Meetings of Examinations Boards

The appointed secretary to the Examinations Board (working with the Chair of the Board and the course leader/director) is responsible for organising the Board, notifying the date, and providing the following documentation to external examiners by December:

- a detailed agenda, including: note of apologies; consideration of minutes of the last meeting; consideration of extenuating circumstances as appropriate; consideration of any applications of the Red Light Rule or the Attendance Rule; approval of results with discussion of borderlines; oral reports of External Examiners on standards and any other issues; date of next meeting
- the BSB and Provider assessment regulations
- examination papers and project titles or briefs
- the marking schemes used
the full draft mark sheet showing marks for the course, individual units and individual profiles of each student
- information about how sample and double marking and moderating was carried out
- an analysis of the statistics
- any additional information, for example any extenuating circumstances or any examination or invigilation irregularities

4.8 External Examiners

4.8.1 Principles

1. The BSB appoints (and pays for) External Examiners who are involved with monitoring both quality and standards of the Bar Professional Training Course (BPTC). The system of External Examiners should operate broadly in accordance with the Quality Assurance Agency’s UK Quality Code for Higher Education (Chapter B7: External Examining):


and the Higher Education Academy: A Handbook for External Examining:


2. External Examiners are appointed to each individual subject area at each Provider. The view of the majority of the External Examiners shall prevail on any matters of principle at an Examination Board at a Provider.

4.8.2 Role and Responsibilities of External Examiners

The primary responsibilities of External Examiners are:

- to ensure that the objectives of the BPTC are met
- to verify that the standards of the BPTC, as indicated by students’ attainment in assessment, and moderation of assessment samples have been set and maintained at the correct level by Providers
- to ensure that the appropriate assessment regulations are correctly followed, and
- to ensure that all students are treated equitably
- to ensure that quality assurance processes are adhered to
- to act as members of Examination Boards at a Provider.

In order to carry out these responsibilities, the External Examiners for the BPTC must, individually or collectively:

1. be able to judge students impartially on the basis of the work submitted for assessment without being influenced by previous association with the course, the staff or any of the students;
2. be competent in assessing students’ knowledge and skills at higher education level,
expert in the field of study concerned, impartial in judgment and able to moderate the performance of students with that of their peers;

3. approve the form and content of proposed summative assessments that count towards the BPTC qualification. External Examiners will normally approve all proposed assessments (i.e. examination papers as well as coursework and other, e.g. oral, assessments) before implementation. This is in order to ensure that all students will be assessed against the aims and objectives of the course syllabus and have reached the required standard;

4. scrutinise the work completed by a representative sample of students (including Outstanding, Very Competent, Competent and Not Yet Competent paying specific attention to candidates on any of the borderlines), in order to ensure that the students are correctly placed in relation to the national standards of the BPTC. It may be necessary for examiners to see a sample of referral work to ensure the equivalence of standards of marking (i.e. that re-sits are not graded more leniently). Referral work is marked as pass/fail only, the grade being capped at a pass.

5. have the right to moderate the marks awarded by internal examiners, and request review or re-marking of the whole cohort if there are concerns that the marking guidance has not been adhered to. Examiners moderate the scripts, they do not re-mark, and hence should not adjust individual grades but rather ensure that, where marking is too strict or too generous, the Provider should review the whole cohort and adjustments made accordingly.

6. attend the meeting of the Examinations Board, ensuring that recommendations have been reached according to the BPTC requirements and participating as required in any reviews of decisions about individual students’ performance.

7. report back to the Provider and to the BSB on the effectiveness of the assessments and any lessons to be drawn from them (see External Examiner Interim Report pro-forma at Appendix B and Final Report pro-forma at Appendix C).

8. report immediately to the Director of Education and Training at the BSB on any matters of serious concern arising from the assessments which might put at risk the standard of the BPTC.

9. External Examiners are responsible for considering and having the final ruling in consultation with the BSB, if needed, on any case where the ‘Red Light Rule’ is put into practice (see B 4.10.2).

10. External Examiners are responsible for considering and having the final ruling in consultation with the BSB, if needed, on any case where the ‘Attendance Rule’ is put into practice (see B4.10.3).

11. The External Examiner must plan their duties with the Provider around their own commitments and workloads so that they are able to manage the role on behalf of the BSB.

12. All Boards of Examiners must be organised in accordance with the QAA UK Quality Code for Higher Education Chapter B6: Assessment of students. See also Understanding.
assessment: its role in safeguarding academic standards and quality in higher education, Second edition, published by the QAA (September 2012). A formal agenda, plus the course assessment regulations, marking scheme used by the internal examiners, and the full draft mark sheet including a profile of the marks awarded to each student in each piece of assessed work (both final marks and marks for each question) must be provided for the External Examiner. Analysis of the mean and standard deviation of the marks in each assessment and any recommendations on decisions should also be available.

4.8.3 External Examiners for areas with centrally set examinations

Examiners for:

- Civil Litigation, Evidence and Remedies
- Criminal Litigation, Evidence and Sentencing
- Professional Ethics

have slightly adjusted roles in that they will not be involved in the approval of draft papers or in confirming the final marks for the subject areas, as these functions will be performed by the Central Examination Board (CEB). They will however perform a vital function in moderating local marking of SAQs and in alerting the CEB to any issues that may merit their special attention.

4.8.4 The Appointment of External Examiners

1. Appointments normally commence at the beginning of the academic year. For information on current or forthcoming vacancies and the application process please contact bptcqa@barstandardsboard.org.uk.

2. External Examiner applications must be submitted to the BSB Education and Training Department for the approval procedure so that they may be appointed before the start of the academic year in time to take up their duties. Appointments will be made using the criteria below [B4.8.4]. All examiners who moderate Advocacy must be ATC accredited. An examiner’s normal term of office will be three years, which may be extendable for up to two years with the agreement of the BSB and the Provider.

3. All External Examiner appointments must be formally approved by the BPTC Sub-Committee. A board of examiners which does not include an approved External Examiner is not authorised to assess students for the BPTC or to recommend the attainment of the professional qualification.

4. The BSB will allocate External Examiners to a Provider; effort will be made to take account of individual preferences.

5. In order to maintain their independence, External Examiners should not concurrently act as consultants to the Course team on its design, or be members of a panel established to review the course they examine. External Examiners should not have had any significant connection within the last five years with the institution where they are to examine. However, they are encouraged to support course teams by identifying areas for enhancement and improvement.
6. The Course Director at each Provider must make arrangements for new External Examiners to be briefed as soon as possible after appointment. This is to ensure that External Examiners can discharge their duties effectively. Each External Examiner should receive:

- The Course Specification Requirements and Guidance (BPTC Handbook), which is to be sent by the BSB;
- The Provider’s definitive document (including staff roles and responsibilities) or student handbook plus supplementary material;
- Relevant teaching materials;
- A copy of the assessment regulations and assessment schedule for the course, including the dates when scripts will be available for scrutiny and the dates (provisional and confirmed) set for meetings of the Board of Examiners, as well as dates for any internal briefing, if required.

Briefing of External Examiners should include the provision of previous External Examiner reports and statistical material on the performance of the cohorts for which the examiner has responsibility (see Appendix D for External Examiner schedule and checklist).

NB: Materials for Options subjects may be provided later in the academic year, but no later than two months before the beginning of the Options course.

7. An agreement will be made between the BSB and each External Examiner, specifying the subjects or units for which he/she is to be responsible. The BSB has designed the external examiner fee to take into account a variety of factors such as, core or optional subjects, centrally set assessments, size of the Provider and the number of sites. All external examiners will be notified of the final fee in the contract. The BSB shall have the right to terminate the appointment of an external examiner at any time and with good reason. An external examiner who wishes to resign their appointment must give the BSB three months’ notice in writing.

8. All summative assessment questions must be sent to External Examiners in advance for approval. This includes formal examinations (with the exception of the centrally set examinations), course work and details of oral assessments.

4.8.5 Criteria for Appointment

1. External Examiners for the BPTC must:

- have current relevant knowledge and experience of the area of the course for which he/she is appointed as examiner
- have previous experience of teaching, learning and assessments, and/or have professional expertise in the subject area for which they are examiner
- maintain their independence from the Provider and course team
- not hold more than one other External Examiner role in another HEI
- be familiar with the quality assurance practices established in the higher education community of the UK
- have appropriate practitioner experience
- be impartial in judgment and not have previous close involvement with the Provider or its staff which might compromise objectivity*
* For those External Examiners who work directly at another Provider and teach on the BPTC, the issue of the perception of impartiality and independence must be demonstrated with a high level of professionalism and integrity. The independence of the External Examiner role is crucial for the maintenance of the quality assurance process. Any staff member who feels that their independence may be compromised should inform the BSB.

Where an External Examiner is appointed who is employed in professional practice but is not directly familiar with higher education, then such experience must be present amongst the External Examiner team as a whole appointed to the course.

For additional guidance on the criteria for appointing External Examiners for the BPTC, reference should be made to the QAA: http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b


2. To ensure independence of External Examiners, there should not be:

- more than one examiner from the same institution in the team of External Examiners;
- reciprocal external examining between BPTC courses;
- replacement of a retiring External Examiner by another from the same institution.

4.8.6 External Examiners’ Reports

1. External Examiners are normally required to submit two reports annually by 28 February and 31 August respectively, to the Education & Training Department of the BSB. The reports must be typed and submitted electronically. The BSB will forward reports to the Providers, who will prepare a response. If an External is examining at two sites of the same Provider they must submit a report for each site. Examiners who are only covering optional subjects need not provide an interim report. The BSB welcomes the views of the External Examiners on all aspects of the BPTC and in particular on course design, structure content and delivery in addition to issues relating to assessment. External Examiners reports are reviewed on receipt and go forward for consideration at course review and during monitoring visits. Receipt of each report (for which pro-formas are available at Appendix B and C) is a necessary pre-condition for payment of the examiner’s fee. In these reports, the External Examiner should report on the conduct of the assessments just concluded and on issues related to assessment, including:

- the overall performance of the students
- the strengths and weaknesses of students
- the quality of knowledge and skills (both general and subject specific) demonstrated by the students
- the structure, organisation, design and marking of all assessments;
• the quality of teaching and course materials
• any implications which the experience of conducting the assessments may have for the curriculum, syllabus, teaching methods and resources of the course
• any other recommendations arising from the assessments.

2. The purpose of the report is to enable the BSB to be assured that the course is meeting its stated objectives and to satisfy itself that any necessary improvements are made, either immediately or at the next review as appropriate. Any serious concerns should be raised immediately with the Provider and the BSB (if appropriate), and should not solely be left to be mentioned in the report.

3. Providers must respond in full to each External Examiner’s report, copied to the BSB by 30 September each year, indicating how any points raised will be addressed; these issues should also be followed up in the Annual Reflective Review.

4.9 Decisions of the Examination Board

Cohort results for centrally set subjects will be confirmed by the CEB before being remitted to Provider Examination Boards where they will be combined with results for other parts of the course to give overall results for individual students.

4.9.1 Finalisation

After the Provider’s Board’s decisions are finalised the results must be signed off by the Chair. Action must be noted against any decisions for referral or deferrals (where there are extenuating circumstances). The minutes must record all decisions and actions as well as the names of those present, time and date. The list of successful candidates must be notified to the BSB. Under no circumstances should results be given to students until a duly constituted Board of Examiners has confirmed them. Results should be notified to students in writing normally within one week after the Examination Board.

4.9.2 Referrals/Deferrals

Referrals or deferrals should be notified and discussion should take place including reference to the means by which failure may be retrieved (if applicable) and how further advice may be sought in order for the student to be considered for eventual completion of the course.
4.10 Failure, Non Attempts and Reassessment

4.10.1 General Principles

1. Provision must be made for a student to make good an initial failure (or to demonstrate a competency not yet demonstrated), and a Board of Examiners which decides to refer a student must specify which elements must be retaken and when this reassessment shall take place. A student may be required either:

- to retake an assessment in order to gain a pass in a unit or
- to retake an entire unit

2. Failure in any assessment gives the right to one further opportunity to retake the failed assessment(s). With the exception of ReDOC where the requirement to pass both parts is not specified, if there are two parts to a single assessment then it must be retaken as a whole even if only one part is failed. No aggregation of marks is permitted in assessments based on this principle. A maximum of a total of two attempts shall therefore be permitted for any single assessment, excepting where documented and accepted extenuating circumstances (see below B4.10.5) have caused an attempt to be assessed ‘as if for the first time’. Where the course has been failed due to marginal failure in one resit only [at 57 - 59.9%, or due to failure to pass both sections but with a mark of 57% or above for the subject] or due to a red light fail in one resit only, then one further resit in that failed assessment will be permitted. Since eligibility for such a second resit depends upon the rest of the course having been passed, no candidate may take a second resit in any subject unless and until they have passed all of their subjects. Regulation to be strictly enforced, there is no broad discretion to disapply in appropriate circumstances.

3. When a full time candidate commences the BPTC in September of a specific academic year their anticipated completion date is within that academic year. For these purposes an academic year comprises the cycle of first sit assessments and referred or deferred assessments immediately following the first sit assessments. Even in cases where there are documented and accepted extenuating circumstances, the course must be completed within a maximum of two years of the expected completion date. For the Part-time students, the course must be completed within a maximum of three years of the expected completion date.

   By way of example, a full time candidate who commences in September 2015 would normally complete the course by 31 August 2016. This includes provision for any necessary re-sits. For this candidate the two year time limit would therefore be two years after the end of the 2015/16 cycle, i.e. 31 August 2018. The time limit for a part time candidate who commences in September 2015 will normally complete the BPTC course by 31 August 2017. For this Part-time candidate, the time limit including provision for any necessary re-sits would therefore be three years after the end of the 2015/16 cycle, i.e. 31 August 2020.

4. In the event of long term illness or disability, a candidate would normally withdraw their registration and start again ab initio, or suspend study and resume at a specified point. Where the individual Provider’s regulations are more stringent than those of the BPTC Handbook, the individual Provider’s regulations must be followed.
5. Where an assessment has been failed on two occasions, then the candidate shall be recorded as having failed the course. Where there are extenuating circumstances, and a ‘first sit’ has been allowed, then the number of attempts will be considered accordingly, but no more than two attempts (not affected by extenuating circumstances) will be allowed, excepting in circumstances detailed in 4.10.5 and 4.10.6 below. A candidate who fails the course in its entirety in this way will be permitted subsequently to apply for and retake the course (if the application is successful) *ab initio* at the same or a different Provider.

6. A student may not retake an assessment in order to improve upon a mark which is already at or above the pass level (regardless of any extenuating circumstances).

7. A student who does not complete referral work by the specified time limit must be assessed as Not Competent.

8. Opportunities for referrals should be provided during August/September following the first sit (March, April, June) examinations. Referral dates for centrally set subjects take place in August and are specified at the start of each year. Where an assignment or course is retaken then the mark or grade will be capped at the minimum pass mark. All attempts must be recorded on the student’s transcript.

9. Candidates passing all elements of the BPTC on first attempt will normally be Called to the Bar in the Trinity (July and October) Call. Those who pass following deferred or referred examinations will normally be Called to the Bar at the Michaelmas Call (November) or later.

10. Requirements for reassessment must be equivalent (but not the same as) those for the initial assessment.

11. A student who withdraws, or is required to withdraw, from the course may incur financial loss, but this is a matter between the Provider and the student. Where there are special reasons for withdrawal, e.g. serious extenuating circumstances, then a student may intermit, and resume study at a later date. It is expected that Providers will be sympathetic to special, serious cases. The BSB should be consulted for advice if necessary.

12. Whether a Provider will give support to students undertaking re-sits (with or without extra financial charges) must be made clear to students in advance. Resits will normally be undertaken at the Provider location, but they may exceptionally be taken at overseas locations, arranged under the auspices of the local British Council, if notified at least six weeks in advance. All additional expenses must be met by the candidates.

13. If an individual candidate assessment is mislaid, marks cannot be awarded or interpolated, whether on the basis of the candidate academic profile or otherwise.
4.10.2 The Red Light Rule

1. Principles

The Red Light Rule has been put in place in order to ensure that a candidate gaining an average overall pass can still be failed or referred if an essential (or ‘must pass’) element was failed. Inadequate demonstration of knowledge and comprehension, or inadequate case analysis and preparation or inadequate presentation (whether written or oral) must result in the candidate being failed in that assessment, irrespective of the marks achieved in the different components of the assessment. The Red Light Rule only applies to skills subjects. The Red Light Rule does not operate to restrict the number of attempts, this is governed by Part B – Regulations 4.10.1.

2. Application

The rule must be applied where:

a. legal or other analysis by the student is so clearly incorrect that it would:
   - put the client(s) interests at risk, and/or
   - put the [potential] barrister at risk of liability for negligence or a disciplinary finding;

or

b. the student’s written or oral presentation is so poor that it would:
   - render no valuable service to the client; and/or
   - put the client’s interests at risk; and/or
   - put the [potential] barrister at risk of liability for negligence or a disciplinary finding.

A case of this ‘fatal flaw’ type cannot be addressed by the weighting of assessments since such mistakes might be unpredictable. A ‘fatal flaw’ is normally defined, for these purposes, as an error of law or procedure. However, an Ethics issue in a skills assessment may also be regarded for consideration as a ‘fatal flaw.’

3. Examples of where the Red Light Rule should be applied are as follows:

- A personal injury claim where counsel advises that the claim is statute barred because the three years since the date of the accident have expired (has failed to consider the date of knowledge and or an application under section 33).

- A contract claim where counsel fails to advise that the claim cannot be brought because the breach of contract was over six years from the date of the advice.

- Giving inaccurate advice in conference, for example advising a client to settle a civil claim where they have a perfectly good defence, e.g. on limitation.

- In advocacy, failing to challenge inadmissible evidence that might lead a client to be convicted.
• In advocacy, having such poor oral presentation that the majority of points are unclear.

• In opinion writing or drafting, producing work that is so badly articulated that it would be viewed as unprofessional.

• Other instances which could result in the client’s interests being put at risk or the barrister being at risk of liability for negligence

• Such professional misconduct as would be likely to result in action by the BSB.

4.10.3 The Attendance Rule

1. Students are expected to attend all sessions (100% of classes and timetabled activities) and must attend 90% of sessions of the BPTC in order to achieve a pass. A student’s attendance record may exceptionally include rescheduled or alternative classes when the student is unable to attend their scheduled class for good reasons. In this respect, Providers should make efforts to facilitate the rescheduling of sessions for fixed date career-related activities such as moots or interviews. It is a matter for a Provider’s discretion whether to permit a student to attend a different class from that scheduled, but permission should not be given where the learning environment or outcomes of any student may be materially adversely affected. If a student has not prepared for class, is more than ten minutes late, or fails to participate fully in that class, then this should also be counted as non-attendance. Attendance should be calculated on a termly basis, in order for warnings to be provided where a candidate is at risk of falling below the requirement for the course. Attendance during the induction process is essential and permission not to attend induction and the first weeks of study will only exceptionally be granted.

2. Application of the Attendance Rule

100% attendance is expected for each student.

Attendance between 90% & 99% - The student may be absent for up to 10% of the course if their circumstances fall within the Provider’s internal extenuating circumstances procedure. Students must be able to demonstrate that they have covered any missed work which should also be verified by the Provider.

Attendance between 80% and 89% - Students may exceptionally be allowed absences in excess of the 10%, where there are exceptional documented medical or other serious circumstances and missed work has been made up. Full details of the case must be referred to the External Examiner with advice from the Examination Board, for a decision. The Examiner must be satisfied that the intended learning outcomes of the course have been met in full. Any appeals should follow the Provider’s appeals processes and the BSB and External Examiner must be informed.

Attendance below 80% - The student must be failed, on the grounds that with less than 80% attendance it will not be possible to meet the learning outcomes, nor to demonstrate that they have been met through assessment.
3. Additional points

a. Within the Provider’s extenuating circumstances procedure, extenuating circumstances should include; *pro bono* work, attending moots, mini pupillages, pupillage interviews, bereavement, Inn events, ill health etc.

b. Students who fall below 90% attendance may be required to leave the course or defer.

4.10.4 Compensation for Failure

Under no circumstances may a student’s overall performance on the course compensate for partial failure in an assessment for the BPTC. All components of the course must be taken and passed satisfactorily.

4.10.5 Extenuating and Other Circumstances

1. Where a student provides evidence of extenuating circumstances that have, in the opinion of the board of examiners, affected his or her performance in one or more assessments, or prevented the undertaking of an assessment, then the board of examiners has the discretion to disregard the result and offer the student the opportunity to sit the assessment(s) as a first attempt of that sitting.

2. If it is established that there are valid reasons for poor performance or that a student’s absence was due to illness or other cause for which acceptable evidence has been provided, then those circumstances may be considered in determining the decision of the Examination Board. This must be in accordance with the Institutional procedures of the Providing Institution for the consideration of extenuating circumstances, as audited by the QAA.

3. A student whose case is accepted as having been affected by extenuating circumstances should have the right to be re-assessed as if for the first time (i.e. with no penalty or restriction on the mark that may be obtained).

4. In order to prevent the proliferation of ‘insurance claims’ for special circumstances, where a candidate has effectively declared himself or herself ‘fit to sit’ then a subsequent declaration of special circumstances will not normally be accepted. One exception might be where a candidate is suddenly taken seriously ill during the course of an examination.

5. If the Board (and the BSB External Examiner) is not satisfied that the student has presented a valid case then the student will not be offered the chance to re-sit as if for the first time.

6. Disabled students must be considered separately (see below, B4.10.7).

7. Aegrotat qualifications should not be granted for the BPTC. They may only exceptionally be offered where there is no prospect of the student completing the requirements due to serious, life-threatening or terminal illness, and as long as there is evidence that performance has been at the standard in question. A posthumous award may be made and accepted on the deceased student’s behalf where there is evidence of performance at the standard in question. The BSB must be consulted.
4.10.6 Consideration of Extenuating Circumstances

1. Extenuating Circumstances must be formally reported by students in accordance with any institutional procedures, as acceptable to the QAA and the Academic Registrars Council Reference Document on Academic Appeals and Extenuating Circumstances for University Practitioners (2011). This must be at the time of the event (for example by telephone on the day of an examination) or as soon as possible afterwards, and accompanied by formal documented evidence as far as possible, such as a medical certificate (i.e. this must not wait until after results have been confirmed). Pleas for extenuating circumstances should not normally be considered retrospectively, i.e. after a poor grade has been obtained or as an excuse for academic misconduct. The date of the extenuating circumstances in relation to the timing of the assessment will always be checked by Examination Boards. Circumstances should thus be dealt with prior to final Examination Boards, the intervening period being used to allow for the provision of further evidence if appropriate. If further evidence is requested at the Examination Board, then this may cause delay for the final decision, however with the agreement of the Exam Board Chair’s Action may be taken so that the results can be agreed. There should be an appeals procedure in place.

2. Ongoing circumstances such as a long term physical disability, a visual or hearing impairment, dyslexia, a heart condition etc. should be discussed and planned for prior to the start of the course and special arrangements or facilities negotiated and agreed in advance, e.g. extra time for a student with dyslexia (see B4.10.7).

3. Extenuating Circumstances which affect coursework will normally be dealt with by the granting of an extension until a later date. This should not exceed the date of return of work with feedback to other students.

4. Circumstances arising during the last weeks of the term/semester need clear procedures, especially if the ability to undertake an examination is affected. The following should be taken into consideration:
   - whether the circumstances were outside the student’s control (i.e. not of their own choosing)
   - how significant the effect of that circumstance would be
   - how relevant the circumstances were to the assessment, for example proximity in time, which must be carefully recorded and considered
   - whether independent and reliable evidence is provided about the circumstance. Medical certification of a condition affecting the student would normally be accepted.

5. A non-exhaustive list of examples of circumstances that could have seriously affected performance and could not have been remedied in the time available and would normally justify special consideration include:
   - bereavement – death of close relative/significant other (of a nature which, in an employment context, would have led to an absence in accordance with the compassionate leave regulations)
   - serious short term illness or accident (of a nature which, in an employment context, would have led to an absence on sick leave)
- evidence of a long term health condition worsening
- significant adverse personal / family circumstances
- other significant exceptional factors for which there is evidence of stress caused

6. A non-exhaustive list of circumstances that would not normally be acceptable include:

- the illness of a distant relative
- financial problems or difficulties with housing
- inadequate arrangements for baby-sitters, child-minders or other domestic or work situations
- foreseeable transport difficulties, road works or private transport break downs
- computer problems such as disc corruption, photocopying or printing problems
- problems with handing in work by the given deadline
- claims that students were unaware of dates or times of submission of work
- any claim not supported by reliable evidence (e.g. a letter from a ‘flatmate’)
- alleged statement of a medical condition without reasonable evidence (medical or otherwise) to support it
- alleged medical circumstances outside the relevant assessment period or learning period for which appropriate adjustments for extenuating circumstances have already been made
- alleged medical condition supported by ‘retrospective’ medical evidence – that is, evidence that is not (contemporaneous) in existence at the same time as the illness, e.g. a doctor’s note which states that the student was seen (after the illness occurred) and declared that they had been ill previously.
- If there is a reasonable case that circumstances relied on were foreseeable or preventable
- long term health condition for which the student is already receiving reasonable or appropriate adjustments
- minor illness or ailment, which in a work situation would be unlikely to lead to absence from work
- holidays
- poor practice e.g. no back up of electronic documents
- confusion over time, date or location of the examination on the part of the candidate when this has been clearly notified, and not posed any problem to other students
- late disclosure of circumstances on the basis that students ‘felt unable – did not feel comfortable’ confiding in a staff member about their extenuating circumstances
- examination stress

7. A student whose claim for extenuating circumstances is accepted will be recommended to be reassessed with no academic penalty (i.e. mark not restricted to a threshold pass). There is no provision for raising marks of borderline fail students who have extenuating circumstances accepted. Where a course is to be repeated then fees may be waived where there are accepted extenuating circumstances, but this will be at the discretion of the Provider.
4.10.7 **Assessment of Disabled Students**

1. **Academic assessment practices must ensure that disabled students are given the opportunity to demonstrate the achievement of learning outcomes and competence standards.** If a disabled student is unable, to be taught and/or assessed in the usual way, then the Provider should negotiate and agree to any necessary ‘reasonable adjustments’ e.g. additional support or a varied method of assessment as appropriate. If known, this should be arranged before enrolment.

2. The need to ensure that course objectives are met and that the student should be assessed in a manner which is fair both to them and the other students (neither advantaged nor disadvantaged) must be borne in mind.

3. It is the student’s responsibility to ensure that the Provider is made aware of the disability and written evidence (normally medical) must be provided. Advice should be sought from relevant medical agencies if necessary.

4. Disabled students may be permitted extra facilities, particularly in examinations – for example extra time (e.g. students with dyslexia), technological aids (dictaphone, computer, larger fonts etc.), breaks in examinations (physically disabled students, impaired manual dexterity), an amanuensis or scribe (visually impaired students, or unable to write e.g. limb disability), or a reader (for visually impaired). In some cases it may be necessary for assessments to be adapted or modified in order for a disabled student to be assessed in an equivalent way to non-disabled students (e.g. alternative to presentation for speech impairment). Any such adjustments should be agreed to by the relevant External Examiner. (NB some of the above may also apply to temporary impairments, e.g. broken limb).

5. Such conditions must be notified at or before the commencement of study, ahead of registration. Any additional facilities or considerations can thus be agreed well in advance, unlike consideration of Extenuating Circumstances which occur on a short term basis by definition.
B5 Appeals against and Reviews of Assessment Decisions

5.1 Centralised Assessments Review Process

5.1.1 The Centralised Assessments Regulations for Student Review (see Appendix E) have been designed for students who wish to clarify the arithmetical transcription of their marks for one of the three knowledge areas (Professional Ethics, Criminal Litigation and Civil Litigation), or request a review of a Central Examination Board (CEB) decision which impacts on a cohort of students. Candidates should be aware that this process does not involve a re-mark of the candidate’s examination paper.

5.1.2 A candidate requesting a review under section four of the Regulations and a clerical error check to the Provider under section two of the Regulations must invoke processes concurrently, not consecutively.

5.1.3 The procedure is as follows:

1) Students may wish to request a clerical error check and this must be completed with the relevant Provider.
2) Students may wish to submit a form to the BSB requesting an enhanced clerical error check. This should be done within a stated timescale (see Regulations section 3.2) and by submission of the stated fee. The fee is £60 per enhanced clerical error check [per subject area]. If more than one enhanced clerical error check is requested, the fee will increase appropriately.
3) Students may wish to submit a request for a review in respect of a decision taken by the CEB in confirming cohort marks for the centralised assessments in the knowledge areas. The request for review must be submitted on the appropriate form by the stated deadline with the appropriate fee. The deadline is to be confirmed and the fee is £250. Requests are unlikely to be accepted after the stated deadline.
4) Fee payment will be accepted by cheque in the first instance payable to the Bar Standards Board; or alternatively by credit card.
5) All forms may be sent in hard copy version to Centralised Assessments Team, Education and Training Department, Bar Standards Board, 289-293 High Holborn, London, WCIV 7HZ or soft copy version to: centralisedassessments@BarStandardsBoard.org.uk.

5.2 Provider Appeals Policy

5.2.1 Each Provider must have a clear, transparent, published appeals procedure, which facilitates the proper conduct of the investigation and resolution by the institution of students’ appeals. In accordance with the UK Quality Code for Higher Education, the Provider must deal openly and fairly with students who wish to appeal against assessment decisions. They must not penalise students for making an appeal, nor note this on their academic record.

5.2.2 Appeals must be made by students within a specified time limit, and according to institutional guidance and procedures.
5.2.3. Since all grades are subject to internal marking and moderation systems and are confirmed by a Board of Examiners, appeals based solely on disagreement with the academic judgment of the staff making the assessment should not normally be considered by Providers.

5.2.4. Appeals systems will typically consist of an informal stage where, for example, a query is made as to why a lower grade than expected was awarded. Such queries should be resolved locally if possible with the relevant member of staff.

5.2.5. Where a query is not resolved through an informal process (for example if a student can show that not all evidence was taken into account) then a formal request should be made for the case to be considered by the Examination Board. Formal appeals against Examination Board decisions are normally only possible where performance was affected by ill health or other extenuating circumstances not declared at the time (for good reason), where regulations were not followed correctly, where an administrative error occurred, or where decisions were not in accordance with natural justice and fairness. Such cases should be subject to the Provider’s systems as acceptable to the QAA. In cases where the internal systems recommend a remark, then that is permitted, but there is no appeal to the BSB. Typically the final appeal will be made to the Vice Chancellor or Head of Institution or special Review Board whose decision is final. Once the final appeal stage has been decided at a Provider, if the student remains dissatisfied, he or she may be able to submit their appeal to the Office of the Independent Adjudicator (subject to the Provider being within the jurisdiction of the OIA). [http://www.oiahe.org.uk/]

5.2.6. The Provider should seek advice from the BSB if necessary and, in turn, monitor their own procedures and the scale, range and outcomes of academic appeals.

5.2.7. Where a case is referred to an Inn, the Inn will not attempt to go behind the findings of the Provider or the OIA [see [http://www.oiahe.org.uk/]]. However, in deciding the appropriate punishment (expulsion, delay of call etc.) the Inn will require a full set of documentation. The Provider’s conclusions and sanctions should not bind the Inn as to the appropriate outcome. The Inns’ Conduct Committee exists in order to achieve consistency which may be lost if the decision of a Provider as to sanctions or ‘sentence’ must always prevail, with regard to the Inn. This will include copies of the scripts if plagiarism or collusion has been proved, statements by the marker, and the reports and findings of any previous appeals.
**B6 Academic Misconduct**

**6.1 Principles**

6.1.1. A student commits an academic misconduct if it is demonstrated that (on a balance of probabilities) he or she has used unfair means in order to obtain an advantage in carrying out an assessment or other academic work through cheating, plagiarism or fabrication of information. Academic misconduct will be reported to the student’s Inn and may result in termination of membership of the Inn, and termination of study on the BPTC.

6.1.2. Those who undertake the BPTC aspire to attain the professional qualification of barrister. Any student who copies the work of another and presents it as his or her own work, thereby jeopardises their personal integrity and is likely to lose their reputation for honesty, putting into doubt their fitness to practise as a barrister. For this reason, any offence of dishonesty (cheating, plagiarism or misrepresentation) is a matter of concern in a potential barrister and will not only be dealt with by the Provider but must also immediately be reported to the student’s Inn. This will normally lead to a referral by the Inn to the Inns’ Conduct Committee to ensure consistency and equality of treatment. A judgment can be made in relation to whether or not that student remains a fit and proper person to be called to the Bar.

6.1.3. Provider procedures for dealing with misconduct should be in line with and as approved by the QAA. Action and penalties taken will depend on the class of offence and the degree of transgression which may be significant, serious or grave.

6.1.4. Examples of misconduct include cheating in an examination or test that contributes to a summative grade by:

- copying or attempting to copy from work of other candidates
- bringing unauthorised materials into the examination
- referring to unauthorised materials during the examination
- obtaining, or attempting to obtain, help from others in the examination
- obtaining help in an examination by use of a mobile phone, text, pager or other device
- any form of impersonation
- providing, or attempting to provide, help to others in an examination
- any arrangement to break, avoid or subvert the regulations
- fabrication of data in any form of assessment
- plagiarism from published or unpublished sources, including collusion (see next section)
- attempting to obtain examination papers or questions by computer hacking or other dishonest means

**6.2 Plagiarism**

6.2.1. Plagiarism is defined as ‘copying or attempting to copy from any other source (published or unpublished, and including the work of a fellow student or another person) in an unauthorised manner and attempting to present that work as if it were the student’s own in order to obtain an unfair advantage’.
6.2.2. Work presented for assessment is expected to be the student’s own and while quotations from recognised sources are usually acceptable, this must be clearly acknowledged and a reference given for the source.

6.2.3. Collusion, whereby a second student or person knowingly supplies work with consent is also defined as plagiarism. Supplier and receiver may be equally guilty. In those circumstances where one student entrusts a second student with their work and the second copies or attempts to copy the first student’s work, both students may be held responsible.

6.2.4. Steps must be taken by Providers to prevent plagiarism and academic misconduct (particularly copying from the internet), for example by basing assessment on specialised topics or case studies; requiring working plans, drafts and notes to be submitted; warning students that electronic devices may be used to check for plagiarism; warning that vivas (oral examinations) may be required to check that work is the student’s own; warning students of penalties (e.g. noting the offence on their academic record or transcript; failing or expulsion in extreme cases; or in ineligibility for professional qualifications).

6.2.5. It is recognised that acts of plagiarism, fabrication and cheating may vary in the degree of seriousness, for example, ranging from:

Type A
- a first offence (may be less serious)
- the reproduction of small amounts of texts, not properly referenced/without attribution

Type B
- the reproduction of large amounts of texts, not properly referenced/without attribution,
- use of another student’s work with or without his/her knowledge
- collaboration or collusion, knowingly or unknowingly
- a second or subsequent offence

Type C
- the reproduction of very large amounts of texts, not properly referenced/without attribution, at any level, with intent to deceive or fraudulently obtain the qualification

Type B and Type C will all be considered to be very serious in terms of the requirements of the profession and must always be reported to the student’s Inn.

6.2.6. Procedures

1. Procedures as detailed above, as required by the BSB and the Inns of Court are paramount. In addition, Institutional procedures for dealing with academic misconduct must also be in line with the UK Quality Code for Higher Education and in accordance with procedures in place, and approved by the QAA, at the awarding institution. Typically, for example, where an academic misconduct is suspected in an examination (e.g. cheating by using unauthorised books or notes in an examination), then details and evidence must
be recorded and unless a satisfactory response is received, the institutional procedures should be implemented.

2. Where academic misconduct is suspected in course work (e.g. plagiarism, fabrication) the matter should be reported to the Course Director providing details of the alleged offence and evidence for it (such as a passage quoted verbatim or paraphrased without proper acknowledgement).

3. If a student is suspected of cheating or plagiarism, the allegation should be put to the student in a formal meeting with the Course Director; the student must be given the opportunity to answer the allegations. If academic misconduct is admitted, the procedures outlined in section B6.2.6.4 apply. If the offence is not admitted, the Provider must arrange a formal hearing as soon as possible. At that hearing, the relevant evidence must be considered and a decision made as to whether academic misconduct has been committed. If the hearing establishes that any form of academic misconduct has been committed, the procedures outlined in section B6.2.6.4 apply.

4. Once the student’s misconduct has been established, whether by admission or after a hearing, the Provider must decide on an appropriate sanction, addressing the academic misconduct. It is a matter for the Provider what that sanction should be. If the student accepts the decision, the procedures outlined in section B6.2.6.5 apply. If the student appeals the decision, the Provider must inform the student’s Inn of the facts of the case, the sanctions imposed, and the fact that an appeal is pending. If the appeal establishes the student’s innocence, his or her Inn must be informed immediately. If the decision stands after the provider’s appeal process has been exhausted, the procedures outlined in section B6.2.6.5 apply.

5. Once the student’s academic misconduct has been established, the Provider must inform the student’s Inn of the facts of the case and the sanction imposed. The Inn must then refer the case to the Inns Conduct Committee (ICC). The ICC will consider the facts of the case and determine whether to impose a further sanction in relation to Call to the Bar and Inn membership thereby addressing the issue of integrity and fitness to practise. It is a matter for the ICC what that sanction, if any, should be.

6.3 Appeals against Academic Misconduct

There must be a system of appeals against Academic misconduct, in accordance with institutional procedures. Such appeals may only be made on the grounds that Extenuating Circumstances, that may have affected the student’s behaviour, were not taken into account, or that new evidence may be presented that was not previously available. Appeals may not be made on the basis of continued denial of guilt. The appeals process will normally be referred to an Academic Misconduct Committee or to the Head of Institution or his/her nominee.
B7  Student Code of Conduct

7.1  General Requirements

7.1.1. It is expected that all Providers will have in place a Student Code of Conduct together with Student Disciplinary procedures to deal with infringement of the Code. The Bar Training Rules must also be adhered to (see extract in Appendix A).

7.1.2. In accordance with the aims and philosophy of the BPTC, as outlined above (section A1), BPTC students are expected to conduct themselves with due regard for their responsibilities as adults and members of the academic community, and with regard for the good name and reputation of the Bar.

7.1.3. Individual codes of conduct as implemented by Providers for BPTC students are expected to cover such areas as:

- engaging in any behaviour that prevents, obstructs or disrupts teaching, learning, research, administrative activity or recreational, and social activities
- acting in a way likely to cause injury to or impair the health of others
- assaulting, engaging in harassing or bullying conduct of any kind or acting in such a manner liable to give offence to other students or staff
- engaging in conduct or actions that violate the human rights or dignity of others, e.g., making sexist, racist or homophobic remarks, etc. (with reference to the Equality Act 2010 provisions)
- acting in a violent, indecent, or threatening manner
- misusing or damaging premises or property
- committing a breach of the regulations (for example by committing an academic misconduct)
- being found guilty of any criminal offence, or engaging in fraud, deceit, deception or dishonesty
- failing to adhere to any institutional Code of Practice, for example relating to the usage of library, learning resources and IT
- failing to comply with a previous sanction or penalty imposed
- or behaving in a way that could be deemed to bring the Provider, BSB or the Bar into disrepute

7.1.4. Such infringements of Provider codes of conduct must be rigorously investigated on a case by case basis. The Provider must take appropriate action which may include, but is not limited to warning, suspension, exclusion, expulsion, transfer, remediation or termination.

7.1.5. A student may lose the right to continue with the BPTC if enrolment has not been completed by the due date, if he or she is not in good financial standing with the Provider (e.g. fees are owed), if the outcome of an academic misconduct is that they should not continue, if he/she has brought the BPTC into disrepute, or if there are circumstances that may affect the health or welfare of other students or staff.

7.1.6. Student Disciplinary Procedures must be in place to deal with any breach of a code of conduct. This will be a serious matter and any student subjected to the procedure will
be dealt with by the relevant Inn of Court. The BSB must be informed. The system should normally consist of stages, for example Preliminary Investigation, Formal Hearing, Final Hearing, and possibly appeal to the Head of Institution, Vice Chancellor, and/or the Inn of Court. The BSB must be kept informed.
Complaints

8.1 Policy

8.1.1. It is acknowledged that problems do occur and in such cases a complaint may be made. The Provider should deal openly, fairly and effectively with any comment or complaint about its services, and offer an appropriate remedy to anyone who is adversely affected by a service which fails to meet specified standards.

8.1.2. A complaints procedure (in line with the requirements of the QAA, OIA and the Academic Registrars Council as may be appropriate) must therefore be in place that can be used in relation to any service that does not appear to be up to the required standard. It may be used by students, prospective students or other interested parties. The Provider should not penalise anyone in any way for making a complaint about services provided.

8.1.3. Complaints must be investigated as fairly, openly and as quickly as possible. Procedures must be in place, and publicised to students. Complaints made to the BSB will be referred to the relevant Provider.

8.1.4. If a student or other person wishes to comment or make a suggestion about improving the course or a related service, it can be done informally by raising it with those concerned or otherwise providing feedback (for example, the library, IT etc.). Suggestion boxes are also helpful and feedback, suggestions, or complaints at this level should be considered carefully by Providers.

8.1.5. The student’s Inn will also have a legitimate interest in pursuing a complaint, for example on behalf of a student member in relation to the quality of provision made for a particular student or for students generally at that Provider.

8.2 Procedures

8.2.1. If there is a general comment relating to the course, it may first be raised informally, through the staff student liaison committee or through a student representative. If a student wants personal and specific redress on a particular issue, this is defined as a complaint. Wherever possible, efforts should be made to resolve a complaint at the local point where it arose, with the members of staff concerned.

8.2.2. If a complaint cannot be resolved informally, then the institutional procedures should pertain, normally involving the detailing of the complaint in writing, followed by formal consideration of the evidence etc., and the outcome requested.

8.2.3. It will normally be the complainant’s responsibility to provide all the relevant evidence that supports the complaint. The complaint must be properly investigated, normally in a staged process at various levels if satisfaction is not obtained. The final stage normally involves an independent external person.

8.2.4. Advice can be provided by the BSB, who may also be notified by the student if a cause for complaint against a Provider arises. Such students are normally advised to follow the complaints procedure of the Institution. The highest authority is the OIA
The student may submit to the OIA if and only if they have exhausted all of their Provider’s procedures for redress and are still not satisfied with the outcome achieved. The scheme of the OIA must be scrupulously complied with in terms of meeting deadlines associated with the types of complaints they will review.
Part C – Quality Assurance Procedures

NB: Quality Assurance procedures are designed to fit in with institutional procedures for validation, monitoring and review. It is expected that common documentation should be used wherever possible.

C1 Quality Assurance Principles and Processes

1.1 Quality and Standards: Principles

In accordance with the mission and strategic objectives of the BSB, to promote excellence and quality within the profession and ensure that those who qualify as barristers have the right level of skills and knowledge to provide services to the public, including employers, quality assurance of the BPTC is based on the following principles:

- that, as regulator, the BSB is responsible for determining the aims, content, outcomes, and methods of delivery and assessment of the BPTC
- that each Provider, however, also bears responsibility for ensuring that all BPTC requirements are met in the delivery of the course
- that there is always room for improvement with regard to the quality of the BPTC, such that the BSB will seek to ensure continuous enhancement of the BPTC, as well as performing a 'quality control' function, in order to improve both design and performance
- that judgments about quality should be made by suitably experienced and trained academics and professionals

1.2 Key Terms and Definitions

In accordance with practice in the Higher Education sector worldwide, key terms are used in the following way:

**Quality (of student experience):** refers to what is done or provided to ensure that students are enabled to meet the learning outcomes and standards of the BPTC

**Standards (to be attained by students):** are predetermined, explicit levels of achievement to be attained by students in order to justify progression or awards and qualifications

**Quality Standards (for delivery of the course):** must be met as specified

**Quality Assurance:** refers to the planned and systematic mechanisms that are in place in order to ensure that given requirements are met and responsibilities properly discharged

**Quality Enhancement:** focuses on systems for improvement; learning from experience; nurturing, disseminating and sharing good practice
1.3 Quality Assurance: Processes

In order to ensure that the quality of provision and standards of awards are maintained, and to assist with improvements and developments, the following processes are implemented in the course of the accreditation (approval), monitoring and review of the BPTC:

A Validation/accreditation of the BPTC

Accreditation (or reaccreditation) of Bar Professional Training Courses is subject to a rigorous process of validation by the BSB, in cooperation with the (existing or potential) Provider. Every new course must be approved by the BSB in order to be recognised for professional accreditation.

Accreditation procedures are detailed in section C2. It is expected that any new proposal will have already been subjected to internal scrutiny, and that final accreditation procedures will be combined with institutional (re)approval processes. The accreditation process will be managed by the BSB Education & Training Department who should be contacted for further information.

B Procedures for approval of changes to courses

Any changes to Bar Professional Training Courses must be notified to the BSB, and re-approval processes may be required, depending on the degree of change.

C Annual monitoring

The annual monitoring guidance and templates will be sent to Providers separately.

D Monitoring visits

A system of periodic review, with an emphasis on quality management is in place. Visits take place in the form either of monitoring visits or visits triggered by a specific event or cause for concern. Visiting panels comprise legal academic and practitioner representative as well as members of the BSB staff and relevant committee members. They have available to them a wide range of information including the External Examiners’ reports and the Providers’ annual reports. Meetings with senior staff, teaching staff and students typically take place on all visits; panels also have an opportunity to see learning resources including library facilities. Monitoring procedures are detailed in Part C section C4.

E Triggered visits

A special ‘triggered’ visit may take place where cause for concern has been identified, such as falling standards, over-recruitment or deficiencies in facilities. Details will be organised on a needs basis to the Provider. Additional costs to the Provider may be incurred. Triggered visits procedures are detailed in Part C section C5.

F External Examiners

External Examiners role and responsibilities are detailed in Part B section B4.8
G Student feedback

Students should participate in academic approval, monitoring and review decisions through questionnaires relating to specific courses. Provision must also be made for students to provide feedback through the use of focus groups and to have input into quality assurance through student representation on formal committees. Periodically students will be asked to complete a BSB survey in relation to their experience on the BPTC.

H Staff feedback and development

Opportunities should be provided for staff involved in the BPTC (management, teaching and support staff) to have input into the delivery of the BPTC at each Provider. Staff groups provide support and help to ensure uniformity and the exchange of good practice. Peer observation of teaching, and a system of staff appraisal (and details of staff development) are also required, in order to contribute to the maintenance of standards and the nurturing, development and dissemination of good practice.

I The BPTC Sub-Committee of the BSB

The BPTC Sub-Committee oversees matters relating to the BPTC and reports to the BSB’s Education and Training Committee. Each year, overall reports on the external examining, annual monitoring processes and visits to Providers are produced for consideration by the Education & Training Committee. Any proposals arising from the reports will be actioned as appropriate.

J BPTC Providers’ Group Meetings

Regular meetings with representatives of the Providers take place at the BSB office. They involve the course leaders and directors from each of the BPTC Providers and are managed by the Education & Training Department. The meetings provide a valuable forum to disseminate information, and discuss and debate initiatives.

K The BPTC Conference

A conference is held annually, usually in July. The BPTC Provider course teams, External Examiners, advisers, BSB staff, practising barristers and members of the judiciary, and, increasingly, members of the wider academic community, attend. The conference deals with issues affecting the quality of the BPTC and wider initiatives for development and enhancement.

L User/Employer feedback

Care is taken (in the processes of validation, monitoring and review as described above) to ensure that feedback is obtained from professionals, employers and other interested parties as appropriate, as ‘users’ of the graduates of the BPTC.

M Additional procedures

Additional scrutiny and special procedures will be drawn up as necessary and specified for use where arrangements for additional sites or for collaboration are proposed.
1.4 Relation between Internal and External Procedures

It is the intention that BSB Quality Assurance Procedures and requirements interface with institutional procedures, rather than requiring the replication or duplication of effort on the part of Providers. Documentation required for approval, monitoring and review is designed to be in line with the requirements of the HEI or private Provider, and in accordance with that normally required of institutions by the QAA. Where audit and review is carried out by the QAA with positive outcomes, then the BSB will normally have confidence in the Provider so far as such areas as general quality assurance mechanisms, general resources, and student support etc. are concerned. Documentation for students, for approval, annual monitoring reports, External Examiner reports etc. will normally be similar to QAA and/or internal requirements.

1.5 The QAA

The BSB is mindful of activity carried out by the QAA in reviewing and auditing provision in UK Higher Education (http://www.qaa.ac.uk/AssuringStandardsAndQuality/quality-code/Pages/default.aspx). However, the accreditation of the Professional Qualification of the BPTC is the statutory duty and responsibility of the BSB. The quality control and quality assurance specifically of the BPTC as a professional qualification is also a matter for the BSB as regulator of education and training for the Bar. It is acknowledged that the BPTC has in the past frequently been delivered in HEIs as a postgraduate diploma (consisting of a minimum of 120 credits at postgraduate level) with the facility made available by some Providers for students subsequently to “top up” to a Master’s award.
C2 Approval and Accreditation of Courses

2.1 Aims and Objectives

2.1.1 The overall aim of course accreditation, validation and review is to ensure that BPTC students have a high quality educational and academic experience (directed to preparing students for practice as members of the Bar), by assessing the quality and standards of the course as it is to be (or is being) delivered. The approval process also stimulates development by requiring Providers to evaluate their courses, in the context of the thinking and practices of others.

2.1.2 Objectives

Validation of any course must ensure that:

1. the course as proposed and defined according to the Provider’s specification has been thoroughly thought out and adequately documented, and is consistent with the BSB’s official BPTC course specification

2. the course meets the BSB’s requirements for the professional qualification, its content matches the stated rationale, and the standards that will be achieved are appropriate in terms of the specified descriptors

3. the course and its documentation are in accordance with the requirements of the BSB

4. the staff and physical resources available, and the environment within which the course is offered, are satisfactory

5. the quality of teaching and standards of assessment in the subject are maintained and, where possible, will be enhanced.

2.1.3 Expressions of interest

An expression of interest in providing the BPTC must first be made by a potential Provider, using the appropriate form, available from the Education & Training Department. Costs of the accreditation process will be met by the proposer (details are available separately). Accreditation events will not take place automatically following an expression of interest and formal submission of documentation, but only where the submitted material is of sufficient quality. Accreditation will not proceed until internal approval has been secured by the potential Provider.

2.2 Procedures and Information Requirements for New Courses (Documentation)

2.2.1 All documentation required for accreditation must be clear and concise. Firstly a formal expression of interest must be made to the BSB, outlining the proposal. Once this has been agreed then the procedures for accreditation can be put into place.

2.2.2 For accreditation of a new BPTC, material can be presented either as a Definitive Course Document (DCD) or it may be focused on the production of information for
students. Student handbooks with overall course and unit/module specifications may form the basis of a submission, supplemented by additional information such as a review of related provision, the rationale for the proposed course, analysis of student demand, details of resources, accommodation and facilities, (library and IT) as well as details of staffing (staff CVs), so that appropriate academic consideration of the proposal may be made.

2.2.3 Where a proposal relates to existing, previous or similar provision, then a critical review of a former or related course must be provided, together with analysis of admission, progression, retention and destination statistics.

2.2.4 Documentation should be presented in three parts as follows:

A **Student Handbook, containing information about:**

- aims, objectives and philosophy of the proposal – rationale for tendering to provide the BPTC
- the specific course objectives, structure and regulations as it is to be delivered at the Provider
- admissions criteria and details of the management of the process
- details of the course structure/syllabus and content (i.e. the Programme Specification as required by the QAA and descriptors for each unit/module/area)
- details of the intended learning outcomes
- teaching and learning strategies
- teaching methods
- assessments and assessment regulations; schedule and criteria for assessment for each element/unit (with information about progression, withdrawal, failure, extenuating circumstances etc.)
- progression regulations (including information about re-sit and referral procedures)
- individual unit/module content (summaries)
- details of any special requirements (e.g. projects, portfolios) if appropriate
- information about exactly how the skills and competencies are to be attained by students and assessed
- details of work placements/experience/Pro Bono opportunities as appropriate
- details of equal opportunities, diversity processes
- arrangements for student support arrangements (academic and pastoral) with cross references to student services and careers support
- information or cross references concerning complaints/appeals procedures and procedures for dealing with academic misconduct and other disciplinary matters
- concise summaries/information about staff involved in the course
- details of mechanisms for student representation, feedback and input into QA systems

B **Critical Self-Evaluation, including details of:**

- rationale and demand (the context of the course in terms of institutional, departmental strategies and mission – and of regional and national demand and provision)
- critical review/self-evaluation in terms of relation to existing provision and previous monitoring, review and external comments and responses
C Supplementary Information (not appropriate for inclusion in student handbooks)

- resources information (indicating approval/guarantee by relevant Academic Planning/Resources Committee), particularly any major items of equipment and/or any specialist accommodation to be devoted to the course; as well as library, computing and other provision, as agreed
- copies of any existing or previous contract (if appropriate)
- staffing (full CVs including qualifications, teaching/practitioner experience and dates)*, evidence of practice, scholarly activity and research if applicable, staff development strategies, and details of any posts to be filled
- quality assurance arrangements, including the constitution and operation of the course, how this fits in with institutional procedures,* the name(s) and position(s) of the manager(s),* and the constitution and terms of reference of any committees/examinations board*
- teaching, learning and assessment strategies; sample teaching materials* 
- any special supporting arrangements e.g. for projects, work placements etc. as appropriate*

NB: Documentation marked thus [*] above may be required on the day of the accreditation event rather than sent in advance

2.3 Validation/Accreditation Reports

2.3.1 The accreditation process demonstrates the BSB’s public accountability for the standards achieved by the BPTC, so reports will be produced on the validation of all Bar Professional Training Courses leading to the professional qualification. The report will provide a clear indication of discussion and conclusions to an external audience with evidence and analysis sufficient to explain the panel’s conclusions and any conditions of approval and any recommendations. These will be produced by the Education & Training Department of the BSB. It is expected that internal reports will be available that relate to earlier internal scrutiny processes by Providers.

2.3.2 Reports of all final stage accreditation events should be circulated to panel members for confirmation and to the BPTC course director to check for factual accuracy. Reports must be formally approved by the BPTC Sub-Committee, received by the Education & Training Committee of the BSB, and reported to the BSB itself.

2.3.3 Accreditation reports must record the date(s) and place(s) of the meeting(s) of the visiting panel; membership of the panel (showing members’ names and occupations); members of the course team and other contributors; any conditions which must be fulfilled (together with the dates by when they should be met); and any recommendations for changes or future developments desirable in order to enhance the quality of the course, and/or any matters to which particular attention should be given at annual monitoring. The BPTC Sub-Committee will ensure that accreditation conditions are met before a course starts.
2.4 Procedures and Timetable of Events for Accreditation

2.4.1 Procedures for conducting and arranging accreditation events (including appointment of panels, chairs and officers) must be strictly followed. Occasionally, a different (or ‘lighter’) level of scrutiny may be acceptable, depending on whether a proposal is based on largely existing provision or on a significant amount of new material.

2.4.2 After an expression of interest to providing the BPTC has been made, a planning meeting may be held and a preliminary assessment given as to the quality of the proposal, the Provider’s support for it and confirmation of the availability of all the necessary resources to operate the BPTC successfully. If this first stage is successful, the second, BSB-organised stage will be implemented. It is following this stage, that the final ‘yes/no’ decision is made (subject to confirmation by the BSB) as to whether the course will be allowed to run.

2.4.3 New proposals must normally be notified to the Education & Training Department of the BSB by the commencement of the academic year in which the process of accreditation is to take place. That is, two years before the proposed commencement of the new course (allowing for one year for the recruitment process). Further proposals may come forward later, if approved, but no validations (e.g. for an additional mode) will normally take place after May each year for recruitment the following October. Any later than this may not allow time for a response to be made and circulated, and for conditions to be demonstrated as having been met.

<p>| Commencement of the academic year prior to the academic year in which recruitment is to take place | Expressions of interest to be submitted to the Education &amp; Training Department of the BSB. This should normally include the record of the internal approval event. |
| Approximately four-six months before the BSB accreditation event | Liaison to take place between the Education &amp; Training Department and the Provider to determine schedule of events and date by which documentation is due |
| Approximately two-four months before the accreditation event | The Education &amp; Training Department will appoint and contact panel members, who will be appropriately briefed. Arrangements for venue, refreshments, accommodation etc will be made. |
| At least two months before the accreditation event | An internal approval event (at the Provider) should preferably take place, a report should be produced and the teaching team should respond as appropriate. |
| Two weeks before the accreditation event | Sufficient copies of the accreditation documents should be made for all participants of the accreditation event, for circulation with event programme to the panel [NB: If documents are not received 14 days before the event, it will be postponed/cancelled.] |</p>
<table>
<thead>
<tr>
<th>Timetable Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within one month after the event</td>
<td>Unconfirmed report sent to the panel for agreement</td>
</tr>
<tr>
<td>Within two months after the event</td>
<td>Report sent to Course Director for response and checking for factual accuracy</td>
</tr>
<tr>
<td>By a set/agreed deadline (normally about two months)</td>
<td>Course team provides written response to any conditions/recommendations. The response will be circulated and the panel and comments invited. Approval may be confirmed or a supplementary response (and further visit) sought.</td>
</tr>
<tr>
<td>Once conditions are satisfactorily met</td>
<td>Letter of confirmation of approval is sent out together with contract (with confirmed report)</td>
</tr>
<tr>
<td>Three months after final approval</td>
<td>Definitive documentation (hard copy and electronic) must be supplied to the Education &amp; Training Department</td>
</tr>
</tbody>
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### 2.5 Information and Guidance for Validation Panel Members

#### 2.5.1 The Process

The Accreditation event will normally take the form of a one day event involving discussions between the course team and a panel appointed by the BSB. The panel may consist of four-six persons with appropriate expertise such as:

- A senior practitioner/ member of the BSB as Chair (to focus on the overall proposal and quality management systems in place)
- A senior practitioner (to focus on curriculum/content)
- A senior legal academic, member of another BPTC Provider, or practitioner (to focus on teaching, learning and assessment issues)
- A lay member, where possible (to focus on student support)
- A member with appropriate learning resources expertise
- A member of staff from the Education & Training Department to act as officer to the panel
- A member of the University/Institution may attend as an observer and in order to fulfil University requirements if appropriate

#### 2.5.2 Panel Members

Panel members must have undergone briefing/training before they are able to participate. They will be able to contribute in different ways, with some having experience and expertise in curriculum design, delivery and management, and others having more specific subject knowledge. Prior to the event, panel members will be supplied with the submission documentation (as detailed above), together with notes of any earlier planning or internal meetings, and any other relevant documentation. The event will normally begin with a private (or ‘closed’) meeting of the panel at which members will decide on the issues which they wish to discuss with the management and course team. During the event it should normally be possible for panel members to meet students on the existing or a related course where this is in place. There will not normally be any teaching observation, or scrutiny of student work, but sample teaching material may be required to be available. A well-equipped
Part C – Quality Assurance

base room is helpful to visitors/panel members, including PC/laptop and internet connection, printing facilities, and stationery).

2.5.3 The Role of Panel Members

Panel members should read the submission documentation carefully (bearing in mind the purposes and objectives of accreditation) and also the criteria given below. Panel members should rotate between institutions if engaged on multiple occasions. The role of panel member is an important one and the documents and discussions will help the panel to decide if a proposal is satisfactory, and whether it should go forward in its current form, or with modifications, or not at all.

Before the event, panel members must:

- familiarise themselves with the purposes and procedures for accreditation
- carefully read the documentation supplied
- note any strengths and areas of excellence
- note areas which may require clarification or discussion
- note any possible shortcomings, omissions or deficiencies, or any other matters which should be discussed with the team during the event

Subject specialists should scrutinise the course content, in the context of the course specification requirements. They should ensure that it is up to date and at the appropriate level. Areas that might appear to need clarification or improvement may be redeemed by a convincing team discussion on the day. If this is the case, documentation should normally be revised and improved to match the quality of the team's responses. Conversely, good documentation may occasionally appear as the work of one member of the team alone, and the team may appear less strong. This should also be tested.

2.5.4 The Accreditation Event

The event will be chaired by a senior practitioner or member of the BSB. All panel members must be independent of the Provider making the proposal. At the first closed meeting, panel members will be asked to give preliminary judgments about the proposal, voicing any concerns but also commenting on any examples of good practice. An agenda for meeting(s) with the senior management and team will then be drawn up.

At the meeting with the team, the panel should allow team members to explain their proposal and to clarify any areas on which further discussion is needed. The panel should allow the team to explain or provide further detail by using a constructive and collegial approach identifying aspects of good practice as well as areas of concern. Where there are issues, it may be necessary to attach conditions to approval, and/or to provide recommendations. A response must be provided and conditions must always be met before a course is allowed to run. If panel members have strong doubts as to the team’s readiness to run the course, they may reject the proposal, or refer it back for further development.

If possible, panel members should meet a group of students on a similar or related course for new BPTC Provider/sites. If this is a re-accreditation the panel; members should meet a group of BPTC students. The meeting should not be too formal as it provides the opportunity
to find out about the students’ experiences, what they think of the institution, the learning environment, the teaching and assessment methods and the resources.

At the end of the event there will be a private meeting of all the panel members to make a final, appropriate, decision, which must reflect the consensus of all panel members. Courses will not be approved where panel members have serious reservations. General feedback will be provided orally to the team at the end of the event, but decisions may be deferred until all those tendering to deliver the course have been considered, and/or until the visiting panel has reported to the BPTC Sub-Committee.

2.5.5 The Report

A report of each event will be produced by the Education and Training Department in consultation with panel members. A pro-forma for the report is available at Appendix J. The Provider has the opportunity to check the report for factual accuracy and to respond to the findings of the report. Reports are approved by the BPTC Sub-Committee and are published on the BSB website once finalised.

2.5.6 After the Event

Panel members will be asked to comment on the draft report of the event and will normally be involved if further action takes place (for example, more information may be supplied or the team may respond to issues raised).

2.6 Criteria for Accreditation (checklist for panel and team members)

A Course will be successfully approved if the panel is confident in the proposal itself and in the ability of the course team to deliver it satisfactorily. These are the fundamental criteria for success. Proposals must be academically sound and well documented, and based on a good self-critical evaluation by the course team. Areas to be considered include:

2.6.1 Rationale and Demand

The rationale behind the proposal to deliver the BPTC must be sound and in line with the Institution’s mission and strategic plan. Management support must be demonstrated, with evidence of demand and need (possibly local or regional, but not confined to that). A review of existing or related provision should be used to demonstrate this. Details will be sought about the proposed tuition fees to be charged, how it is arrived at, and the criteria that would be applied in increasing fees.

2.6.2 Aims, Objectives and Philosophy of the BPTC

Adherence to the aims and objectives of the BPTC must be demonstrated, consistent with this Handbook.
2.6.3 Resources

The specific physical and human resource requirements of the course must be detailed and evidence provided of how resources (e.g. facilities, library, IT) will be funded and utilised, e.g. number of student utilising the facilities. This must include purchasing plans, particularly for new proposals.

2.6.4 Staffing and Staff Development

Details must be provided of suitably qualified staff that is to run the course. These may be curricula vitae of staff to be involved or job/position specifications where they are not yet appointed. This can be difficult since staff may not be appointed before approval is given - but approval cannot be given until information is provided about staff who are to deliver the course. Staff must be able to run the course to the level as specified, and relevant developmental and practitioner activity should be undertaken (collectively) by staff. Plans for the continuing development of staff should also be laid out. Involvement of local practitioners is essential.

2.6.5 Equality and Diversity

The course must promote the development of all students to their full potential, and provide equal opportunities for the range of student intake - fairly, and without discrimination on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation or marriage and civil partnership. The Equality Act 2010 must be scrupulously followed in all aspects of the delivery of the BPTC.

2.6.6 Admission Criteria and Regulations

Admission to the BPTC must comply with the BSB admission regulations. It must be securely demonstrated that all admissions requirements will be met by students before they are admitted onto the course (see Admissions Regulations, Part B, section B3).

2.6.7 Course Structure and Content

The course structure must be clearly stated, consistent with the BPTC specification. The content, and methods of teaching, learning and assessment, must be demonstrated as appropriate, at the right level, and up-to-date.

2.6.8 Skills

The delivery of specified professional skills (as opposed to knowledge) must be identified for the course, in line with the BSB framework.

2.6.9 Teaching and Learning Methods

There must be effective and varied teaching and learning methodologies which should relate to the aims and objectives of the course.
2.6.10 Assessment Strategy and Assessment Methods

There must be an effective assessment strategy, in line with the regulations and requirements for the BPTC. This must ensure assessment at the right level whilst allowing for variety. Individual assessments must be very clearly stated and must provide effective measurements of performance, with an acceptable student workload. Evidence must be provided of verification of the students’ own work in assessment (such as by the use of time-constrained examinations). It must be clear what a student has to achieve to progress through each part and achieve the professional qualification (see A4 Assessment information and B4 Assessment Regulations).

2.6.11 Content of Individual Units

Panel members (particularly those with specific subject expertise) will check that the content of each individual unit/area is appropriate in terms of aims and objectives, level, standards, learning outcomes, assessments, transferable skills and competencies, and reading lists.

2.6.12 Project, Work Placements, Work-Based and Independent Learning

Where placements are a formal part of a BPTC, details must be provided of the aims, methods of supervision and assessment methods to be used.

2.6.13 Student Support

Details must be provided of academic, pastoral and special support to be provided for students.

2.6.14 Quality Assurance

The proposal must demonstrate how the Institution’s monitoring and evaluation procedures will be implemented, how these fit in with BSB procedures and how the team will respond to QA processes and maintain standards.

2.7 The Outcome of an Accreditation Event

2.7.1 The outcome of an accreditation event will be a recommendation to the BSB, which will be one of the following:

1. Unqualified approval (possibly with recommendations);

2. Approval subject to conditions, for example that specific amendments are made (conditions must be met by a specified date, usually before the commencement of the course);

3. Approval, but for a limited number of intakes only, with indications of developments that must occur if the course is to receive any longer or fuller approval;

4. A decision that the panel should consider revised documentation before being able to give its approval, but without the necessity for another meeting of the panel;
5. A decision not to approve at the present time, but to reconvene the panel at a later, specified date to reconsider the proposal after stipulated changes have been made;

6. Rejection, possibly accompanied by a recommendation concerning the timing of any future re-submission. This will be accompanied by a clear statement of the reasons why the panel does not feel able to approve the proposal, and by further dialogue and discussion.

2.7.2 The broad views of the panel will normally be notified to the course management orally at the end of the event in a short report feed-back session. Final decisions may be postponed until the full accreditation process for the new course has been completed. If it is felt that the panel has not given them full opportunity to justify their proposal, or that the panel's decision is unjustified, they may appeal against that decision (see Part B section B2.1.7).

2.8 Procedures Following an Accreditation Event

An unconfirmed report of the event will be produced normally within one month of the meeting. This draft will be sent to the panel members for agreement. The agreed report will then be formally sent to the Institution to provide a formal response within a specified time interval. Any response will be circulated to panel members. If panel members are not content with a response made to conditions, further action may be required. Students should not normally be recruited before full approval at a time when all conditions have been met. The final confirmed report will be sent to the BPTC Sub-Committee and the Education & Training Committee. A final definitive set of documentation (e.g. student handbook and other material) will be kept by the Education & Training Department of the BSB.

2.9 Amendments/Changes to Courses

2.9.1 Changes to a BPTC Course

To make amendments to a course (where a full revalidation is not needed) the following steps should be taken:

1. A full report must be written on the changes, providing the rationale for every change. The report should give:

   - full details of the proposed change
   - the rationale for the amendment
   - the amended section of the course
   - full details of new/amended sections
   - any additional documentation which helps to clarify the purpose of the amendments (e.g. records of internal processes governing change)

2. The amendment procedure should be conducted prior to the students' enrolment on the changed course, since changes may not be made while students are undertaking the study. The proposal, along with the necessary documentation, must be submitted for approval to the BSB. Note that minor changes need not be notified but the BSB must be consulted where there is any doubt.
2 For major changes, for example the addition of a part-time mode, delivery on a different or additional site, or in partnership with another organisation, then a full visit will normally be required (see Part B section B2.1.2). Part-time courses will only be approved where the Provider already delivers the course full time.

3 Applications to increase or decrease the number of validated places:

(a) an application to increase the number of validated places for a forthcoming course must be submitted by 31 January of the calendar year in which the course with increased validation is proposed to start. An application to reduce the number of validated places for a forthcoming course must be submitted by 30 April of the calendar year in which the course with reduced validation is proposed to start.

(b) an application to reduce the number of validated places is likely to be approved without the need for a visit or meeting, provided that the course remains pedagogically viable with the reduced number of places.

(c) and application to increase the number of validated places may require a site visit or meeting(s), depending upon the circumstances and merits of the application and the quality of information provided. In particular, if the Provider is applying to increase its validation to not more than the highest number of validated places that the Provider had within the previous three years, there has been no material deterioration or reduction in the facilities that will be available to BPTC students and the Provider is able to demonstrate that suitably qualified teaching staff are or will be in post, then such an application is less likely to require a site visit or meeting(s).

(d) applications to change the number of validated places attract a fee at the rate determined from time to time by the BSB and as notified to the Providers. If the BSB considers in its sole discretion that a meeting or site visit is required, then the cost of such a visit must be borne by the Provider.
C3  Annual Course Monitoring by Providers

The annual monitoring guidance will be sent to Providers separately.

C4  Monitoring of the BPTC

4.1  Principles, Aims and Objectives of Monitoring

4.1.1  General

The overall aim of the review process is to secure for students a high quality of educational and academic experience. Its most important function is to assess the quality and standards of provision of the BPTC, by considering the academic management, content, teaching, learning, assessment and support for the BPTC. It will be particularly important as the new BPTC is rolled out in a range of Providers, and will help to ensure that standards are met, that there is consistency across provision, and adequate support and resources. It is expected that careful scrutiny will be necessary in the early period of the new course, but that, gradually, where there is confidence a more ‘hands-off’ approach may be taken. This will be based on a risk management approach, with a lighter touch where there is confidence in a Provider, but including mechanisms for ‘triggered’ visits if and when causes for concern arise. The review process also provides a mechanism for quality enhancement and the identification and exchange of good practice.

4.1.2  Principles

The main principles of the monitoring process are that:

- it is based on self-evaluation
- it uses existing documentation and materials as much as possible
- it relates closely to Providers’ existing quality management structures
- it focuses on objectivity, peer review and an external perspective

4.1.3  Aims

The general overarching aims of the monitoring process are:

- to enable the BSB to satisfy itself that the BPTC is being appropriately delivered to the right standard and that students are attaining the correct level of achievement, before being assessed as competent
- to consider the cumulative effect of the processes of approval, validation and annual monitoring by Providers
- to provide a mechanism for the identification, nurturing and dissemination of good quality management practices across the HEI.

4.1.4  Objectives

The evaluation/monitoring process provides the opportunity:
to ensure that the BPTC is being delivered to the agreed specifications and standards as laid down by the BSB, and to provide assurance that appropriate standards are being set and maintained

- to review how Providers are managing academic quality and standards and fulfilling their responsibilities for delivering the BPTC
- to evaluate the study experience of students, through feedback from the students
- to ensure that the human and physical resources available and the environment within which the course is offered are satisfactory
- to ensure that the quality of teaching and standards of assessment in the subject are maintained
- to ensure that appropriate support is provided for students, and the quality of the student experience is appropriate for the achievement of the aims and outcomes of the course
- to encourage the enhancement of the quality of the course and share good practice amongst the Providers of the BPTC as a whole
- to disseminate to the public accessible information about provision by means of reports (placed on the BSB website)

4.2 Procedures and Information Requirements for Monitoring Visits

4.2.1 Monitoring visits are based on a process of self-evaluation undertaken by the course team/Provider being reviewed.

4.2.2 The necessary documentation will therefore consist of a formal, written self-critical assessment, which must in turn refer to a range of other evidence provided. Apart from the critical review statement, all material should be existing rather than new. For example, details of provision, annual course monitoring reports, examiners’ reports, strategic statements/plans and policies, the accreditation report, details of external activities and scholarship, any external reports, details of staff induction, mentoring and peer observation, student induction, statistical indicators, and details of academic support services. Providers are advised to ensure that papers on all these topics are routinely collected and stored.

4.2.3 Courses to be reviewed will be identified in a provisional rolling schedule and notified in advance to Providers. Visits may be annual, biennial or more frequently if triggered by a particular circumstance. A monitoring panel will be set up for each review, who will visit the course in order to review the provision, undertake discussion with staff and students and make conditions and/or recommendations for continuing approval and improvement. An agenda of matters to be discussed will be drawn up, based on the self-critical statement and previous action plans. This agenda will be discussed at an event by the formally constituted panel. The monitoring visit will normally take the form of a one-day visit but the length of a visit may vary and is at the discretion of the BSB. The panel will scrutinise the supporting documentation, and meet members of staff and (in some cases) technical support staff and student representatives. The length of visits may vary and the balance of meetings and teaching observations may be varied as necessary.

4.2.4 Following the visit, a written report will be agreed by the panel and presented to the BPTC Sub-Committee and the Education & Training Committee for consideration. Checking that recommendations and observations have been addressed (‘closing the loop’) will be carried out through the cycle of monitoring and reporting. An update or
response should be provided by the course director subsequently showing how any conditions or recommendations identified have been addressed. A panel may wish to see a report or response on issues requiring immediate attention within a defined time limit. 'Conditions' are unlikely to be set in the same way as at accreditation unless there is a serious issue. One year will be the maximum allowed for any Provider to address any matters identified as ‘unsatisfactory’ and to respond on the implementation of recommendations, although shorter timescales may also be set.

4.3 Monitoring Panels and Membership

An agenda for the visit will be provided to the visiting panel. The panel will scrutinise the supporting documentation, and meet members of staff (including support staff) and student representatives from the subject area in question.

Panels should normally comprise:

- a senior practitioner/senior member of the BSB as Chair (and to focus on Quality management systems)
- a senior practitioner (to focus on curriculum/content and structure)
- a senior legal academic, member of another BPTC Provider, or practitioner (to focus on Teaching, Learning and Assessment issues)
- a member with appropriate learning resources expertise
- a member of staff from the Education & Training Department to act as officer to the panel

4.4 Timetable/Schedule of Events for the Process

It is important that a careful timetable or schedule of events, with responsibilities allocated, is determined in line with the following:

| At least six months before the monitoring visit | Course and timing of visit identified in consultation with the Provider |
| At least five months before the monitoring visit | Date agreed for the event |
| Four months before the visit | Planning meeting/discussion to take place with those involved to determine details of meetings, panel membership, and documentation requirements. |
| Two months before the visit | Panel members to be contacted with confirmed date of the visit. 'Housekeeping arrangements' (accommodation etc) for the visit and panel members to be determined. |
| At least three weeks before the visit | Sufficient copies of the advanced documentation should be sent to panel members, together with a list of participants and draft programme |
| The visit | Proceeds according to the draft agenda |
| Within one month after the event | Unconfirmed report sent to the panel for agreement |
### 4.5 Timetable/Schedule for the Monitoring Event

1. Outline programmes for monitoring events are provided in Appendix H. The programme will be negotiated for each event individually in consultation between the Education & Training Department and the Course Director, according to the availability of staff, observations, tours of resources etc. The visit may be extended beyond one day if considered necessary. A well-equipped base room is helpful to visitors/panel members, including PC/laptop and internet connection, sufficient sets of teaching materials and schedules if observation is to take place, printing facilities, and stationery.

2. Meetings should be arranged at convenient times, in accordance with the programme outline. This should include, as a minimum, meetings with management, teaching staff and students. The following are indicative of areas that will normally be discussed, depending on what appears to be particularly relevant to the provision and in relation to matters raised in annual monitoring reports and External Examiner reports:

**Meeting with Management**
- Course management and resourcing
- Quality assurance arrangements; response to previous reports etc.
- Physical resources e.g. accommodation, library
- Learning resources e.g. IT library services
- Staffing & staff development
- Student services and welfare, including equality policies and disabled access arrangements
- Likely developments

**Meeting with students**
- Induction, workload, level and challenge of the course
- Clarity of information, student handbooks, teaching materials, case studies and the aims and objectives of each class
- Understanding of teaching methods, methods of assessment, and criteria for assessment
- Appropriateness of the teaching and assessment timetable
- Number/range of opportunities to practise skills
- Quality and timeliness of feedback received on coursework and progress (written and oral)
- Operation of the personal tutor system, academic and pastoral

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| **Within two months after the event** | Report sent to Course Director for response and checking for factual accuracy |
| **Within three months after the event** | Report received from the Provider with response and factual corrections in track changes |
| **By the end of the academic year** | Report and response considered by the BPTC Sub-Committee, the Education & Training Committee and published online |
| **Within one year maximum (sooner if specified)** | Action taken on any recommendations will be monitored |
Part C – Quality Assurance

- Quality of resources and equipment - accommodation, IT, library etc.
- Participation in QA – feedback, issues and action taken; awareness of procedures
- Personal tutor system and careers advice
- Special activities and events (involvement of local practitioners)
- Aspects of the course they have found most difficult and most enjoyable

Meeting with teaching staff
- Recruitment and selection
- Course materials
- Teaching and learning methods
- Assessment methods
- Any other issues raised by External Examiners in their reports
- Any issues arising out of the meeting with students
- Notable achievements and areas of best practice.

Additional meetings should be held with library, learning resources, student support and careers staff as appropriate, or representatives from these areas may be present in the meeting with management. The purpose of the visit should be made clear to students, and assurances provided of student anonymity. There will normally be sampling of student work, some formal teaching observation, and a short tour of resources/facilities; particularly if there have been changes since the last visit.

4.6 Details of Documentation Required for the Visit

Guidance on the documentation to be provided in advance of each monitoring visit will be sent to Providers separately.

4.7 Guidance for Participants in Monitoring Visit

4.7.1 The main role of panel members is to consider the submission in terms of aims and objectives of the review process as specified above, with particular emphasis on the quality of the student experience and the standards of awards. Key themes for discussion will be to consider whether the framework as specified is being adhered to; the quality of teaching and learning; effectiveness of assessment; quality enhancement (including staff development and good practice); support for students and the overall quality of the student experience. Care should be taken to ensure there is adequate evidence to check and support critical judgments. Good, as well as less commendable, areas of practice should be highlighted. Leading questions to students should be avoided and consideration should be made of the sensitivity of a review situation. External panel members will be invited to comment on subject specific matters such as the curriculum. Teaching observation and viewing of student work may be undertaken.

4.7.2 Panel members should read the submission documentation carefully. When accepting the invitation to take part in a monitoring visit, they are taking on an important role and face interesting and challenging situations. The submission documentation and the meetings which make up the event should help the visiting panel to decide whether provision is of satisfactory quality, and meets acceptable standards for awards.

4.7.3 The panel should allow staff to explain and justify their proposals and to clarify any areas on which further discussion appears necessary. They must be rigorous but adopt a
constructive approach in the spirit of dialogue and discussion. Panel members will usually meet a group of students enrolled on the BPTC in order to give them the opportunity to find out about the students' experiences and what they think about the learning environment, the teaching and assessment methods, the resources and the quality of administration. What the students say may prompt further questions for the course team, and may well throw light on answers already given by the staff.

4.8 Criteria for Monitoring Visit

The following areas should be considered in particular:

4.8.1 Rationale and demand. This must be sound and should meet strategic plans and the institutional mission statement.

4.8.2 Resources. The physical and human resource requirements of the provision should be identified with information about how they are provided.

4.8.3 Staffing, research and staff development. Staff should be adequate for the delivery of the course, and there should be evidence of staff development, professional practice and scholarly activity to underpin the provision. Evidence of peer observation, and staff appraisal/review should be provided.

4.8.4 Aims, objectives and philosophy of course. Clear, coherent and attainable aims and objectives should be expressed, consistent with those of the BSB.

4.8.5 Equality. Delivery of the BPTC should accord with the BSB and Provider's policies on equality and diversity and promote the development of all students to their full potential.

4.8.6 Admission criteria and regulations. Strict adherence to BSB entry requirements for the BPTC must be demonstrated. Any additional entry requirements or selection criteria should be stated and justified.

4.8.7 Course structure. The course structures should be clearly stated and consistent with stated aims and objectives of the BSB. The content must be well-organised, appropriate, at the right level, and up to date.

4.8.8 Skills. Emphasis on skills, particularly Advocacy, must be reflected in the course as appropriate.

4.8.9 Teaching and learning methods. There should be an effective and varied process which should relate to the aims and objectives of the BPTC. The process should ensure delivery of the course at the right level.

4.8.10 Assessment. There should be an effective assessment strategy, which adheres to BSB Assessment regulations and requirements, and ensures assessment at the right level whilst allowing for variety. Individual assessments must be clearly defined and must provide effective measurements of performance and assessment, with correct weighting and an acceptable and balanced overall student workload. Assessment should be related to the specified outcomes as well as to the overall aims and objectives. The importance of verification of the students' own work in assessment (such as by the use of time constrained examinations) should be considered.
4.8.11 Assessment and progression. Consideration will be given to how students progress through the Course and obtain a pass in accordance with the regulations, particularly concerning re-sits.

4.8.12 Content. Review panel members with specific subject expertise will check that the content of courses is appropriate in terms of aims and objectives, level, standards, learning outcomes, assessments, transferable skills and competencies, reading lists etc.

4.8.13 Work placements and additional activities. Where applicable, the use of work placements and other forms of practical legal experience provided will be considered, particularly in terms of methods of supervision and assessment (if applicable).

4.8.14 Students. Information about general or special support to be provided for students will be considered. Evidence of a student representation and feedback system should be provided, including use of questionnaires, discussion groups, student representatives and participation in committees. Evidence of student feedback having been addressed, leading to improvement is also helpful.

4.8.15 Quality Assurance. The material provided should demonstrate overall how monitoring and evaluation procedures will be applied in order to respond to QA processes and maintain standards.

4.9 Class Observation

The panel should try to observe as many classes during the visit as is practicable, including a range of classes and teaching methods. It should be borne in mind that the presence of a panel member to observe the class may be disruptive or likely to have an effect on the teaching process..

4.10 After the Event

A written report of the event will be produced, first in draft form, including a summary of strengths and areas identified as in need of improvement. Observations and recommendations and observations by the panel will be made. Conditions for continuing approval may be specified. Panel members will be asked to comment on the draft report of the event and will also be involved if a written response is provided to conditions and recommendations set by the panel. Checking that recommendations and observations have been addressed will be carried out through the Education & Training Department and subsequent reporting.

The report will be presented under the following headings:
- Course management & quality assurance
- Course structure and content
- Teaching and learning (including summary of class observations)
- Assessment
- Learning resources (accommodation, library, IT)
- Staffing & staff development
- Student support
C5  Triggered Visits

5.1  Principles

5.1.1  A ‘triggered visit’ may prove necessary where concerns have arisen, outside the normal scheduling of monitoring, review and visiting. The sorts of circumstances which may cause a triggered visit to be necessary include:

- Over-recruitment in excess of approved numbers by a Provider
- Serious under-recruitment, such that it would impact on the student experience
- Receipt of serious complaints about a Provider (e.g. by students)
- Concern that standards are at risk
- Financial or other issues

5.1.2  The process may well have an effect on any subsequent re-accreditation exercise, and there may be specific conditions attached to the continuation of the course. Recommendations will also be made. Costs of triggered visits are to be met by the Providers.

5.2  Process

5.2.1  Panel Composition

For a triggered visit, the panel will be comprised of staff of the BSB, with the addition of at least one practitioner and one committee member. In some circumstances the BSB may recruit an expert from outside the practitioner community to secure appropriate expert knowledge to assist the Panel. The reason for the visit must be made clear to the Provider, and opportunities will be given to respond before the visit is arranged. This may eliminate the need for an actual visit.

5.2.2  Documentation

Documents relating to the matter under investigation must be provided, as specified.

5.2.3  The Visit

A programme will be drawn up for the one-day visit, including meetings with relevant persons involved in the issue that has been the cause for concern. The one-day visit will therefore normally include a meeting with senior management, and those with direct involvement or responsibility for the matter under discussion. Meetings with staff and students may not be required, unless relevant.

5.2.4  Matters to be discussed

Discussion will normally be limited to the issue of concern that has resulted in the need for a visit, although additional areas may also be covered. Sampling of student work, teaching observation and viewing of resources will only occur if these are relevant to the matter at issue (e.g. over-recruitment would impact on resources).

5.2.5  Outcome/Report

A report will be produced following a triggered visit highlighting the findings of the panel and any action needed. If the matter is serious then the Education and Training Committee
and/or the BSB will be notified immediately. A response will be requested, as well as evidence that the required action has been completed (within any specified timescale). The report will be used as a reference point for any subsequent visit and may be placed on the BSB website.
Bar Training Rules – Part 4B of the BSB Handbook
(effective from 6 January 2014)

B3. The Academic Stage
rQ21 A person completes the Academic Stage of training by:
.1 obtaining a qualifying law degree; or
.2 obtaining a qualifying degree and successfully completing a Conversion Course.

rQ22 For the purpose of Rule Q21.1 a qualifying law degree is a qualifying degree approved by the Bar Standards Board which includes a course of study of the foundations of legal knowledge.

rQ23 For the purpose of Rule Q21.2 a qualifying degree is:
.1 a degree of the required standard awarded by a University in the United Kingdom following a course of study of the minimum period; or
.2 a degree awarded by a University or establishment of equivalent level outside the United Kingdom which the Bar Standards Board accepts as equivalent to a degree satisfying the requirements of Rule Q23.1.
and a person obtains a qualifying degree on being adjudged to have successfully completed the academic requirements of the degree irrespective of when the degree is actually conferred.

rQ24 For the purpose of Rule Q23.1, unless the Bar Standards Board on an application showing good grounds permits otherwise, the required standard is first or second class honours.

rQ25 A Conversion Course is a course approved by the Bar Standards Board which includes study of the foundations of legal knowledge.

rQ26 For the purpose of Rules Q22 and Q25, foundations of legal knowledge means those subjects the study of which is prescribed by the Bar Standards Board for the purposes of obtaining a qualifying law degree and for inclusion in any Graduate Conversion Course, and which currently comprise:
.1 Obligations I (Contract)
.2 Obligations II (Tort)
.3 Criminal Law
.4 Public Law
.5 Property Law
.6 Equity & the Law of Trusts
.7 Foundations of EU Law

B4. The Vocational Stage
rQ27 A person starts the vocational stage of training on starting to attend at a Bar Professional Training Course, and completes the vocational stage on being certified by the course provider that he has successfully completed a Bar Professional Training Course.

rQ28 Before starting the vocational stage, a person must:
.1 have completed (or been exempted under Section 4.B7 from) the Academic Stage; and
.2 have successfully completed the Bar Course Aptitude Test which is set by the Bar Standards Board from time to time; and
.3 be a member of an Inn of Court.

rQ29 A person may not start the vocational stage more than five years after completing the Academic Stage except with the permission of the Bar Standards Board and after complying with any condition which the Bar Standards Board may impose.
Bar Standards Board

BPTC External Examiners’ INTERIM Report Form

Academic Year 2013-14

Name of External Examiner…………………………………………………………………

Home Institution/affiliation of Examiner: … ………………………………………………..

Name of Institution visited (to which this report applies)………………………………

Number of BPTC Students: …………………………………………………………………

Modules/subjects covered …………………………………………………………………

Date of report : ………………………………………………………………………………..

Each External Examiner is required to complete an interim report following the visits that they have already undertaken for the purpose of meeting with course managers, representatives of staff teaching on the course and students. Teaching observation will also normally have taken place, by this time, as well as moderation of assessment tasks, examination papers – and some sampling of student scripts themselves. This template is designed to make the task easier for External Examiners, as well as helping the BSB to consider quality and standards part way through the academic year, and ensure that matters needing to be addressed receive due attention.

Examiners are reminded that they should immediately report any special difficulties in the general operation of the course to the Education & Training Department at the Bar Standards Board. They may also wish to refer back to interim reports as they draw up their final detailed end of year reports.

Interim reports should be typed and submitted by post or electronically as a WORD document to the Education & Training Department of the Bar Standards Board on or before 28 February each year, to:

Education & Training Department, Bar Standards Board,
The General Council of the Bar, 289-293 High Holborn, London, WC1V 7HZ or electronically to bptcqa@BarStandardsBoard.org.uk

Please telephone 0207611 1444 if you have any queries.
1. **Record of External Examining Activity**
   [Please summarise/list your activity so far, e.g. the dates of your meetings with staff and students, class observations, involvement in drafting and agreeing assessment questions, and also any moderation of assessment that has already taken place]

2. **BPTC Framework: Teaching and Learning**
   [Please provide comments on how the BPTC framework and specification is being delivered overall (in the areas for which you are responsible), including the effectiveness of the teaching and learning as evidenced by teaching observation, and information about any improvements or changes that have been made]

3. **Assessment and standards**
   [Please give your view on the assessment processes, as they have been carried out thus far, together with your evaluation of whether assessment tools are effective, and standards were pitched at the correct level, and attained]

4. **Resources (especially Staffing and Learning Resources)**
   [Please comment on resources for delivery of the course, especially staffing resources, teaching facilities, IT and library provision, any use of online learning or support materials]
5 **Feedback from students**  
[please comment on and/or summarise here any other feedback from students. Please note any particular comments relating to part time students and their experience here]

6 **Administrative issues**  
[please comment briefly on any administrative issues, both those affecting your role as External Examiner, but also any wider administrative issues that are noteworthy]

7 **Areas of good practice**  
[please highlight areas of good practice so far identified that are particularly worthy of note]

8 **Interim observations and recommendations**  
[please note any recommendations that should be acted on (with timescale) – NB: any serious issues should be flagged up as soon as possible to the Education Department at the BSB]

---

**Signed:**  
(Examiner)  

**Date:**

Please return to the Education & Training Department at the BSB by 28 February.
BPTC External Examiners’ FINAL Report Form

**Academic Year 2013-14**

<table>
<thead>
<tr>
<th>Name of External Examiner</th>
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</thead>
<tbody>
<tr>
<td>Home Institution/affiliation of Examiner</td>
<td>……………………………………………………………………</td>
</tr>
<tr>
<td>Name of Institution visited (to which this report applies)</td>
<td>……………………………………………………………………</td>
</tr>
<tr>
<td>Number of BPTC Students</td>
<td>……………………………………………………………………</td>
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<tr>
<td>Modules/subjects covered</td>
<td>……………………………………………………………………</td>
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<td>Date</td>
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External Examiners play a leading role in assuring, maintaining and enhancing the quality and standards of the BPTC. The purpose of the annual external examining process is to provide judgments on:

* the **quality** of the student experience
* whether the required **standards** and learning outcomes have been attained

Each External Examiner is required to complete an independent final report on the examination and assessment process which must be typed and submitted electronically as a WORD document to the Education & Training Department of the Bar Standards Board on or before 31 August each year. The use of a standardised report form will help the BSB to judge whether a programme of study is meeting its stated aims and learning outcomes, and also to make year on year comparisons across and between Providers. This will help to maintain the standards of the qualification(s) to which it leads. Comments made by externals will be reported and acted on through the Committee structure of the Bar Standards Board working in conjunction with individual BPTC Providers. The report will be made available to internal committees and Validation Panels, and to appropriate statutory or professional bodies. In accordance with the Data Protection Act 1998, you are advised against referring to named individuals.

Please answer the questions (yes/no) under each of the sections that follow, with expansion in section E as appropriate. Payment of your annual fee will be made by the Bar Council following receipt of your report, which should be submitted after the main (Summer) examination board, which examiners should also attend.

On completion, the report should be sent to: The Education & Training Department, Bar Standards Board, The General Council of the Bar, 289-293 High Holborn, London, WC1V 7HZ or electronically bptcqa@BarStandardsBoard.org.uk. Please telephone 0207611 1444 if you have any queries.

**Please circle (or otherwise indicate clearly) the response which is nearest to your view**
PART A – Confirmation of Standards

A1 In your view, are the standards set for the awards appropriate for qualifications at this level, in this subject? yes/no

A2 In your view, are the standards of student performance comparable with similar programmes or subjects in other UK institutions with which you are familiar? yes/no/not applicable

A3 In your view, are the processes for assessment, examination and the determination of awards (qualifications) sound and fairly conducted? yes/no

A4 Are the level of the subject(s) content and assessment(s) for which you are responsible as examiner appropriate, having regard to the aims of the programme as required by the BPTC Course Specification and Guidance? yes/no

A5 Having regard to the requirement that the BPTC course must be designed and delivered as at least equivalent to (and in some cases also leading to) a minimum of a University award of a Postgraduate Certificate, are you satisfied that the course is delivered at the required level? yes/no

PART B – Assessment

B1 Were the learning objectives of the programme and its elements clearly defined and appropriate to the educational aims of the programme? yes/no

B2 Were appropriate assessment methods used to test the learning outcomes of the modules/units (including professional placements)? yes/no

B3 Was there an appropriate variety of assessment methods across elements of the units for which you are examiner? yes/no

B4 Were you given sufficient opportunity to participate in the assessment process and in your view, was your participation in line with the BSB’s requirements? yes/no

B5 Were the procedures and rules for the grading of the BPTC qualification adhered to? yes/no

B6 Did you receive copies of all draft assessment papers for approval? yes/no

B7 Did you receive draft examination papers in adequate time to give them proper consideration? yes/no

B8 Where applicable (i.e. for examiners additionally appointed as assessors for University academic awards) were you satisfied that the procedures and rules of the Institution for the academic award (e.g. Postgraduate Diploma, Masters Degree) were adhered to? yes/no

NB: It is a requirement that for a BPTC course to be professionally accredited by the Bar Standards Board it must be a minimum of one academic year full time study (120 credits) of which one third (40 credits) must be at Masters level according to the QAA Framework for Higher Education.
Appendix C

C Marking and Moderation

C1 Were you satisfied that internal sample double marking and moderation had taken place? yes/no

C2 Were you satisfied that assessment was fair, with consistency of marking carried out in accordance with the BPTC framework and regulations? yes/no

C3 Were appropriate assessment criteria specified and adhered to by markers? yes/no

C4 Do you consider that the marks awarded, and the overall range of marks in relation to the marking criteria, were appropriate (i.e. the range of the percentage scale) yes/no

C5 Was there evidence that good quality formative feedback was provided to all students? yes/no

C6 Were the samples of scripts representative of student attainment across each module (i.e. did you receive all fails, borderlines and a suitable sample of student work from each of the grading bands?) yes/no

C7 Were your comments/suggestions in respect of the marking of the scripts/performances taken into account? yes/no

C8 Did you attend the Examination Board? yes/no

C9 Was the meeting conducted to your satisfaction (including quality of information)? yes/no/not applicable

C10 Were you satisfied with the final recommendations of the Board of Examiners? yes/no

Part D - General Organisation and Administration

D1 Did the BSB provide you with a copy of the latest BPTC Information and Guidance for External Examiners? yes/no/late

D2 Were you provided with a copy of the Student Handbook including assessment regulations and details of units by the Provider? yes/no/late

D3 Were you provided with the assessment schedule (with dates for completion of the internal marking; moderation by the external examiner; and date of Examination Board) at the beginning of the academic year? yes/no

D4 Was the management of scripts and coursework (i.e. time available for marking, procedure for selection and sampling etc.) satisfactory? yes/no

D5 Did you meet and discuss the course with students during the year? yes/no

D6 Was a satisfactory response received from the course team / University to points raised in previous reports? yes/no
Part E – General report, observations and recommendations

Please enlarge on your ‘yes/no’ responses to the questions on the previous pages, in particular highlighting any areas in need of improvement and enlarging on any negative responses made. Please briefly summarise your overall perception of the standard of student performance in terms of whether their knowledge, skills and understanding were comparable to students on similar programmes of study elsewhere. Please indicate any actions taken by the provider in response to the previous External Examiner reports (or lack of action/response).

Please comment here very briefly on any part time provision that you have discussed or moderated, if appropriate.
Areas of good practice

Please provide a description or bullet point list of any particular strengths or distinctive or innovative features or good practice in relation to standards and assessment processes that would be worthy of dissemination to a wider audience.

Overall observations and recommendations

Please also indicate any areas you feel are in need of improvement and your recommendations for the further development and enhancement of the BPTC course in general or specifically for the course examined.

Signed:  
(Examiner)  

Date:  

This report must be received by 31 August 2013.
Check list for External Examiners and Examination Boards

Note: timings below are indicative and may vary slightly between Providers.

1 At the beginning of each academic year, the Provider should
   • determine and circulate a schedule to staff and Examiners indicating dates relating to the dispatch of draft examination and in-course assessments; dates of dispatch and return of scripts; dates of examination boards; dates of other meetings
   • provide External Examiners with the up-to-date curriculum/syllabus/handbook/definitive document of the course and the regulations (and institutional regulations) governing the course, together with a schedule of assessments and of the main dates when examiners will be expected to consider papers or students' work (also marking schemes, assessment criteria)
   • send previous year's External Examiner's report (to new examiners only)
   • send response to previous report by External Examiner

2 In the first term (i.e. before the Christmas break):
   • send to Externals the draft copies of all in-course assignments (properly prepared and proof read), together with the assessment criteria to be used
   • send to Externals the draft copies of all examination papers (properly prepared and proof read), together with the assessment criteria to be used

3 Immediately after examinations and/or assessments
   The following must be sent to External Examiners after examinations/assessments have taken place:
   • samples of students' work to Externals, marked and annotated by internal examiners as appropriate, sample normally to include all outstanding, fails and borderlines
   • evidence of feedback and double marking should be clear
   • full result sheets which demonstrate how the sample of scripts relate to the population from which the are selected
   • statistical material on the performance of students in modules/units for which the examiner has responsibility (on or before the day of the Board of Examiners' meeting)
   • tutor/manager's report highlighting any particular issues

4 At the examination board (normally June)
   The following must be provided / available:
   • agenda (including an item for external examiner to provide general comment)
   • minutes of previous meetings of the Board of Examiners, and notes of action required and taken
   • details of internal examiners’ agreed results for every student in every module or assessment
   • profile of results for each student being considered at the Board
Centralised Assessments Regulations Governing Student Review 2014-15

The Regulations Governing Student Review may be accessed in other formats: for further information please contact the Assessments Team. [Appropriate forms and guidance notes to assist this process follow in Appendices F and G.]

1. Scope of Regulations

1.1 These regulations apply to all candidates who are fully enrolled on the BPTC at an accredited Provider institution and have attempted a centrally set examination in any of the three knowledge areas (Professional Ethics, Civil Litigation, and Criminal Litigation).

1.2 For the purpose of these Regulations:

BSB - Bar Standards Board

CEB - The Chair and Examiners of the Central Examination Board as appointed from time to time by the Bar Standards Board.

Knowledge area - Professional Ethics, Civil Litigation, or Criminal Litigation.

Central Examination Review Panel - The panel appointed by the BSB to consider requests to review CEB decisions

Provider - An accredited institution at which the candidate has been enrolled on BPTC.

BPTC Course - The designated course (F/T or P/T) at the institution in which the candidate is enrolled.

Request for Review - The form for submitting a request for a review of cohort results by the BSB, the Central Examination Board and the Central Examination Review Panel.

Cohort - All candidates attempting an assessment in a knowledge area, all candidates attempting an assessment in a knowledge area at a Provider, all candidates attempting an assessment in a knowledge area at a Provider in a particular assessment location, or a sub-group of candidates at a Provider or Providers within parameters identified by the Central Examination Board from time to time

Clerical error check - A check carried out at the Provider to ensure that marks have been correctly assigned to a candidate.

Enhanced clerical error check - A check carried out at the BSB to ensure that marks have been correctly processed and assigned to a candidate.

2. Clerical error check

2.1 A candidate can request that his/her Provider carries out a check of his or her knowledge area assessments to ascertain whether or not there has been any error in the computation or transcription of marks awarded by the Provider and submitted to the CEB that may have affected the outcome of an assessment.

2.2 The candidate must submit a request under 2.1 in writing to the relevant BPTC Course Leader at his/her Provider within 10 working days of his/her Provider releasing notification of the results (date of despatch not receipt).

2.3 The Provider shall undertake a check of the candidate's marks as awarded by the Provider and respond to the candidate, either confirming that there has been no error in the computation or transcription of marks awarded by the Provider and submitted to the CEB, or advising that an error has been confirmed and will be referred to the BSB, in the time limits as stated in the Provider's Regulations.
2.4 Any proposed change in the candidate's marks must be notified by the Provider in writing to the BSB within 10 working days of the notification to the candidate. Where appropriate the Chair of the CEB will action the correction and confirm this to the Provider. The amendment to the candidate's results must then be ratified in writing at the Provider’s examination board (or by Chair's action) in accordance with the Provider’s assessment regulations. Any change to the previous Provider examination board decision, including the recalculation of marks must be communicated to the candidate and the BSB in writing (recorded signed for and/or scanned copy of letter).

3. Enhanced clerical error check

3.1 Where a Provider confirms, under the process in section 2.3, that there has been no error affecting the recording of the candidate's marks as awarded by the Provider and submitted to the CEB, the candidate may nevertheless request that an enhanced clerical error check is carried out by the BSB to ascertain whether or not there has been any error in the computation, scaling or transcription of marks at the BSB that may have affected the outcome of an assessment.

3.2 The candidate must submit a request under 3.1 on the appropriate Enhanced clerical error check form to the BSB within 10 working days of the Provider confirming the outcome of a clerical error check under section 2.3.

3.3 A request under this section will only be processed on receipt of full payment of the stated fee. The fee will be refunded in full if a correction to the candidate's results is confirmed by the BSB under section 3.5.

3.4 On receipt of a request under section 3.1 the BSB shall undertake a check of the candidate's marks and will normally respond to the candidate within 20 working days of receipt of the request, confirming the notified results as correct, or advising of any changes. If the BSB has to extend the 20 working day deadline the candidate will be told in writing of the reason for the additional time, together with an adjusted deadline.

3.5 Where the enhanced clerical error check request under section 3.1 reveals that a change to the candidate's marks is required, the BSB will prepare a recommendation to the Chair of the CEB who will action the correction and confirm any changes to the Provider. The amendment to the candidate's results including the recalculation of marks must be ratified in writing at the Provider's examination board (or by Chair's action) in accordance with the Provider's assessment regulations and communicated in writing to the candidate.

3.6 The BSB shall reject any request for an enhanced clerical error check under this section if the candidate’s Provider has not confirmed the accuracy or otherwise of the marks awarded to the candidate in accordance with the procedure in section 2.

4. Review of CEB decisions

4.1 A request for review may be submitted (on the grounds specified in 4.3) in respect of a decision taken by the CEB in confirming cohort marks for the centralised assessments in the knowledge areas.

4.2 Requests under 4.1 can only be submitted by a candidate who has attempted an assessment at a Provider in one of the knowledge subject areas.

4.3 The only permissible grounds for a request under 4.1 are that, in exercising its discretion to confirm cohort marks the CEB acted irrationally and/or in breach of natural justice.

4.4 Any request for review under 4.1 must be submitted:

(a) in the required format - on the Review form
(b) by the required deadline;
(c) with the required fee;

as advised on the BSB website.
Requests for review received after the published deadline will not be considered, except in exceptional circumstances and at the discretion of the BSB. Exceptional circumstances must be such as are beyond the candidate's control, and which the candidate could not have foreseen. Where appropriate the BSB will refer requests for review, accompanied by evidence of extenuating circumstances, to the chair of the Central Examination Review Panel to determine whether the request for review ought to be admitted out of time.

4.5 A request for review will only be accepted on receipt of full payment of the fee as advised on the BSB website. The fee will only be refunded if the Request for Review is deemed by the CEB to be successful (i.e. a decision under 7.1(b)).

4.6 A candidate requesting a review under this section and an enhanced clerical error check under section 3 must invoke both processes concurrently, not consecutively.

4.7 The BSB (Assessments Manager or his/her delegate as appropriate) will examine the documentation submitted by the candidate under this section to determine whether or not it provides evidence of an arguable case falling within the jurisdiction of the Central Examination Review Panel. It is the decision of the BSB to refer the case to the Central Examination Review Panel. Where necessary the BSB can request clarification or further evidence from the candidate in order to determine the admissibility of a request for review under 4.3.

4.8 The BSB will normally make its decision as to the admissibility of a request for review under section 4.7 within 10 working days of the acknowledgement of receipt of the request for review form. If the BSB has to extend the 10 working day deadline the candidate will be told in writing of the reason for the additional time, together with an adjusted deadline.

4.9 Having considered the admissibility of the request for review under 4.7 the BSB will either:

(a) confirm that it will not be referring the request to the Central Examinations Review Panel on the basis that no arguable case has been made out in accordance with section 4.3 (thus concluding the review request process); or

(b) confirm that it will be referring the request to the Central Examinations Review Panel on the basis that an arguable case has been made out in accordance with section 4.3.

4.10 A decision as to admissibility under section 4.9(a) is final. There is no right of appeal.

4.11 Where the BSB determines under section 4.9(a) that a request for review is not to be referred to the Central Examination Review Panel it shall inform the candidate in writing normally within 5 working days of its decision giving reasons for its decision

4.12 Where the BSB determines under section 4.9(b) that a request for review is to be referred to the Central Examination Review Panel it shall:

(a) inform the candidate in writing normally within 5 working days of its decision;

(b) provide the Chair of the CEB with a copy of the request for review, and a brief statement as to why the request has been referred to the Central Examination Review Panel within 5 working days of that decision;

(c) refer the request for review to the Central Examination Review Panel normally within 10 working days.

4.13 The procedure under this section is paper-based and there is no right to an oral hearing on the part of the candidate.

4.14 Subject to section 6.2, a candidate may not submit further evidence to the BSB under this section once a decision as to admissibility has been taken under 4.9
5. The Central Examination Review Panel

5.1 The BSB will appoint the members of the Central Examination Review Panel. The Review Panel will normally comprise a Chair and two members nominated by the BSB.

5.2 No member of the Central Examination Board or the BPTC Sub Committee may be appointed as members of the Central Examination Review Panel. Members of the Central Examination Review Panel shall be independent of the candidate’s Provider and should not have had previous knowledge of the candidate or the reason for the request for the review.

5.3 The BPTC Assessments Manager (or his/her delegee of appropriate seniority) will act as Secretary to the Central Examination Review Panel and will take no part in the decision making process.

5.4 The Central Examination Review Panel will normally meet twice a year to review the cases which have been submitted to the BSB.

6. Decisions of the Central Examination Review Panel

6.1 In considering a request for review referred to it by the BSB under section 4.9 (b) the Central Examination Review Panel shall have before it the following documents:

(a) copies of all minutes of relevant meetings of the CEB;

(b) request for Review form and any other documentation the candidate has been requested to supply by the BSB;

(c) any response from the Chair of the CEB in respect of the issues raised in the candidate’s request for review.

6.2 The Chair of the Central Examination Review Panel will have the discretion to request that the candidate, the BSB, a Provider or the Chair of the CEB provide additional evidence as he or she deems necessary to assist the Central Examination Review Panel.

6.3 After considering the request for review the Central Examination Review Panel shall either:

(a) uphold the original decision of the CEB (thus concluding the review request process), or

(b) refer the request for review back to the CEB stating the reasons why reconsideration by the CEB is warranted.

6.4 The Central Examination Review Panel will normally provide its decision in respect of the request for review in writing to both the candidate and the Chair of the CEB, within 15 working days of the request being referred to it by the BSB.

6.5 The procedure under this section is paper-based and there is no right to an oral hearing on the part of the candidate.

6.6 A decision to uphold the original decision of the CEB under 6.3(a) shall be final. There is no right of appeal.

7. Referral to the CEB

7.1 Where the Central Examination Review Panel refers the request for review back to the CEB for reconsideration in accordance with 6.3(b) the CEB shall, through formal meeting or consultation of CEB members and Chair's action, review the decision that is the subject of the request for review and take such action as it sees fit within its terms of reference (insert link here) to:

(a) uphold its original decision (thus concluding the review request process); or

(b) conclude that the review request raises issues of substance such as to warrant a change of decision that may impact on cohort marks.
7.2 Any decision of the CEB under 7.1 shall be accompanied by reasons and communicated in writing to both the Chair of the Central Examination Review Panel and the candidate within 10 working days of the Central Examination Review Panel decision to refer under 6.3(b).

7.3 To the extent that any decision of the CEB made under 7.1(b) requires the rectification of cohort marks the CEB Chair will take appropriate action and notify in writing the Providers of any consequential changes that need to be made to cohort marks.

7.4 Where Providers are notified under 7.3 of changes to cohort marks, any subsequent amendments to the marks of individual candidate and classification of results must be ratified at the Provider's examination board or by Chair's action in accordance with the Provider's assessment regulations and communicated to the candidates.

7.5 The procedure under this section is paper-based and there is no right to an oral hearing on the part of the candidate.

7.6 A decision of the CEB under 7.1 is final. There is no right of appeal.

8. Monitoring

8.1 The CEB will review as part of the Chair's Annual Report the number, nature and outcomes of enhanced clerical error checks and requests for review raised and dealt with each year, in order to monitor trends and evaluate the effectiveness of the procedures.

8.2 These regulations operate with effect from 1st September 2011 and remain in force until further notice and may be amended from time to time as approved by the BPTC Sub-committee, through Chair's action where required.
Bar Professional Training Course (BPTC)

Centralised Assessments Regulations Governing Student Reviews 2014-15

Enhanced Clerical Error Check Form

When completing this form please refer to the guidance notes on page 2 of this form and the Centralised Assessments Regulations Governing Student Review.

Please note ALL fields are mandatory.

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<tr>
<th>Candidate number</th>
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<tr>
<td>BPTC Provider</td>
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| Name (print in block capitals) |  |
| Address for correspondence |  |
| Telephone contact (include mobile number) |  |
| Email contact |  |
| Mode of Study (Full time or Part time) |  |
| First Sit or Resit |  |
| Knowledge area (Delete as appropriate) | Professional Ethics / Civil Litigation / Criminal Litigation |
| Date(s) you completed your examination(s) |  |
Appendix F

Guidance notes for candidates on the submission of the Enhanced Clerical Error Check Form

1. Before submitting an enhanced clerical error check in relation to the centrally set examinations please read these notes carefully.

2. Candidates should be aware that this process does not involve a re-mark of the candidate’s examination paper.

3. An enhanced clerical error check may normally only be made by the candidate concerned. It may not be made on the candidate’s behalf by a representative (legal or otherwise), relative or third party.

4. Candidates should request a clerical error check (as advised in the Centralised Assessments Regulations Governing Student Review) in the first instance with the BPTC Course Leader at their Provider.

5. An enhanced clerical error check must be submitted on this form, by the required deadline and with the appropriate fee as published on the BSB website. Please note that more than one enhanced clerical error check will require more than one fee to be paid.

6. The candidate should complete all relevant aspects of the form.

7. BSB will normally provide a written response to an enhanced clerical error check within 20 working days of receipt of the form.

8. The Enhanced Clerical Error Check Form should be submitted to the Assessments Team, Education and Training Department, Bar Standards Board, 289-293 High Holborn, London, WCIV 7HZ or soft copy version to centralisedassessments@BarStandardsBoard.org.uk within 10 working days of the Provider confirming the outcome of a clerical error check under section 2.3 of the Regulations.

9. Candidates who have been notified by their Provider that they will need to undertake a resit examination in the August resit period and have submitted an enhanced clerical error check form to the BSB should prepare to take the resit examination. The response from the BSB is unlikely to be sent to the candidate before the resit examination takes place.

10. Please note this check is to ensure that there have been no arithmetical errors or transcription errors in scanning or recording your marks. There is no appeal against the academic judgment of those responsible for setting or marking your SAQ papers and this process does not involve a remarking of SAQ scripts.
Appendix F

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<thead>
<tr>
<th>Section 1: Request for an Enhanced Clerical Error Check to the BSB</th>
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<tbody>
<tr>
<td>1. Have you made a clerical error check request to your Provider under section 2 of the regulations?</td>
<td>YES / NO (delete as appropriate)</td>
</tr>
<tr>
<td>2. Please state the date you made your request to the Provider.</td>
<td></td>
</tr>
<tr>
<td>3. Please state the date which you received a response from your Provider and the content of that response.</td>
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<tr>
<td>4. Please specify the reason for submitting an enhanced clerical error check to the BSB.</td>
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<tr>
<td>5. Title of the centrally set examination (s) for which you are submitting a request for an enhanced clerical error check.</td>
<td>Examination</td>
</tr>
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<td>PLEASE COMPLETE THIS SECTION</td>
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</table>

I have submitted the Enhanced Clerical Error Check Form within 10 working days of my Provider confirming the outcome of the clerical error check under section 2 of the Regulations - YES / NO

I have submitted the appropriate fee as noted on the BSB website – YES / NO

I am aware that the BSB shall reject my request for an enhanced clerical error check if my Provider has not confirmed the accuracy or otherwise of the marks which were awarded to me in accordance with the procedure in section 2 – YES / NO.

I am aware that the BSB may reject my request for an enhanced clerical error check if I have not submitted my request within the stated timescale and with the appropriate fee – YES / NO
I declare that the information given in this form is true to the best of my knowledge and that I would be willing to answer further questions relating to it if necessary.

<table>
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<th>Student signature:</th>
<th>Date:</th>
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Bar Professional Training Course (BPTC)

Centralised Assessments Regulations Governing Student Reviews 2014-15

Request for Review Form

When completing this form please refer to the guidance notes on page 2 of this form and the Centralised Assessments Regulations Governing Student Review.

Please note ALL fields are mandatory.

<table>
<thead>
<tr>
<th>Candidate number</th>
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<tr>
<td>BPTC Provider</td>
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<tr>
<th>Name (print in block capitals)</th>
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<tr>
<th>Address for correspondence</th>
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<table>
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<tr>
<th>Telephone contact (include mobile number)</th>
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<tr>
<th>Email contact</th>
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<tr>
<th>Knowledge area (Delete as appropriate)</th>
<th>Professional Ethics / Civil Litigation / Criminal Litigation</th>
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<th>Date(s) you completed your examination(s)</th>
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<tr>
<th>I have submitted a Clerical error check to my Provider under section 2 of the regulations.</th>
<th>Yes / No (delete as appropriate)</th>
</tr>
</thead>
</table>
Guidance notes for candidates on the submission of the Request for Review Form

1. Before submitting a request for review in relation to the centrally set examinations please read these notes carefully.

2. A candidate requesting a review under section 4 of the Regulations and an enhanced clerical error check under section 3 of the Regulations must invoke processes concurrently, not consecutively.

3. Candidates should be aware that this process does not involve a re-mark of the candidate’s examination paper.

4. A request for review may normally only be made by the candidate concerned. It may not be made on the candidate’s behalf by a representative (legal or otherwise), relative or third party.

5. Candidates should discuss their concerns in the first instance with their BPTC Course Leader at their Provider.

6. Requests for review must be submitted on this form, by the required deadline and with the appropriate fee as published on the BSB website. The stated fee will be inclusive of requests for review in relation to more than one CEB decision.

7. All relevant sections of the Request for Review Form should be completed.

8. Requests for review will not normally be considered that result from a candidate failing to follow published policies and procedures.

9. Requests for review will not be considered in relation to the decision of the candidate’s Provider Award and Progression Board in respect of an individual’s extenuating circumstances and/or academic misconduct. These matters should be referred directly to the candidate’s Provider.

10. Requests for review can only be considered where a case is made that, in confirming marks for a cohort of students as a whole, the CEB has acted irrationally or in breach of natural justice. The review procedure cannot be used to challenge the marks awarded to an individual candidate in any part of the centrally set knowledge assessments.

11. The Request for Review Form should be submitted to the Assessments Team, Education and Training Department, Bar Standards Board, 289-293 High Holborn, London, WCIV 7HZ or soft copy version to centralisedassessments@BarStandardsBoard.org.uk by the stated deadline.

12. Candidates who have been notified by their Provider that they will need to undertake a resit examination in the August resit period and have submitted a request for review to the BSB should prepare to take the resit examination. The response from the BSB is unlikely to be sent to the candidate before the resit examination takes place.
<table>
<thead>
<tr>
<th>Request for Review of Central Examination Board (CEB) decisions:</th>
</tr>
</thead>
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<tr>
<td>In exercising its discretion to confirm cohort marks, the CEB acted irrationally and/or in breach of natural justice.</td>
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<tr>
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<tr>
<td>1.2 Short Answer Question section</td>
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</table>

| 2. Please specify the decision of the CEB you seek to challenge. |

| 3. Please specify how you believe the CEB has acted irrationally and/or unfairly in making this decision. |

| 4. Please specify the evidence that you feel supports your claim that the CEB has acted irrationally and/or unfairly. |

| 5. Please specify the action you feel the CEB should take in responding to your request for review and how this will resolve your concerns. |

| Tick | ✓ |
Request for Review of Central Examination Board (CEB) decisions: 
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</table>
PLEASE COMPLETE THIS SECTION

I have submitted the Request for Review Form by the stated deadline as noted on the BSB website – YES / NO

I have submitted the appropriate fee as noted on the BSB website – YES / NO

I am aware that Requests for Review which are submitted without payment of the appropriate fee and/or received after the published deadline will not be considered, except in exceptional circumstances and at the discretion of the BSB – YES / NO.

I declare that the information given in this form is true to the best of my knowledge and that I would be willing to answer further questions relating to it if necessary.

Student signature: ____________________________ Date: ____________
## Standards for the BPTC (For use in Accreditation, Monitoring and Review)

<table>
<thead>
<tr>
<th>Key area</th>
<th>Details of required standards</th>
<th>Reviewer’s notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Rationale, aims and philosophy</strong></td>
<td>The aims and purpose of the BPTC, as specified, must be explicit in the course as delivered</td>
<td></td>
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<tr>
<td></td>
<td>• Professional and educational values, the aims and objectives and the ethos of the course, particularly the emphasis on professional ethics must be in evidence and demonstrable</td>
<td></td>
</tr>
<tr>
<td><strong>2 Management of the BPTC</strong></td>
<td>The course management structures must be clear and appropriate</td>
<td></td>
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<td></td>
<td>• The committee structures must be clear and appropriate</td>
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<td></td>
<td>• There must be clear allocation of responsibilities for course-wide issues (e.g. student welfare, resourcing, staffing, staff development)</td>
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<tr>
<td></td>
<td>• There must be clear allocation of responsibilities for specific subject areas</td>
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<tr>
<td>Information must be provided on request</td>
<td>While sight of management accounts will not be requested, Providers should be able to indicate how funding is allocated - for example what the mechanisms are for increasing resources when need is identified, how resources are used to recruit and support staff, and how resources are made available for the development of teaching facilities etc.</td>
<td></td>
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<tr>
<td>request about the adequacy of the</td>
<td></td>
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</tr>
<tr>
<td><strong>3 Staffing and staff development</strong></td>
<td>Staff must be of high calibre with appropriate qualifications and professional and subject expertise.</td>
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<tr>
<td></td>
<td>• All CVs must be notified to and approved by the BSB</td>
<td></td>
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<tr>
<td></td>
<td>• Staff departures must be notified and CVs of new staff provided to the BSB</td>
<td></td>
</tr>
<tr>
<td>SSRs must be maintained at the specified</td>
<td>SSR must be 1:12.5 for the first 125 FTE students; thereafter 1 additional member of staff per additional group or part group of 16 students</td>
<td></td>
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<tr>
<td>level</td>
<td>• The number of staff dedicated to the BPTC must be notified for approval</td>
<td></td>
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<tr>
<td>There must be practitioner involvement</td>
<td>• It is desirable that a minimum of 50% of staff have recent or current experience of practice</td>
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<tr>
<td></td>
<td>• Similarly, a minimum of 50% of staff should have experience of teaching in Higher Education</td>
<td></td>
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<tr>
<td></td>
<td>• Course teams must be integrated in terms of full and part-time staff, and visiting practitioners</td>
<td></td>
</tr>
</tbody>
</table>
### 3 Staffing and staff development

| Staff teaching advocacy must be ATC accredited | - Staff appointed for the teaching and assessment of advocacy must be accredited at the date of being first employed to teach advocacy on the BVC/BTPC.  
- In exceptional circumstances (for example where an appointment is made at short notice due to the sudden departure of an existing member of staff, or to cover for illness or maternity leave etc) staff who are not accredited must gain accreditation within ten weeks of having first started to teach advocacy |
| Staff workload must be appropriate | - Contact and other hours must be proportionate and in line with the European Working Time Directive  
- Fractional and part-time staff must have proportionate workload  
- Commitment to the BPTC, in comparison with other courses must be appropriate, for individuals and for the BPTC staff team as a whole |
| There must be procedures for reviewing performance and identifying individual needs of staff | - Some form of staff appraisal or review should take place on an annual basis |
| Staff must receive appropriate staff development | - There must be a staff development policy in place, of the updating of professional and teaching skills and expertise  
- New staff must receive appropriate induction  
- There must be appropriate opportunities to engage with the wider academic and practice community through conferences, seminars, external examining etc. (including in house provision)  
- Each member of BPTC staff must undertake at least 5 days appropriate staff development each year (with proportionate training by fractional staff)  
- Financial support must be provided for staff development; a notional budget of £500 pa per individual to support staff development |
| There must be sufficient support staff | - There must be a dedicated course administrator  
- An on-site IT/AV technician  
- A professionally qualified law librarian  
- Sufficient additional library staff |
<table>
<thead>
<tr>
<th><strong>4 Quality Assurance</strong></th>
<th></th>
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</thead>
</table>
| Quality management systems must be in place | • Where the Provider comes under the jurisdiction of the QAA, this must be in line with the UK Quality Code for Higher Education Part B: Assuring and enhancing academic quality.  
• Providers not under the jurisdiction of the QAA are advised to adhere to the above infrastructure as appropriate |
| Internal Quality Assurance mechanisms must be in place | • Clear and effective policies must be in place in order to ensure that quality assurance for the BPTC meshes in with robust institutional procedures  
• Responsibility for ensuring internal systems are operated correctly must be identified  
• Issues and areas for improvement must be detected and remedial action taken as appropriate and necessary (and communicated to staff and students)  
• There must be robust internal annual monitoring systems in place, based on the gathering of appropriate information (for example according to the statistics protocol)  
• There must be regular team meetings to discuss issues arising  
• There must be methods of collection of feedback from students  
• There must be defined timing and schedules for QA mechanisms as above |
| The system of External Examiners, appointed by the BSB, must be applied in accordance with the relevant regulations | • External Examiners must be notified in advance of the schedule of assessments, visits and final examination board  
• External Examiners must be supplied with draft assessment questions for approval  
• External Examiners must be provided with samples of student work (coursework, recordings, examination scripts)  
• External Examiners must be present at the end of year examination board, and no confirmed results, e.g. end of year results may be notified to candidates until agreed by External Examiners at the examination board  
• Advice offered by External Examiners must be given due attention and acted on as appropriate |
| The BSB system of monitoring and review must be adhered to | • Access to the course for monitoring and review purposes must be provided to the BSB or representatives. Where a triggered visit becomes necessary due to concerns that have been identified, then full co-operation must be afforded (costs will be covered by the Provider) |
| Efforts must be made to identify areas of good practice | • Areas of good practice must be identified, nurtured and disseminated within, and outwith, the course  
• There must be procedures for the dissemination of good practice or ideas identified internally or externally |
## 5 Curriculum and course content

| The course specification and requirements must be adhered to | • Knowledge areas must be delivered as specified  
• Skills must be taught/delivered as specified  
• The course must be delivered over a minimum of 30 weeks (commencing not earlier than the third full week in September)  
• Any variations, changes or developments must be notified to the BSB |
| Course structure must be appropriate | • Components must relate clearly and constructively to each other, and given appropriate weight (in line with assessment weightings)  
• The overall timetable must be sensible and balanced in the distribution of teaching sessions and assessment |

## 6 Teaching & Learning

| An appropriate induction must be provided to students | • The induction must be geared toward the concept of the BPTC as a ‘bridge’ between the academic and Pupillage stage of training for the Bar  
• Induction must be appropriate in terms of students’ prior learning and skills  
• Required subjects must be included in induction (e.g. legal research methods) |
| There must be appropriate variety in teaching methods, as appropriate to the different aspects of the course | • Teaching methods should vary from Large Group Sessions, to Small Group Sessions (normally 12 persons) and smaller or individual sessions with students, as appropriate  
• There must be regular team meetings to discuss teaching and learning issues and methodologies, linked as appropriate to institutional policies and strategies  
• Methods and class size should be appropriate to the delivery of knowledge or skills aspects of the course |
| There must be a minimum number of opportunities provided as specified for students to practise skills under supervision | • At least nine opportunities must be provided to practice advocacy (plus 3 assessed)  
• At least four opportunities must be provided to practice conferencing (including one formal oral assessment) |
| Teaching schemes and schedules must be appropriate to the course | • Methods of delivery must be clearly specified, with tutor notes, and properly produced and edited teaching materials  
• Steps must be taken to ensure continuity across groupings  
• Delivery to part time students must be appropriate and in line with delivery of the full time course |
| Local practitioners must be involved in the course | • This can be either as fractional appointments, or in the form of guest lectures, master classes etc, but a high degree of involvement is essential  
• An additional range of student activities must be provided e.g. guest speakers, moots, debates, Inns social activities etc. |
| The facility for class observation must be made available to the BSB on request | • Visiting panel members must be provided with access to classes, and teaching materials as necessary |
### 6 Teaching & Learning

Class observation during visits will be conducted in accordance with guidelines provided

- The panel will try to observe as many classes during the visit as is practicable.
- Each panel member should try to see a range of classes and teaching methods.
- The timetable of class observation will be discussed and agreed by the panel before the visit commences.
- The following protocols should be observed when joining a class:
  - Panel members will arrive shortly before the class commences, introduce themselves and ask to join the class (maximum two per class)
  - Appropriate teaching material must be provided (in the base room), so that observers can follow
  - Observers should be aware that some students may be affected by the presence of an observer and may “show off” or be reticent. Observers should be sensitive to the situation.
  - Observers should not comment upon, criticise or otherwise join in during the class
  - Observers should stay until the end of the class, or leave at an appropriate break
  - The class may be discussed afterwards with the tutor, to provide feedback. This should be dialogue and discussion, rather than a critique
  - Views expressed will be those of the observer, based on the sample seen, and they will not be made known to the institution
  - The panel as a whole will take a view about the quality of delivery on the course, that is, observation reports (which should be drafted at once and for which a proforma is available) will be considered collectively, and overall comments made
  - Any issues relating to the regulations and procedures may be discussed, but personal prejudices and standpoints should not be allowed by panel members to dominate

### 7 Admissions

Admission requirements must be strictly adhered to (prior to the commencement of the course)

- Entry requirements are summarised as follows: Completion of the Academic Stage of training with a minimum UK 2.2 qualification or overseas equivalent; Membership of an Inn of Court; Pass mark in the BCAT; Meeting the English language rule specified on the BSB website.
- All prior qualifications must be verified, including authenticity of documentation

No candidates must be admitted who do not meet the requirements

- In particular, those with part or parts of the QLD liable to resit or with results not yet known must not be admitted
- Candidates whose English language skills do not meet the requirements must not be admitted
- Candidates found not to meet the entry requirements once the course has started must be required to withdraw
### 8 Assessment

<table>
<thead>
<tr>
<th><strong>Student grades must be carefully and clearly recorded</strong></th>
<th><strong>Steps must be taken to ensure fairness in assessment for all students</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A centralised computerised system must be in place to record student grades, progression and final results</td>
<td>The aims and objectives of each part of the course, and of individual classes, must be made clear to students</td>
</tr>
<tr>
<td>Information must be provided periodically to students on their progress</td>
<td>It must be made clear in advance what materials can be used for seen/unseen assessments</td>
</tr>
<tr>
<td><strong>Assessments must be appropriate means of testing whether students have attained the specified learning outcomes</strong></td>
<td><strong>Steps must be taken to ensure continuity in assessment across groupings</strong></td>
</tr>
<tr>
<td>There must be an appropriate range of assessment methods</td>
<td>Criteria for assessment (marking schemes) must relate clearly to the intended learning outcomes as specified by the BSB, must be communicated clearly to students, and used by markers</td>
</tr>
<tr>
<td>Tasks specified must be appropriate to the skill or knowledge being assessed</td>
<td>A process of internal and external examining must be in place and properly applied (see above), with evidence of internal external marking available for moderation</td>
</tr>
<tr>
<td>Tasks must be set and graded at the appropriate level</td>
<td><strong>Clear distinction should be made between formative and summative assessments</strong></td>
</tr>
<tr>
<td>Preparatory or supporting material must be of high quality</td>
<td>Summative assessments (i.e. contributing to the final grade) must be made clear to students, but preceded by ‘formative only’ assessments to allow students practice, particularly at the skills areas</td>
</tr>
<tr>
<td>Assessments must be appropriate to test the relevant aspect of the course</td>
<td>It should be noted that where some assessments are formative only, many summative assessments will also result in feedback, giving them also a formative dimension (except for end of course assessments such as examinations, where annotations are normally directed at second/third markers)</td>
</tr>
<tr>
<td>All draft assessment questions must be approved by BSB external examiners</td>
<td><strong>Opportunities for resits must be made available</strong></td>
</tr>
<tr>
<td>Reuse of assessment questions within a 3 year timescale is not normally permitted</td>
<td>Resit assessment questions must be in line with but not identical to initial assessment</td>
</tr>
<tr>
<td>Bunching of assessment must be avoided</td>
<td>In-course resits may be used, as long as results have been finalised and notified to students, for example by an interim examination board</td>
</tr>
<tr>
<td><strong>Appropriate feedback must be provided to students</strong></td>
<td><strong>Final outcomes or exit standards must be rigorously assessed</strong></td>
</tr>
<tr>
<td>Comprehensive written feedback must be provided to students</td>
<td>Only students competent to undertake a pupillage placement, and potentially able to provide services to the public following the first six, must be assessed as competent</td>
</tr>
<tr>
<td><strong>Centrally set examinations comprise 25% of the course and these must be passed.</strong></td>
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### 9 Student support and information

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<th>Clear information must be provided to prospective applicants prior to registration</th>
<th>• Students must be clearly informed about the course in advance, including career opportunities at the Bar (the numbers of successful practising barristers, and number of tenancies available each year) and alternative possibilities</th>
</tr>
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</table>
| There must be a personal tutor system for students | • There must be an effective personal tutor system for the provision of academic support  
• The tutor system must be regularised, and not dependent upon self-referral by students  
• There must be reasonable access to staff for students outside formal class contact times (e.g. by set office times or by email/internet)  
• Special support should be supplied for overseas students with regard to cultural or other difficulties in following the BPTC |
| Career advice must be supplied for students | • Advice on careers must include Careers advice must be provided with advice on the process of applying for pupillages (and with assistance given as appropriate)  
• Students must be made aware of opportunities at the Employed Bar  
• Students must be made aware of alternative career pathways that are appropriate to those who have undertaken the BPTC |
| Counselling services must be available | • A counselling service must available to students for the provision of counselling services on non-academic matters such as illness, bereavement etc.  
• Financial advice should be provided as appropriate to students, as well as some assistance in finding accommodation. |

### 10 Learning resources: library/books, reference material

| Library resources, facilities and accommodation must be provided as specified | • The library must provide a conducive environment in which to study, with consideration given to its general layout, standard of furniture and furnishings  
• There must be sufficient space provided for all the equipment and activities within the library (storage of stock, loan of material, study spaces, access to electronic resources)  
• There must be sufficient seating for library users in close proximity to the law collection  
• There must be adequate photocopying and printing facilities available in a convenient location  
• Library and information resources should be made available not only in a conventional library but also in workrooms or practitioners or firm “offices”.  
• The library’s opening hours must be adequate to meet the needs of the users  
• It is recognised that some libraries may not offer full services and access to equipment during the whole of their opening hours but services and equipment must be available for appropriate periods of time each week and particularly outside normal teaching hours  
• The library catalogue must be comprehensive, up to date and conveniently accessible to users |
### 10 Learning resources: library/books, reference material

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<tr>
<th>The loan periods for stock must be appropriate e.g. there should be provision for “in demand” material to be placed on short loan; standard reference materials should be available for use in the library only; online reference material should be similarly accessible</th>
</tr>
</thead>
<tbody>
<tr>
<td>There must be a staffed enquiry desk that must be open for adequate periods of time each week</td>
</tr>
<tr>
<td>The library must provide users with appropriate information about the services available to them, with appropriate induction and training in the use of those services</td>
</tr>
<tr>
<td>The library must make available to users information about other services that may be used to supplement its own direct provision to the BPTC, e.g. other libraries or services (e.g. electronic services)</td>
</tr>
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</table>

<table>
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<tr>
<th>The library must be properly managed and staffed</th>
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<tbody>
<tr>
<td>The library, its services and equipment must be managed appropriately to maximise benefit to the users</td>
</tr>
<tr>
<td>Formal responsibility for the management of library and information resources should be designated</td>
</tr>
<tr>
<td>The library manager should be able to participate fully in all decisions concerning developments within the BPTC teaching programme and changes to teaching methods that might have implications for library provision</td>
</tr>
<tr>
<td>There must be mechanisms in place to ensure that the requirements for new teaching developments are identified and adequately resourced</td>
</tr>
<tr>
<td>Library staff must be available (and in sufficient numbers) with specialist knowledge and experience to provide a full range of library services (book circulation, enquiry/information services, IT and AV support)</td>
</tr>
<tr>
<td>There must be means for obtaining the views of users of the library, e.g. committees with user representation, suggestion boxes, surveys</td>
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</tbody>
</table>

<table>
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<tr>
<th>Materials must be provided as specified</th>
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<tbody>
<tr>
<td>The annual budget for the purchase of library materials i.e. statutes, law reports, periodicals, textbooks and practitioner works must be defined in accordance with requirements</td>
</tr>
<tr>
<td>Funding (minimum £250 per student per annum) must be adequate taking into account the number of students using these library materials</td>
</tr>
<tr>
<td>The range of material held (especially of practitioner materials) must be appropriate to the needs of the students on the course</td>
</tr>
<tr>
<td>The stock of materials must be kept up to date, for example loose leaf works such as Kemp and Kemp, the Asbury’s publications, specialist encyclopaedias are up to date and the latest editions are held of practitioner reference works such as Supreme Court Practice, County Court Practice, Stones Justices Manual, Chitty on Contracts, Gale on Easements, Megarry on Real Property</td>
</tr>
<tr>
<td>There must be sufficient multiple copies held of basic reference works such as Supreme Court Practice, County Court Practice, Stones Justices Manual and Kemp and Kemp</td>
</tr>
<tr>
<td>If workrooms or practitioner or firm “offices” are provided, the selection of library materials held there must be appropriate and adequate</td>
</tr>
</tbody>
</table>
### 11 Learning resources: IT

**General resources and facilities must be provided according to the specification**
- The nature and quality of equipment provided must be as specified
- There must be sufficient equipment for the course, with appropriate access for students
- The use of equipment must be properly managed and organised
- Equipment must be dedicated to the BPTC students as specified
- An effective level of technical support must be provided

**Access to computers, hardware and software must be as specified**
- There must be sufficient computer terminals available and located in appropriate places
- There must be sufficient computer printers available
- The provision of computer equipment (including the provision of computer databases, hardware and software) must be to an appropriate technical standard and quality and widely accessible
- If workrooms or practitioner or firm “offices” are provided, the provision of computers and printers within them must be adequate
- Computer databases and software must be made available for legal research; word processing and other legal practice requirements (e.g. accounts, time recording, case management).
- For legal research the range should normally include: Lexis, Current Legal Information, Lawtel, CDs of law reports, CDs of statutory instruments, CDs of EU legal materials, forms and precedents on disc, practitioner texts on CD.
- There must be access to the Internet and the legal resources it contains

**Audio visual and recording equipment**
- There must be full video/DVD recording and playback facilities and equipment available of appropriate standard and quality
- Staff must be available with specialist knowledge and experience to provide a full range of IT and AV support
- There must be appropriate and adequate technical support for video/DVD recording and playback facilities
### 12 Learning resources: Accommodation and other facilities

<table>
<thead>
<tr>
<th>Accommodation must be appropriate to professional training</th>
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<tbody>
<tr>
<td>- The overall space available must be sufficient to support the course</td>
</tr>
<tr>
<td>- Seminar rooms must be of a reasonable size</td>
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<tr>
<td>- Simulated court room facilities must be provided with access for all students</td>
</tr>
<tr>
<td>- Rooms must be used appropriately for the activities in terms of size and layout</td>
</tr>
<tr>
<td>- Furniture and fittings must be appropriate and suitably flexible</td>
</tr>
<tr>
<td>- There must be adequate specialist accommodation, e.g. courtroom, IT rooms, video-recording rooms.</td>
</tr>
<tr>
<td>- There must be BVC base and common rooms with appropriate number of seats</td>
</tr>
<tr>
<td>- The accommodation must reflect a professional environment</td>
</tr>
<tr>
<td>There must be a common, social or base room to provide a place for study and discussion</td>
</tr>
<tr>
<td>- Recreational and other social facilities may be shared with other students, although some dedicated space for BPTC students is regarded as preferable</td>
</tr>
<tr>
<td>Refreshment facilities must be made available to students (including part time)</td>
</tr>
<tr>
<td>- There must be catering and recreational facilities available to BPTC students – these may be shared with students on other courses</td>
</tr>
</tbody>
</table>

### 13 Equality, Diversity and Opportunity [to be expanded]

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<thead>
<tr>
<th>The admissions policy and procedures must be open transparent and fair to all candidates</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The admissions process must be fully compliant with current applicable law, e.g. Equality Act 2010, and admit qualified candidates for the course regardless of their background</td>
</tr>
<tr>
<td>Reasonable adjustments must be made to accommodate disabled students</td>
</tr>
<tr>
<td>- Providers must ensure appropriate reasonable adjustments are provided in accordance with current applicable law, e.g., Equality Act 2010</td>
</tr>
<tr>
<td>Reasonable adjustments must be made for assessment of disabled students</td>
</tr>
<tr>
<td>- Providers must ensure appropriate reasonable adjustments are provided in accordance with current applicable law, e.g., Equality Act 2010</td>
</tr>
<tr>
<td>Diversity monitoring</td>
</tr>
<tr>
<td>- Providers must ensure appropriate diversity monitoring is provided in accordance with current applicable law, e.g., Equality Act 2010</td>
</tr>
<tr>
<td>Equality policies (including E&amp;D policy and RA policy, bullying &amp; harassment policy etc.)</td>
</tr>
<tr>
<td>- Providers must ensure appropriate equality policies and procedures are in place that comply with current applicable law, e.g., Equality Act 2010.</td>
</tr>
</tbody>
</table>
Library requirements

GENERAL SOURCES

The Internet

The internet comprises both free and commercial, subscriber-only databases. This list focuses only on the commercial subscriber-only databases. Useful material can be obtained from free web sites, especially those run by Government, educational institutions or professional bodies. BPTC Providers which use free web sites and databases as information sources must appreciate the quality issues of authority, accuracy and currency these sites raise.

Electronic versus paper

The impact of the Internet on access to legal materials is apparent. Some educational institutions may be tempted to tip the balance of resources considerably in favour of electronic access to the detriment of the maintenance of a paper-based collection. There are significant disadvantages attached to this policy:

1. the institution is paying for access and not ownership;
2. if a database provider alters the terms or cost of access to make it unfavourable for the institution to subscribe, the institution has no paper collections to fall back on;
3. publishers of materials which appear on electronic databases, negotiate at intervals licences with each database provider for the display of their publications. There have been instances where because negotiations failed materials disappeared from an electronic source without notice;
4. students have limited opportunities to be taught and undertake paper-based research – this is frequently commented on adversely as not equipping students for the practice of law;
5. some students and tutors wish to read and use paper sources rather than pay for and depend on downloading and printing from a PC.

Subscriber-only databases

There is wide range of commercial databases providing consolidated statutes, case law, citatory, journals, encyclopedias and practitioner works in electronic format. LexisNexis Butterworth’s, Westlaw UK, Lawtel and Justis are the major brands.

Providers must subscribe to a selection of these databases which will provide students and staff with a comprehensive range of material similar to that commonly available within chambers (see paragraph 5.4.2, above).

Student textbooks

The list does not include references to student textbooks. BPTC Providers will be expected to provide a balanced range of student texts to support study.

Knowledge, skills and options subjects

Lists of library requirements for the knowledge, skills and options subjects are attached at the end of the appropriate sections in the body of this handbook.
Primary legislation

Acts of the Parliament at Westminster in force, see:
LexisNexis Butterworths
Westlaw UK
Justis UK Statutes
Lawtel

And:
Halsbury's Statutes of England, 4th ed. 1985-
Current Law Statutes Annotated (1947-)

And either:
Public General Acts and General Synod Measures (1871-)
Public General Acts (Queen's Printer's Copy - loose issues)

Or:
Law Reports Statutes (1865-)

Finding tools

Current Law Statute and Legislation Citators (set)

Secondary legislation

LexisNexis Butterworths
Westlaw UK
Justis UK Statutes
Lawtel

Statutory Instruments: loose issues of those appropriate to the course

Finding tools

Current Law Statutory Instrument Citator (1993-)

Law reports

General series

Reported decisions of the superior courts of law:
LexisNexis Butterworths
Westlaw UK
Justis
Lawtel

All England Law Reports (1936-)
All England Law Reports European Cases (1995-)
All England Law Reports Reprint (1558-1935)
European Human Rights Reports (1978-)
Human Rights Law Reports – UK Cases (2000-)
The Independent Law Reports (1986-)
Law Reports (1865-)
The Times Newspaper Law Reports (1952-)
Weekly Law Reports (1953-)

And, at least one of the following:
All England Law Reports: European Cases (1995-)
European Law Reports (1954-)
Common Market Law Reports (1962-)

And a current subscription to the following newspaper law reports:
Appendix I

Finding tools

Current Law Yearbooks and Monthly Digest (1947-)
Current Law Case Citators (set)
Law Reports: Digest of Cases (1865-)

Law journals

General titles

HeinOnline
LexisNexis Butterworths
Westlaw UK
Lawtel
All England Law Reports Annual Review (1982-)
Counsel (1985-)
Law Society's Gazette (1903-)
New Law Journal (1965-)
Solicitors' Journal (1857-)

Finding tools

Legal Journals Index (embedded within Westlaw UK)

Encyclopedias and practice books

Atkin's Encyclopedia of Court Forms in Civil Proceedings, 2nd ed. 1962-
The White Book
Civil Court Practice
Stone's Justices' Manual
And a selection of other practitioner works on the civil procedure rules, human rights and data protection.

Dictionaries

Osborn's Concise Law Dictionary
Words and Phrases Legally Defined. 4th ed. 2007 + supplements.
Shorter Oxford English Dictionary

Directories

At least one of the following:
Directory of Solicitors and Barristers (Law Society)
The Bar Directory (General Council of the Bar)
Chambers & Partners' Directory

Aids to finding legal information

Raistrick, D. Index to Legal Citations and Abbreviations. 3rd ed. 200
**Glossary and abbreviations**

*(NB: usage may vary slightly between providers in some cases)*

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic Stage of Training</strong></td>
<td>the preliminary undergraduate stage of training for the bar, normally consisting of obtaining a Qualifying Law Degree; or obtaining a Qualifying Degree and successfully completing a Conversion Course.</td>
</tr>
<tr>
<td><strong>Accreditation</strong></td>
<td>process by which a statutory body or agency or organisation scrutinises, evaluates and recognises an institution's course or curriculum as meeting the standard necessary for providing a particular service.</td>
</tr>
<tr>
<td><strong>Accredited Prior (Experiential) Learning - AP(E)L</strong></td>
<td>the achievement of recognisable learning outcomes previously attained, whether through formal education or experience, which may lead to certain exemptions</td>
</tr>
<tr>
<td><strong>Annual monitoring</strong></td>
<td>the process whereby each course is internally appraised by the provider, by means of an evaluative report including a update on the previous year's action plan, external examiners, cohort analysis, analysis of student questionnaires and an action plan for the next year. The annual report is scrutinised by the Provider as well as by the BSB</td>
</tr>
<tr>
<td><strong>Approval</strong></td>
<td>the outcome of an event where a course has been judged to meet the BSB's requirements. It is for the BSB, acting on the advice of the Education &amp; Training Committee and its accreditation panel, to decide whether to confirm the approval of a course</td>
</tr>
<tr>
<td><strong>Assessment</strong></td>
<td>the grading or marking by an individual of any student examination or assessment question, written or oral, theoretical or practical, or a student presentation, student assignment, or any report prepared by a student made in connection with the BPTC as provided</td>
</tr>
<tr>
<td><strong>Assignment</strong></td>
<td>a task on which students are assessed, that assessment contributing towards the grade achieved by a student in a subject area or the course as a whole. An assignment may be a piece of written work, an oral presentation, an oral or written test, and examination etc.</td>
</tr>
<tr>
<td><strong>ATC</strong></td>
<td>Advocacy Training Council (<a href="http://www.advocacytrainingcouncil.org">www.advocacytrainingcouncil.org</a>)</td>
</tr>
<tr>
<td><strong>BPTC</strong></td>
<td>Bar Professional Training Course</td>
</tr>
<tr>
<td><strong>BVC</strong></td>
<td>Bar Vocational Course (name changed following 2008 review)</td>
</tr>
<tr>
<td><strong>CATS</strong></td>
<td>Credit Accumulation &amp; Transfer System. This is based on a notional study time of 10 hours per credit point normally generating 120 credits for one academic year’s study (derived from 1200 hours as indicative of 30 weeks’ study at 40 hours per week)</td>
</tr>
<tr>
<td><strong>Central Examinations Board (CEB)</strong></td>
<td>the board appointed by the BSB to set papers and confirm marks in the centralised subject areas – Professional Ethics, Criminal Litigation and Civil Litigation</td>
</tr>
<tr>
<td><strong>Compensation</strong></td>
<td>process by which a student's overall performance may be considered and a decision made that general credit can be awarded (even though one particular part of a course has not been passed). This is not permitted on the BPTC</td>
</tr>
</tbody>
</table>
**Condonement**
the process by which a marginal fail in an individual assessment or unit is raised to a pass and treated as such. This is not permitted on the BPTC

**Course Committees**
are responsible to the relevant university or institutional committee, and should comprise all teaching staff who are involved in the delivery of the course as well as elected student representatives

**Credit-rating**
a form of recognition in which judgments are expressed in the form of credit points (according to quantity and level) and related to the standard of the University's own awards

**Deferral**
this is when a student defers or does not complete an assessment, together with any special assessment conditions or penalties that may apply, including any restriction on the marks, grades or levels of award that can be obtained on the basis of retaken or deferred assessments

**Definitive Course Documentation**
documentation that defines the full details of a course including assessment, syllabus, admission details etc. and which shall be the master copy in the case of any dispute (may be a student handbook plus additional information)

**Didactic Teaching**
delivery of information without interruption/debate (e.g. formal lectures)

**ECTS**
The European Credit Transfer System, i.e. the European equivalent of the CATS system

**EE**
External Examiner

**Elias Report**
The Bar Vocational Course Specification Requirements and Guidance, being the report of the Working Party chaired by the Hon Mr Justice Elias and adopted for BVC courses validated September 2002 – August 2010 (also known as the Golden Book)

**Examination Board**
a board of examiners constituted by the University/Provider to assess and grade the performance of a student with the objective of determining whether or not he/she passes or fails or is referred in the BPTC. Examination Boards are specifically attached to the course and make decisions about the progression of students and their eligibility for professional recognition (may also be for academic awards). Membership comprises teaching staff, external examiner(s), Chair and minutes secretary

**Extenuating Circumstances Board**
A board which meets during each examination period in order to consider cases where documentary evidence of extenuating circumstances have been provided. Recommendations should be made to the relevant Examination Board as appropriate

**External Examiner**
a person appointed approved and employed by the BSB who moderates the BPTC in a specified subject area at a specified Provider.

**Final assessment**
end of unit/course assessment

**Formative assessment**
mock or practice assessment where individual feedback is given in preparation for the summative assessment

**FTE**
Full Time Equivalent (i.e. full time student/staff – part-time counts as 0.5 FTE)
| **Full-time (FT)** | mode of study where the student undertakes the BPTC, normally to the value of not more than 120 credits, in one academic year |
| **Golden Book** | The Bar Vocational Course Specification Requirements and Guidance, being the report of the Working Party chaired by the Hon Mr Justice Elias and adopted for BVC courses validated September 2002 – August 2010 (also known as the Elias Report) |
| **Grade Boundary** | a measure of the level of a student’s performance in an assessment, unit or the course as a whole, expressed to students as a numerical value (which may be a percentage) and in letter form, corresponding to 'Outstanding, Very Competent, Competent' etc. |
| **HEA** | Higher Education Academy |
| **HEI** | Higher Education Institution (frequently a University) |
| **IELTS** | International English Language Testing System (see www.ielts.org) |
| **Internal examiner** | a member of the teaching staff of the University who takes part in the assessment of students in a module or programme |
| **Joint Statement** | The Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree |
| **Large Group Session** | (LGS) a teaching session delivered to a group of more than 12 students. See A3.4 |
| **Learning outcomes** | a summary of what individuals need to know, understand and/or be able to do as a consequence of having taken a unit/course, in order to gain credit or a qualification |
| **Learning Resources** | Generic term referring to Information Technology, Audio-visual equipment, Accommodation, Library Facilities, Book stock etc. |
| **Masters award** | An academic award conferred by a University or other body with postgraduate taught degree awarding powers. The normal length of such a course is 48 weeks of full-time study (i.e. one calendar year) or equivalent 180 credits at postgraduate level |
| **MCQs** | Multiple Choice Questions |
| **MCT** | Multiple Choice Test |
| **Mode of study** | the manner in which study is undertaken – e.g. full-time, part-time, open learning, and work based learning |
| **Moderation** | the process whereby samples of work or scripts are considered in order to ensure parity of standards, either by an internal person or an external examiner; also refers to the process of approval of examination papers by the external examiner |
| **Module/unit** | refers to a discrete unit of study with coherent and assessable learning outcomes, which has been approved as a component of the BPTC |
Monitoring

Monitoring is the regular, annual internal process by which the Provider critically appraises the operation of its course between BSB visits and ensures that appropriate standards are maintained. The monitoring of every course is a matter for the provider responsible for its management and resourcing. The BSB will, however, need to satisfy itself that the process is properly carried out, and will wish to draw whatever conclusions may be appropriate from the findings of the Providers’ monitoring activities.

Monitoring visit

the process whereby the progress of an existing BPTC is critically appraised at regular intervals by a panel including external peers, and any plans for change are considered. The process is primarily concerned with reviewing the effectiveness with which a Provider has discharged their responsibilities for managing academic quality, and with addressing the cumulative effects of the annual monitoring process. Visits are carried out in order to confirm that the course as offered remains professionally and academically valid and continues to meet the BSB’s general objectives as well as satisfying the conditions for accreditation.

Monitoring Visit Panel

a group of persons (including practitioners, academics and those with QA expertise) who undertake the responsibility for making recommendations on approval, monitoring and review of courses to the BSB.

OIAHE

Office of the Independent Adjudicator in Higher Education.

Option

one of a number of units/modules offered by a Provider and chosen by a student from a range offered, which must be counted along with core areas as part of the total requirements of the course.

OPW

Opinion Writing.

Part-time (PT)

time mode of study where the student takes the course, normally to the value of 60 credits or equivalent in one academic year.

Plagiarism

Copying work from any other source, published or unpublished, including work of a fellow student, and presenting it as the student’s own.

Postgraduate Diploma

The standard expected of a graduate who has successfully completed study in a field for which prior knowledge and skills have provided an appropriate foundation, at a level demanding more advanced and intensive study than a first degree, and on a course of study which is normally 30 weeks of full-time study or equivalent.

QAA

The Quality Assurance Agency for Higher Education.

QLD

Qualifying Law Degree.

Quality Assurance

responsibility for quality assurance is invested collectively in staff through the institution’s committee structure and individually in members of staff through the performance of their duties, with the aim of improving the quality of the design, delivery and management of the course.

ReDOC

Resolution of Disputes Out of Court.

Referral Boards

examination boards which are held in September each year, in order to consider referral work of students. The presence of external examiners is necessary since decisions may be made concerning the granting of the qualification.
<table>
<thead>
<tr>
<th><strong>Registered BPTC student</strong></th>
<th>A student enrolled with the provider and is in addition registered on a Bar Professional Training course</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Resit/Referral</strong></td>
<td>this is when a student has to resit an assessment he or she did not pass together with any special assessment conditions or penalties that may apply, including any restriction on the marks, grades or levels of award that can be obtained on the basis of retaken or referred assessments</td>
</tr>
<tr>
<td><strong>SAQs</strong></td>
<td>Short Answer Questions</td>
</tr>
<tr>
<td><strong>Seen assessment</strong></td>
<td>in the case of a written assessment, a paper that must be taken away and completed by a specified date. In the context of oral assessments, 'seen' means a paper or case study that students can take away and prepare prior to the assessment</td>
</tr>
<tr>
<td><strong>Small Group Sessions (SGS)</strong></td>
<td>a teaching session delivered to a group of not more than 12 students. See A3.4</td>
</tr>
<tr>
<td><strong>Socratic Teaching</strong></td>
<td>the drawing out of information and approaches through debate facilitated by the tutor rather than led by the tutor</td>
</tr>
<tr>
<td><strong>Staff to Student Ratio</strong></td>
<td>The number of staff given in relation to the number of students</td>
</tr>
<tr>
<td><strong>Student Centred Learning</strong></td>
<td>A learning activity that requires the active participation of the student, in directing their own learning</td>
</tr>
<tr>
<td><strong>Summative Assessment</strong></td>
<td>Assessment for which the grade awarded counts towards the final grade for the unit or course itself</td>
</tr>
<tr>
<td><strong>Triggered visit</strong></td>
<td>A special visit at the discretion of the BSB, due to concerns raised in relation to quality assurance. Costs to be met by the Provider.</td>
</tr>
<tr>
<td><strong>Tutor Notes</strong></td>
<td>the instructions to tutors on what each class should contain and how it should be delivered. Tutor notes are intended to ensure continuity and that that less experienced tutors are well prepared for each class and for any questions that students might ask</td>
</tr>
<tr>
<td><strong>Unseen Assessment</strong></td>
<td>a paper first seen at the time of the assessment</td>
</tr>
<tr>
<td><strong>VLE</strong></td>
<td>Virtual Learning Environment (i.e. a web based platform used to distribute information including learning materials and assessment details etc. in order to support student learning)</td>
</tr>
</tbody>
</table>
Bar Professional Training Course

Course specification requirements and guidance

September 2015