

**BAR  
STANDARDS  
BOARD**

REGULATING BARRISTERS

**Bar Professional Training Course  
Cardiff Law School, Cardiff University  
Report of Visit held on 1 March 2016**

|                                        |                      |
|----------------------------------------|----------------------|
| <b>Name of Institution</b>             | <b>Date of Visit</b> |
| Cardiff Law School, Cardiff University | 1 March 2016         |

|                                  |                                |
|----------------------------------|--------------------------------|
| <b>Title of Course/award</b>     | <b>Nature/status of course</b> |
| Bar Professional Training Course | Accredited BPTC                |

|                                             |                             |
|---------------------------------------------|-----------------------------|
| <b>Numbers/modes approved</b>               | <b>Dates of course</b>      |
| Approved for:<br>84 full-time (73 enrolled) | September 2015 to July 2016 |

| <b>Panel Members</b> | <b>Role and area of primary responsibility</b>                         |
|----------------------|------------------------------------------------------------------------|
| Dr Victoria Stec     | Head of Training Supervision, BSB (Chair)                              |
| Ms Hayley Gault      | Senior Training Supervision Officer                                    |
| Mr Marcus Soanes     | Principal Lecturer, City Law School, City University London            |
| Ms Claire Sparrow    | Undergraduate Law Programmes Course Director, University of Portsmouth |
| Mr David Rees        | Solicitor, Legal Academic                                              |

| <b>Provider Team attending the event</b> | <b>Role and area of primary responsibility</b>                                                                     |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Ms Jetsun Lebaschi                       | BPTC Course Leader<br>Subject Leader: Submission Advocacy (joint) and Employer's Liability and Clinical Negligence |
| Mr Ian Brookfield                        | Head of Admissions for CPLS                                                                                        |
| Ms Angela Devereux                       | Director of the Centre for Professional Legal Studies                                                              |
| Ms Michaela Thomas                       | BPTC Deputy Course Leader                                                                                          |
| Mr Michael Edwards                       | Subject Leader: Criminal Litigation and Trial Advocacy 1 and 2 (joint)                                             |
| Mr Christopher Humphries                 | Subject Leader: Opinion Writing and Drafting                                                                       |
| Mr Dominic DeSaulles                     | Subject Leader: ReDOC, Civil Litigation (joint) and Commercial Litigation option                                   |
| Ms Kate Hawkins                          | Subject Leader: Conferencing and Criminal Practice option                                                          |

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| Ms Nicola Harris      | Subject Leader: Submission Advocacy (joint) and Trial Advocacy 1 and 2 (joint)           |
| Mr William Seagrim    | Subject Leader: Professional Ethics and Family                                           |
| Mr Jason Tucker       | Associate Dean (Graduate Employability), College of Arts, Humanities and Social Sciences |
| Kathryn Clague        | Subject Leader: Submission Advocacy (joint)                                              |
| Christopher Humphries | Subject Leader: Opinion Writing and Drafting                                             |

### **Rationale for the visit**

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

The panel was provided in advance with key documentation, including the provider's Annual Reflective Review 2014-15, copies of External Examiner reports for the relevant year, the most recent BSB visit report and other relevant information.

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

### **Context: The Provider**

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

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

The panel found that the Bar Professional Training Course at Cardiff was being delivered in accordance with the stated aims, philosophy and standards of the course.

### **2. Quality management systems**

The Law School as a whole is required to report annually to the wider university and each board of studies puts together an annual reflective report which includes statistics and reflection on any issues brought to the board's attention.

At the end of each academic session tutors on each module meet to discuss the delivery of that module and see if anything needs to be done differently for the next academic session. Any issues that are common to several modules are discussed at overall course meetings, alongside student feedback, assessment performance data and information from student staff panel meetings. Key

points of action are put in the action plan for the following year. This is drafted by the Course Leader and circulated to staff for any comments or amendments, and the final action plan is then brought to termly course meetings and review meetings to ensure that actions have been carried out, whether they have been successful, and what should happen next. The panel observed that it was difficult to see from the action plan what the strategic priorities were, how the actions connected to the issues, and what the indicators of success were. The management team said they would take this on board, though they pointed out that some actions which are classified as “ongoing” are written as such because of unprecedented levels of change at the university level which has meant that some actions have been held over from one year to the next.

The panel **recommends** that the management team further develops the action plan to make the strategic overview clear and show evaluation and indicators of success, and, where possible, indicate a timeframe for completion (**Recommendation 1**).

### 3. Staffing and staff development

As well as the frequent module and wider course team meetings, the management and teaching staff communicate frequently outside of meetings. The panel heard that because the team is small, everyone is kept abreast of anything happening on the course and at the wider university level.

Newly appointed staff are required to undertake the Postgraduate Certificate in University Teaching and Learning, which requires a minimum of one day a week for the period of the course, which is usually 12-18 months. Staff must also undertake online equality and diversity training. Tutors can outline their development needs, either as a legal professional or educator, as part of their yearly appraisals. Staff can take up to 20 days’ work back in practice as long as their internal obligations are fulfilled.

### 4. Curriculum content and structure

Students are introduced to the course through a series of introductory lectures for each module and for the course itself. Usually students have an ice breaker session to help with confidence and projection with a voice coach from the Royal Shakespeare Company early on in the course, though this year the session had to be held later.

Many students whom the panel met felt that the course is very densely packed and they do not always have time to do what they’d like to do. They said that the teaching period for the centrally-assessed subjects is too short and they were anxious about whether they would be ready for the exams.

The panel members who attended the annual monitoring visit in 2015 were concerned that the White Book was not being used as the primary text for Civil Litigation. The present panel was reassured that this mandated key text was now being used fully, and the change to the centrally assessed Civil Litigation syllabus had in any case meant that this had become essential.

## 5. Admissions and student profile

The panel was able to look at the evaluative criteria for admissions used by the course team. This involved attributing points to an applicant based on various factors like their previous degree classification, references, level of communication and relevant experience. In the last round of admissions, 200 applications had converted to 84 places offered and accepted. The management team explained that they review these scores annually in conjunction with students' final performance on the BPTC; these reviews show that higher scoring applicants tend to perform better on the course. The management team said that though they believe the system works well, they are considering adding further steps to explore English language proficiency. Two students this year were asked to take the IELTS or withdraw from the course, and both chose to withdraw. These steps might include Skype interviews or adding a condition to offers that the student have an IELTS score above the one prescribed as the appropriate level by the BSB. However, the management team pointed out that they did not wish to deter international students from applying to study the BPTC at Cardiff.

The panel **recommends** that staff do give consideration to how admissions processes may identify in advance factors that may inhibit student performance, and put in place measures such as interviews by Skype or in person (**Recommendation 2**).

Cardiff has a high proportion of international students compared to several other providers and the team reported that they are very satisfied with the performance of the international cohort. Though international students tend to perform less well than domestic students, this is strongly linked to prior academic performance; across students who have the same prior degree, international students do better than domestic students in terms of the rate of failure of the course.

The management team stated that there is a great deal of support for students who may have a lower prior academic achievement, but their course is not dumbed down. The team emphasised the importance of identifying students who are struggling early on in the course to ensure that they don't get lost and to give them specific advice and support.

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

The teaching observed by the panel was of a high quality. Tutors were knowledgeable and engaging and had a good rapport with the students. Students received appropriate feedback and were all well-prepared and engaged with the session. The students were smartly dressed and presented themselves suitably as professionals.

The panel did observe some minor issues in relation to English language; some students had problems with some colloquial phrases and expressions and on occasion tutors had to correct pronunciation and incorrect questioning terminology.

The panel heard that this year an Advocacy session had been introduced at the beginning of the course wherein students were asked to tell a story they were familiar with, rather than relying on a script. Staff said that this was a helpful way to make an assessment of spoken language skills.

Several students whom the panel met said that while they do get feedback from tutors about how to improve, they would like to know more about how they can push themselves from a lower grade category into a higher one. Advocacy feedback is recorded as part of a student's performance and

put on Panopto. Tutors told the panel that it is clear when students have reviewed performances on Panopto and that there is a correlation between those who are more able and those who watch their own and others' performances on Panopto.

In Opinion Writing and Drafting, students prepare an answer to a question before the teaching session and they are then given a sample answer which they use to mark their own work. This form of self-learning allows them to see where their faults are. Some students whom the panel spoke to did not see the benefit of self-learning, while others like being encouraged to learn independently.

Students do an unseen short answer question (SAQ) in every Civil Litigation session and mark each other's work using marking guidance. In Criminal Litigation, students do SAQs in small groups and then each student has to feed their answer back to the class. Revision sheets have been introduced in Criminal Litigation to help students focus on the particular parts of the syllabus required for the centrally-assessed examinations.

Some students whom the panel met reported that they do not find small group sessions useful for learning, whilst others said they find small groups sessions to be more productive than lectures. Similarly, some students said they were disappointed that many lectures are only available online, whilst other students find this a useful way to fit lectures into their own time.

Students were complimentary about the quality of teaching in skills subjects but were less positive about knowledge subjects; they reported that they felt learning a large amount of information for the exams was not a useful measure for ascertaining someone's aptitude to work as a barrister. Many students also felt that while their tutors were clearly very knowledgeable they were constrained by the focus on small parts of the syllabus. However, the students conceded that this was due to the curriculum and examinations as prescribed by the BSB and not the fault of Cardiff University. The teaching team emphasised that, as practising barristers, students are going to have to know the answer to questions and that they will have to recall a large amount of information. Tutors try to apply knowledge to practical scenarios in class.

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

The teaching team explained that revision sessions in particular are aimed at the bottom third of the cohort in terms of ability – that they want to stretch the top-performing students but increase the performance on the bottom third. Stronger students tend to raise the performance of weaker students; teaching groups are changed between terms one and two for this reason, to encourage students to learn from each other and also to disrupt any potential cliques.

The management team discussed with the panel student performance in the centrally-assessed examinations. The BSB's Key Statistics document shows that Cardiff's students tend not to perform well in some first sit examinations, though they perform better in subsequent sits. The management team pointed out that the higher proportion of students with 2:2 degrees in the years covered by the Key Statistics could be a factor affecting the poorer performance in first sits.

The panel **recommends** that staff investigate the causes of students' underperformance in relevant assessments, taking into account the Key Statistics and Cardiff's own data (**Recommendation 3**).

## 8. Student support and quality of student experience

The panel was pleased to meet with a number of students who came from a mixture of domestic and international backgrounds. The students described Cardiff as a fantastic university to study at and were very positive about the helpful and approachable nature of tutors on the course. However, the panel was concerned to hear that students did not always feel comfortable raising issues if the issue directly related to a member or members of staff, for example if they perceived some inconsistencies between tutors teaching the same subject. This applied in relation to both one-to-one meetings and in the forum of the student-staff liaison committee. The reason given for this was that they did not wish to get tutors into trouble as students have a lot of respect for them. The panel heard that tutors do have an open door policy and that they are responsive to emails from students. The panel had also seen an example of such an apparent inconsistency being raised and resolved in one of the observed classes. Tutors suggested that part of the reason students in this year's cohort are less forthcoming than previous cohorts was perhaps a cultural issue; sometimes in personal tutor sessions, students from some cultural backgrounds only reveal an issue at the very end of a long meeting.

The panel **recommends** that staff consider how to ensure students feel empowered to raise issues in a timely and frank manner, whether through the formal forum or outside it (**Recommendation 4**).

The students whom the panel met stated that at the beginning of the course they had been given a lecture of Professional Ethics and ethical practices which they interpreted as meaning they could not collaborate with or consult with their colleagues on the course at any point. This had been a source of anxiety for students. The teaching team was concerned to hear this as this was clearly not what they had intended to pass on to students; students were told not to collude for assessments but they are encouraged to communicate with each other, especially in class. The panel observed this in practice during class observations.

The panel **recommends** that staff review the induction material in relation to student ethics to clarify the message around collaborative working and collusion (**Recommendation 5**).

Students who had undertaken a mini-pupillage in the two placement weeks found it very useful and said that it was very well-arranged. The Careers Service sends emails to students frequently with work opportunities but there is little advice from the Careers Service for students who wish to practise outside the UK. However, there is a student-led Malaysian society that offers advice for Malaysian students.

The students whom the panel met had conflicting opinions about the timing of the deadline for applying for pro bono work; some felt that it was too early and that they were too overwhelmed with work at the time to apply, whilst others liked that the deadline was early on in the course. The teaching team said that while there had been a number of pro bono initiatives available to students on the BPTC, such as working in a Coroner's court, none had applied. When this was investigated, they found that students thought their marshalling experience during the placement weeks met their needs and they wanted to prioritise their studies. Some students whom the panel met reported that pro bono work is not a priority as they did pro bono work during their undergraduate degree and they would rather focus purely on the course.

The students whom the panel met said that they did not think there were any spaces for them to sit down in a semi-formal setting with their colleagues to discuss work. The teaching team explained that

though day-to-day usage of rooms in the Law School is high, rooms are available for students' use after 4-5pm each weekday and there are breakout rooms in the library which can easily be booked. Students can also ask tutors to book rooms on their behalf.

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

The panel heard that the use of the Panopto IT system (used for the Virtual Learning Environment and for recording performances) as a learning tool is going well. Students are able to access the system via an application on their mobile phones; through this they can witness their own recorded performances in skills sessions as well as those of other members of their group. The panel heard that the use of Panopto has been recommended to the wider university, and whilst there are infrequent technical issues, these are fixed very quickly by the Law School's IT technician.

The students whom the panel met were positive about the learning resources for the course, though some stated that they would like more hard copy texts in the library. Library staff gave students classes early on in the course which they had found helpful.

### **10. Equality and diversity**

Cardiff University has a general Equality, Dignity & Diversity policy which is overseen by the Law School's Equality and Diversity Committee. A member of staff from the Centre for Professional Legal Studies sits on this committee. The panel observed no issues of concern relating to equality and diversity.

The panel heard that students with disabilities perform well in comparison to non-disabled students. There are disability contacts amongst the teaching staff for BPTC students and for the Centre for Professional Legal Studies. Students benefit from the support of the wider university and the panel heard that students have provided very positive feedback to staff about their experience on the course with regards to support for disabilities. The panel also heard that Cardiff University is ranked the best performing higher education institution in the Stonewall Workplace Equality Index 2016.

### **Additional comments**

n/a

### **Good practice, distinguishing features**

The panel wished to commend:

- the continued high level of commitment of staff;
- the high quality of teaching that the panel observed;
- the design and use of student-to-student feedback in classroom sessions, and
- the use and development of Panopto, and that good practice is being shared across the wider university.

| <b>Conclusions: recommendation on accreditation/approval/continuing approval</b> |                                                                                                                                                                                          |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Continuing approval with recommendations.                                        |                                                                                                                                                                                          |
| <b>Recommendations</b>                                                           |                                                                                                                                                                                          |
| The following recommendations must be addressed:                                 |                                                                                                                                                                                          |
| Recommendation 1                                                                 | Further develop the action plan to make the strategic overview clear and show evaluation and indicators of success, and, where possible, indicate a timeframe for completion.            |
| Recommendation 2                                                                 | Give consideration to how admissions processes may identify in advance factors that may inhibit student performance, and put in place measures such as interviews by Skype or in person. |
| Recommendation 3                                                                 | Taking into account the Key Statistics and Cardiff's own data, investigate the causes of students' underperformance in relevant assessments.                                             |
| Recommendation 4                                                                 | Consider how to ensure students feel empowered to raise issues in a timely and frank manner, whether through the formal forum or outside it.                                             |
| Recommendation 5                                                                 | Review the induction material in relation to student ethics to clarify the message around collaborative working and collusion.                                                           |



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

**Recommendation 1**

We will consider what we are able to do to address this recommendation. The current form of the Action Plan reflects positive feedback received during a previous monitoring visit by the BSB.

**Recommendation 2**

We will consider what we are able to do to address this recommendation.

**Recommendation 3**

We consider that the statistics demonstrate some good performances by Cardiff students in their assessments. Any concerns regarding underperformance is always the subject of course and subject review. This takes place each year.

**Recommendation 4**

We will consider what we are able to do to address this recommendation. We note that the students who were spoken to by the panel “described Cardiff as a fantastic university to study at and were very positive about the helpful and approachable nature of tutors on the course.” The approachable nature of the tutors and the support that they provide has been a consistent theme in the views expressed by Cardiff students during previous visits by the BSB.

**Recommendation 5**

We will undertake a review of the induction material to ensure that the message regarding collaborative working and collusion is clear.