Amendments to the Bar Course Aptitude Test

For approval by the Legal Services Board

This application is made in accordance with the requirements set out in the Legal Services Board’s (LSB) Rules for Rule Change applications. The Bar Standards Board (BSB) wishes to provide the information below to support its application.

Any queries about this application should be made to:

Ms Hayley Gault
Senior Training Supervision Officer
HGault@barstandardsboard.org.uk

Or

Mr Christopher Young
Policy Manager (Quality Assurance)
CYoung@barstandardsboard.org.uk

Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ
Tel: 020 7611 1444
Summary

1. This application seeks approval from the Legal Services Board (LSB) for amendments to the score which must be achieved in order to pass the Bar Course Aptitude Test (BCAT). The BCAT is a requirement for those who wish to enrol on the Bar Professional Training Course (BPTC), which is the vocational stage of training towards becoming a barrister. The BCAT was introduced in 2013 as a means of ensuring applicants to the BPTC have the analytical and critical reasoning skills necessary to succeed on the BPTC and thus have a reasonable prospect of progressing into a career at the Bar.

2. The current implementation of the BCAT is not achieving the objectives originally intended, but we demonstrate here that higher scores on the Test correlate well with success in the training, and provide evidence of the necessary intellectual skills to a more reliable extent than other proxies available. Training for the Bar is a small and prestigious market; we have identified a need to protect the interests of candidates in the current training system by ensuring that those with an exceptionally small chance of success do not needlessly commit to the substantial cost and time involved. For the future, we identify that this Test can provide a very significant source of objective evidence in our assessment of risks in an evolving market for training, and contribute directly to the evidence of competence required for authorisation.

3. Specifically, we are seeking to amend the cut score, which is the score required for a candidate to pass the Test. The current cut score is 37, and the proposed new cut score is 45. This change is intended to exclude students who are most unlikely to succeed on the BPTC and to avoid disruption of the learning experience of able students on the course caused by those who lack the critical thinking skills to participate fully.

Background

Current requirements

4. There are three stages of training towards becoming a barrister: the academic stage, the vocational stage, and the professional stage. The principal requirement of the vocational stage consists of successful completion of the BPTC at an approved training provider. The BPTC is a one year (full-time) or two year (part-time) course where students learn the skills necessary to prepare them to practise as a barrister, subject to the completion of the professional stage of training, including pupillage. The course comprises a mix of practical and knowledge-based skills.

5. The BSB introduced the aptitude test as a prerequisite for enrolment on the Bar Professional Training Course (BPTC) on the recommendations of the Neuberger Report on entry to the Bar (2007) and the Wood Review of the BVC (2009) The aim was to use a fair aptitude test which measured critical
thinking and analytical skills so that those without certain prerequisite skills for the profession would not undertake the BPTC.

6. Approval for the introduction of a Bar Course Aptitude Course (BCAT) was secured from the Legal Services Board in July 2012. The BSB committed to undertaking a comprehensive evaluation of its efficacy and impact over the first five years. The present application draws on evaluative work done so far.

7. The primary objective of the introduction of the BCAT was improvement of standards on entry to and exit from the BPTC. Whilst not directly a regulatory concern, we might expect a consequent increase in satisfaction with the training from both students and tutors, a reduction in failure rates, and hence greater confidence amongst those who are considering training for the Bar.

8. The BCAT was planned for implementation in 2013, for candidates entering the BPTC in September that year. A test fee of £150 was set for those candidates taking the test in the UK, £170 for those taking the test overseas. The test fee covers an administration charge for Pearson VUE and the full economic cost recovery by the BSB of administration and implementation cost for the test, over a period of five years, in accordance with the BSB’s Fees and Charges policy. The initial cost of research and development for the test prior to 2013 was not accounted for in setting the candidate fee. The BCAT was introduced on 3 April 2013 and all BPTC students entering from autumn 2013 for the 2013/14 academic year onwards were required to pass the BCAT.

9. The previous Bar Training Regulations stated that before starting the vocational stage of training a person must, amongst other requirements, have achieved a score of -1.34 or such score as substituted by the BSB from time to time in the [BCAT]. However, with the introduction of the BSB Handbook in January 2014, the Bar Training Rules now state that:

   “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.”

10. Since the introduction of the BCAT, the cut score has remained at 37. This was originally identified, based on the BCAT pilot, as a score which would identify the bottom 10% of candidates who took the test and thereby exclude those at significant risk of failure of the BPTC.

Future Bar Training

11. The BSB has devised a programme of reform to training for the Bar which was initiated to reflect our adoption of a new, less prescriptive approach to
regulation. The programme, called Future Bar Training¹, will involve substantial changes to all stages of training for the Bar, which will roll out from 2017.

12. In October 2015 the BSB published a Professional Statement (Annexe 4) which describes the knowledge, skills and attributes that all barristers should have on “day one” of practice (ie upon the issue of a full qualification certificate, on which basis they may apply for a full practising certificate). The Statement represents our move towards a more outcomes-focused approach to the regulation of standards at the point of entry to the profession and is an essential part of Future Bar Training. The Statement will help towards making qualification routes to the Bar more flexible.

Our Proposal

The problem we are seeking to address

13. We have identified in our Regulatory Risk Index² that inadequate training and preparation for practice is a risk to our regulatory objectives. The interdependency of students in the learning environment on a course such as the BPTC is such that the presence of weaker students is widely reported by other students to have a detrimental effect on their learning experience. This has been consistently observed as part of annual monitoring visits to BPTC providers and through the 2010/11 Student Perception of Course Surveys³.

14. There is a regulatory interest in ensuring that the training inspires confidence for the widest pool of potential candidates, who are making a substantial commitment in participating and whose experience of the training can be influenced significantly by the ability of those training alongside them to participate.

15. The Bar is perceived as a high status profession which attracts interest as a career for many irrespective of their suitability or understanding of what the profession entails. The Bar is a career into which candidates are persuaded by wider cultural expectations beyond candidates’ own career aspirations. The profession plays a significant role in securing access to justice for consumers. It is also intellectually very demanding. Not all aspiring barristers have the aptitude to meet a competent standard. Training to become a barrister is intensive and takes significant time; it is therefore expensive. If candidates are not to waste significant time and money on training – ie by committing to and later failing the BPTC – adequate selection processes are required. There are also wider concerns about social justice and diversity in that the risk of undertaking the expense of the BPTC is likely to bear more heavily on those from disadvantaged or non-traditional backgrounds.

¹ For more information on Future Bar Training, see the BSB’s website.
² Available here.
³ Annexed to the BSB’s 2012 application to the LSB – available here.
16. The evidence from the past five years of BPTC students is that the demands of the course are significant; around 40% of students enrolled onto the BPTC in 2014 have yet to pass the course.

17. BPTC providers have their own selection processes, and have in recent years stated an increased focus on quality rather than quantity of applicants – an approach borne out by the fact that many providers no longer recruit to their maximum validated numbers – but they have a strong financial interest in recruitment. The BSB also has its own qualification requirements, ie a minimum of 2:2 undergraduate degree. However, it is clear that the combination of providers’ own selection process and the BSB’s requirements does not adequately ensure that the candidates making the investment in the BPTC are always those most likely to progress successfully.

18. We have already introduced a number of interventions to help address this problem. This includes the existing academic qualification requirements of a 2:2. There is evidence that some providers have effectively raised their threshold to a 2:1; we have concerns for the consequences of such a measure on inclusion. There is a wealth of independent data to suggest that raising the minimum academic achievement required by the BSB e.g. to a 2.1 could potentially have a disproportionate impact on students from protected characteristic groups. We have included with this application data relating to BPTC students and their degree classification which reinforces this (Annexe 6).

19. We have also published key statistics relating to the BPTC. The adoption of centrally-assessed examinations on the BPTC in 2011/12 provided the basis upon which a clearer evidence base of variable candidate performance could be developed. The first opportunity to publish and analyse this evidence was in 2015.

20. It is envisaged that the key statistics document will provide clarity regarding success rates, which will help motivate higher performance by providers through the use of appropriate entry requirements and ensuring a high quality of training. However, we remain concerned about this as an intervention, as it could have potential unintended consequences, for example by encouraging greater exclusivity in recruitment practices.

21. We also give potential BPTC candidates a health warning which describes the high level of commitment, resilience and ability required for both training for and a career at the Bar. However, our experience and anecdotes derived from other similar professions suggest that many candidates, especially younger candidates, do not necessarily make entirely rational judgements about their prospects for success when they commit to such a challenging programme of

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study. Moreover, candidates place an arguably reasonable expectation on the provider and the regulator to exercise a duty of care in only recruiting suitable candidates.

The BCAT today

22. We have over time given careful consideration to the availability of more focused and reliable predictors of intellectual ability. The Watson Glaser type test has been found to be viable and acceptable as an intervention in a number of professional domains for precisely the purpose intended here.

23. When it was first implemented, the BSB commissioned a review of the impact of introducing the BCAT against its intended objectives, from which a first evaluation report was produced in 2015. The evaluation report, which is annexed to this application (Annexe 1) and hereafter referred to as “the Report”, examined the first full year of implementation of the BCAT. It focused on:

- the performance of the BCAT as a predictor of a student’s future performance on the BPTC;
- the impact of the BCAT – at the current pass rate – in preventing weaker students from starting the BPTC; and
- the likely equality and diversity implications if the pass mark is raised, and to what level it could be justifiably raised while minimising potential negative impacts on different protected characteristic groups and students from non-traditional backgrounds.

24. The Report investigated what impact the BCAT has had to date on entry and exit standards on the BPTC, and on the profile of students on the course by reference to their protected characteristics. The Report also investigated students’ and BPTC providers’ current perceptions of the BCAT. The key findings were:

- BPTC student data suggests the introduction of the BCAT at a pass mark of 37 has had no impact on the profile of students on the course.
- Analysis of data on enrolments onto the BPTC of students does not reveal any statistically significant change in degree class or degree institution following the introduction of the BCAT.
- There has not been any increase in the pass rates on the BPTC since the introduction of the BCAT as an entry requirement – pass rates on the BPTC declined between both 2011/12 to 2012/13 and 2012/13 to 2013/14.
- There is little evidence from interviews with students who failed the BCAT at the first attempt that the introduction of the BCAT is influencing their career / routing decisions.
- BPTC provider staff interviewed felt that the introduction of the BCAT had not had any impact on their selection procedures, because the test
at the time was deemed too easy to pass, and was not an effective tool to improve standards beyond existing admissions and/or selection procedures.

25. Other key findings of the report were:

- That the score that a student obtains in the BCAT is a very strong predictor of their performance on the BPTC.
- Data from the 2013/14 BPTC cohort shows that BCAT score and BPTC overall score are significantly positively correlated ($r=0.546$), with those who scored higher on the BCAT tending to have a higher BPTC overall score.
- Additionally, regression analysis was undertaken to determine the statistical reliability of BCAT as a predictive indicator of performance. This indicates that BCAT score significantly predicts both BPTC final overall score and final overall grade.
- Regression analysis also indicates that BCAT score increases predictive validity beyond that of educational variables such as degree institution and degree classification. It is also a fairer measure of aptitude as the BCAT is a universal test and does not discriminate against those from non-traditional academic backgrounds.
- Additional analysis has shown that the BCAT aligns with the skills required in the BPTC course specification requirements.

26. Further to the findings in the Report regarding the alignment of the BCAT and BPTC course specification requirements, we undertook further analysis of the BCAT in relation to the BSB’s Professional Statement, Threshold Standard and Competences (Annexe 5). The analysis identifies that the BCAT is assessing attributes in a fair, reliable and valid manner, that are needed on “day one” as a barrister, as defined by the Professional Statement, threshold standard and competences. It concludes that 41% of the Professional Statement could be directly mapped to the BCAT content, which is a satisfactory proportion of mapping for a test of this nature.

27. We reviewed the Report in the autumn of 2015, and undertook further investigation into the options available for meeting the objectives of the Test, incorporating more recent pass rate data (ie information from the 2014/15 cohort) to inform our analysis. The LSB was briefed on the detail of our review and options analysis through this period. The BCAT was temporarily suspended from November 2015 to March 2016 to give time for careful consideration of the Test’s future. In February 2016, the matter was considered by the Board. We decided, based on the Report’s findings that the test was an effective predictor of BPTC performance, to retain the Test for an interim period with candidates being informed of their Test score (where previously they were only advised of pass or fail) and the likelihood of their passing the course. In April 2016 the BCAT was re-introduced with the
previous cut score of 37 on this basis. The rationale for informing candidates of their exact score, along with the grades of past BPTC students with a similar BCAT score, was to help them make an even more informed decision about whether to proceed with applying for the course. A sample of the score sheet is annexed to this application (Annexe 7).

28. We concluded that the BCAT is a very effective test, notwithstanding the immediate problem of its calibration.

Options to address the regulatory problem

29. Having identified that the BCAT was not fulfilling its intended purpose, and that the issue is with calibration, we revisited the wider problems that the BCAT was intended to address.

30. We considered the following options to address the regulatory problem:

- Continuing to rely on prior academic qualifications alone – as mentioned above, it is clear that this is not currently an adequate filter on its own. Raising the minimum qualification requirements could also have an impact on equality and diversity. In addition, degree classifications are a measure of academic achievement rather than of the skills necessary to succeed on the BPTC or at a career at the Bar.

- Relying on the publication of BPTC key statistics to inform and dissuade unsuitable candidates – this has yet to show its worth as the first round of statistics was only published at the end of 2015. Again, it is clear that the combination of the minimum academic requirement and the publication of key statistics is not an adequate filter but the addition of transparency in the form of the key statistics might lead to improvement in the proportion of candidates that pass. We have important concerns about the risk of the perverse impact of these measures without having a more objective way of calibrating aptitude for the BPTC; providers could, in an effort to achieve better results, focus their recruitment on applicants from traditional backgrounds which might have a negative effect on those from non-traditional backgrounds.

- BCAT – the adoption of a suitably well-founded and focused test would enable us to more carefully calibrate a threshold of competence and provide a greater degree of objectivity in our monitoring and its impact on diversity. It is this latter approach which was adopted as the basis of the BSB’s application to the LSB in 2012. The evidence we submit here demonstrates that the BCAT as introduced in 2012 was well-suited to the purpose described above, but it was not calibrated appropriately. Nevertheless, the three years since the BCAT’s implementation have provided a further extensive evidence base for us
to be able to examine and analyse the regulatory problem described above.

31. With this in mind, we considered the following options with regard to the BCAT:

- Reverting to a previous approach to candidate selection by removing the BCAT – As stated above, the existing interventions are not sufficient on their own to preclude unsuitable candidates from enrolling on the BPTC. Further to this, evidence presented here demonstrates that degree classification of a 1st/2:1 is not as good a predictor of performance on the BPTC as BCAT result; indeed, the BCAT is the strongest individual predictor of performance on the BPTC compared to other factors.

- Adopting a different testing instrument - As noted above, evidence suggests that the BCAT in its current form is a valid testing instrument. It is a better predictor of performance on the BPTC than other available measures of aptitude for the profession and its preparatory training (eg degree classification). In addition, the skills tested by the BCAT are aligned with those required for the BPTC and with the requirements of the Professional Statement.

- Retaining the BCAT alongside other available interventions - the BCAT in the form implemented in 2016 provides candidates with information to help make an informed choice about whether to proceed with applying for the BPTC. However, the Report demonstrates that the BCAT with its current cut score does not exclude a significant number of individuals who are likely to fail the BPTC from enrolling on the course. As a result, it is not having an effect on BPTC pass rates.

- Recalibrating the BCAT alongside other interventions – the BCAT is the best single indicator of BPTC performance currently available and it now provides candidates with useful information about their likely performance on the BPTC based on their score, allowing them to make an informed choice about how to proceed.

In considering a change to the cut score, the impact that such a change would have on equality and diversity was examined. The Report found that candidates from black and minority ethnic (BAME) backgrounds performed worse on average on the BCAT. This effect has been documented elsewhere in relation to the type of test (Watson Glaser) and is a phenomenon that we have taken into account in considering the calibration of the cut score and the proportionality of the barriers to entry that are created by the BCAT. Further analysis on the impact a raised cut score would have on these candidates was
undertaken, and is annexed to this application (Annexe 3) and discussed further below.

Consultation

32. We have been engaged with consultation broadly on education and training for the Bar, and given the relatively technical nature of the change, we did not consider it was appropriate to undertake a formal separate consultation on the BCAT.

33. The BCAT was included as part of the Future Bar Training consultation in autumn 2015. The responses to the consultation which mentioned the BCAT generally said that they felt the BCAT was not fit for purpose in its current format and that it needed to be reviewed. Several respondents stated that academic qualifications were not a sufficient measure for aptitude on the BPTC as they only demonstrate intellectual ability rather than the aptitude for the skills the BPTC requires. Several respondents also said that any intervention that filtered students applying for the BPTC must not have an adverse impact on equality and diversity. There was much opposition amongst respondents to the idea of raising the minimum academic requirement to 2:1. This was largely due to concerns about reducing diversity at the Bar, and the perceived inconsistencies between the standards of different universities. A particular concern for a number of respondents was that the requirement of an upper second class degree may unduly restrict access to the profession and have a disproportionate impact on students from disadvantaged backgrounds.

34. Further to this consultation, Work Psychology Group consulted provider and student representatives as part of their evidence gathering for the evaluation report discussed later in this application and annexed to this application (Annexe 1). This helped us to understand the nature of the problem we need to address.

Raising the cut score

35. We propose to raise the cut score for the BCAT and implement policies appropriate to recalibration of the test, having considered the substantial data now gathered. The cut score is not currently enshrined in the Bar Training Rules but is defined within the requirements and guidance published online by the BSB. These changes constitute an amendment to the regulatory arrangements agreed by the LSB in their response to the BSB’s application to introduce the BCAT in 2012.

36. The performance evaluation section of the Report investigated the validity of the BCAT at its current pass mark, and what the likely impact of changes to

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5 A summary of responses to the consultation is available [here](#).
the existing pass mark would be for standards on the BPTC. The key findings were:

- At the current pass mark for the BCAT, in 2012/13 only 0.6% (13 students) were unable to pass the BCAT after one or more attempts.
- The impact of setting the pass mark at 38, 39, 40, 43 or 46 for the 2013/14 BPTC cohort was examined. The analysis identified 46 as the most effective pass mark, as it would have provided a marked reduction in the number of students progressing onto the BPTC who subsequently failed it, without creating a significant barrier for students who would have done well on the BPTC.

37. With the data then available on 2014 BPTC grades, this pass mark would have excluded an additional 135 students from the BPTC, and in 2014 would have reduced the numbers of students failing to pass the BPTC by 20.7% (81 students)

38. We identified two areas of concern in adopting a pass mark of 46. First, there was concern (identified in the Report) that a pass mark of 46 might have an adverse impact on students from BAME backgrounds, who performed worse (on average) on the BCAT. Second, that a pass mark of 46 excluded too high a proportion of students who would have gone on to pass the BPTC (40% of those who would have been excluded at a pass mark of 46 went on to pass the course in 2014, even before resits were taken into account. In response to these concerns, additional analysis was undertaken to:

- investigate the impact of further possible pass marks not evaluated as part of the performance evaluation, and
- investigate any adverse impact on BAME candidates using the two additional years’ worth of BCAT results which were available.

39. Further analysis indicated that of those candidates in 2013/14 who later achieved a grade of “Competent” on the BPTC, 10% scored less than 45 on the BCAT. This suggests that a cut score of 45 is associated with a minimum BPTC grade of “Competent”, ie the lowest passing grade. A cut score of 46 would be associated with a grade of “Very Competent”. This is explored further in the additional analysis annexed to this application (Annexe 2).

40. The impact of potential pass marks at 44, 45, and 46 was examined, with only a pass mark of 46 producing a significant adverse impact related to any protected characteristics, with ethnicity the only characteristic affected. This is explored further in the Equality Impact Assessment annexed to this application (Annexe 3).

41. The data indicated that in 2013/14 and 2014/15 a pass mark of 45 would have reduced the number of students progressing onto the BPTC who subsequently failed it by 19.6%. Of those who would have been excluded,
27.1% would have passed with a grade of “Very Competent” or “Outstanding” and 49.2% would have passed with a grade of “Competent”. However, of the BPTC students in 2013/14 and 2014/15 who scored less than 45 on the BCAT, only 3% went on to obtain pupillage, and of those who scored less than 45 and achieved a grade of “Competent”, only 2% went on to obtain pupillage. We recognise that raising the cut score might exclude a very small number of people who might go onto obtain pupillage. It is conceivable that a candidate could present convincing evidence that they meet the requirements of the Professional Statement and it is always open to them to apply for a waiver from the BCAT (and any other) requirement on this basis. However, while the BCAT is a predictor of competence, it is unlikely that we would accept alternative predictive evidence – the candidate would need to demonstrate actual competence. There is an alternative route to the Bar in the form of the Bar Transfer Test for those already qualified as legal professionals.

42. From this analysis, we have concluded that the optimum pass mark will be 45.

43. This recalibration of the cut score is founded on a sufficiently substantial body of evidence to give assurance that no further alteration will be necessary in the foreseeable future. The data we have from the 2013/14 and 2014/15 cohorts on the BPTC is very consistent in indicating that a cut score of 45 would have significantly increased effectiveness of the BCAT in excluding students less likely to pass the BPTC from the course. This is further mentioned in the risk analysis below.

The role of the BCAT in future training paths

44. We have confirmed the relevance of the BCAT to our future approach to regulation. While the full outcome of the BSB’s Future Bar Training programme is not established, we show in this application that the BCAT aligns well with the Professional Statement. The Test will have value for all potential future routes to the Bar as a means of ensuring candidates have the necessary aptitude at the point of entry to the profession. It is also a universal test, unlike degree classification and other measures of ability, which we anticipate incorporating in any of the potential pathways that are now under consideration.

45. We propose to remove the requirement that a candidate must be registered with BarSAS, which is the application system for the BPTC. This would make the BCAT available to anyone who wishes to measure their aptitude for a career at the Bar, not just BPTC applicants as it is currently. Doing so would allow an individual the opportunity to make an informed decision at any stage in considering their academic or professional career, and the five-year validity of a candidate’s result in the BCAT means they would not have to retake the test at the point of application to the BPTC. We would most likely seek to
distinguish between BPTC applicants and non-BPTC applicants for the purpose of data analysis to ensure that data is directly comparable with past years.

**Risk analysis**

46. The table below outlines the risks identified as being associated with implementing a more effective BCAT.

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<th>Identified risk</th>
<th>Impact</th>
<th>Proposed mitigation</th>
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<tr>
<td>Candidates who fail the test and are less able to afford to retake maybe at a disadvantage relative to more wealthy candidates who can attempt the test more frequently</td>
<td>Adverse impact on students from lower socio-economic backgrounds resulting in potential under-representation of those groups on the BPTC and the profession</td>
<td>It is proposed to introduce a limit to the number of attempts a candidate may make at the BCAT in a given year. Currently, there is no limit to the number of times a candidate may take the BCAT. The only stipulation is that they must leave at least 30 days between each attempt. It is proposed to reduce the number of attempts to a maximum of three in a year. This would help to reduce the disparity between candidates from different socio-economic backgrounds.</td>
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<tr>
<td>Pressure to retake the BCAT to get a higher score despite already passing</td>
<td>Adverse impact on students from lower socio-economic backgrounds, resulting in potential under-representation of those groups on the BPTC and the profession</td>
<td>As above, limiting the number of attempts would reduce potential disparity between candidates.</td>
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Many other tests of this type have a restricted number of attempts; the UK Clinical Aptitude Test (UKCAT) and the Law National Aptitude Test (LNAT) for example have just one permitted attempt. Other tests such as the Graduate Management Admission Text (GMAT) have a maximum of five attempts in a 12 month cycle.

A practice version of the BCAT is also available which is free and can be taken as many times as a candidates wishes.
| High BPTC failure rates | Candidates committing a significant amount of time, effort and money in a course or career to which they may be unsuited | The raised cut score will decrease the number of students who would go on to fail the BPTC from entering the course.
Currently the BCAT is only open to BPTC applicants. Allowing anyone to take the test, at any stage of their academic career, opens up the opportunity for potential students to get a measure of their aptitude for the BPTC and allows them the opportunity to make an informed decision as early as possible on how to proceed with their academic or professional expectations.
In order to maintain consistency with data across the previous years of BCAT results, the two groups of candidates (BPTC applicants and non-BPTC applicants) could be separated out to enable meaningful analysis. |
| Cost of the test being prohibitive to candidates from lower socio-economic backgrounds | Candidates from lower socio-economic backgrounds being under-represented on the BPTC and subsequently in the profession | The current fee for the test is based on the aim of cost recovery rather than on making any profit. We also consider the cost to be proportionate given the much more significant cost of the BPTC – the BCAT helps candidates to avoid the risk of making substantial investment in the course when they have little prospect of success. All BSB Fees are regulatory reviewed in accordance with our Fees and Charges policy. |
| Inaccurate calibration of BCAT cut score | New cut score not having desired effect; BSB having to re-apply to LSB for further changes | We do not envisage that this is a likely risk. The body of evidence which supports a cut score of 45 is substantial. It enables the BSB to calibrate the BCAT alongside other implementations of the Watson Glaser test, which itself has independent academic support of its reliability. Nevertheless we will continue to collect and analyse data undertake periodic review, the first of which will reflect the original 5 year commitment i.e. in 2018. |
The Regulatory Objectives

47. The BSB strives to encourage an independent, strong, diverse and effective legal profession. While the BCAT is a barrier to entry to the profession, because not all candidates will be able to fulfil their career aspirations and the new cut score will remove a significant number of such candidates, we are confident, based on the evidence presented in this application, that the BCAT with its new cut score will operate effectively and select appropriately for the skills that are fundamental to the work of a barrister. Further to this, as identified in the equality impact analysis, any adverse discriminatory impact on protected groups with the implementation proposed here is minimal and justified. We therefore think that the proposed changes would only have a minimal negative impact on this objective and will be proportionate to the aim we seek to achieve. We also believe that this objective is positively impacted in that the BCAT provides a better and fairer proxy of aptitude where there are known and greater problems in relying on other measures, such as degree classification.

48. As with other professions which require in-depth and extensive training, the risks associated with the path to qualification are likely to bear more heavily upon those with non-traditional backgrounds. Therefore a lack of attention to securing confidence amongst candidates in the training is likely to lead to an evolution of the profession that does not reflect the diversity of the community they represent. The BCAT offers a very reliable indicator of likely future success and moreover offers a more reliable measure for training organisations who otherwise face a substantial challenge in looking beyond academic degree.

49. Our proposed intervention would protect and promote the public interest and protect and promote the interests of consumers by helping to sustain confidence in the training system. By contributing to a reduction in failure rates on the BPTC, the BCAT is expected to promote confidence amongst prospective barristers that the financial and time commitment to training is worthwhile; this includes protecting their interests as consumers of legal training provision. The change would promote diversity, with increased confidence in training enabling the profession to evolve into one which does reflect the diversity of the community they represent. We also believe that our proposal helps to promote a quality learning experience that underpins high standards in practice.

50. We do not think that raising the cut score will have any impact on the other regulatory objectives. It is envisaged that the change could have a potential impact on promoting competition in the provision of services in affecting the number and quality of candidates passing the test and therefore progressing through training, which could have an impact on training
providers; however, those who do apply for the BPTC are likely to be competent candidates.

The Better Regulation Principles

Transparency

51. We are aiming for an objective and transparent way of assessing competence. The Professional Statement provides a clear point of reference with regards to the skills and competence required from all barristers from “day one” of their professional practice. We have shown in this application that the BCAT maps to the required intellectual skills as set out in the Professional Statement, and that it does so with good predictive value, where alternatives do not.

52. We now publish a wealth of data on performance on the BPTC which identifies clearly the attainment gap for those who are unsuited to the course. This includes the information given to candidates when they receive their BCAT result. The BSB will continue to monitor the impact of the BCAT, particularly the impact on equality and diversity. We have committed to publishing data on the outcomes of training and standards attained year on year, permitting a greater level of scrutiny of our role and that of the training providers. We will also commit to including BCAT analysis as part of the BPTC Key Statistics in future.

53. We have consulted with BPTC stakeholders, including providers and current and prospective students, as part of the BCAT Impact and Performance Evaluation to ensure we have a full understanding of the issues relating to the BCAT.

Accountability

54. The policies surrounding the BCAT, including this proposal, have been subject to internal scrutiny. The Board is committed to developing its effective oversight of education & training to meet the BSB’s regulatory objectives, and at present it does so through the Education & Training Committee. The Committee has a limited life while the Future Bar Training programme is delivered, and thereafter will be disbanded with the Board adopting direct oversight. Closer scrutiny is provided for the Board by the Performance Resources and Planning Committee (PRP), while the Governance Risk and Audit Committee (GRA) supplies a degree of independent challenge and audit.

55. We have also invited external independent evaluation through the Report, which was performed by Work Psychology Group, and through consultation with Rachel McCloy, an occupational psychologist at Reading University. We will continue to draw on independent and external expertise in the development and oversight of our evaluation work, the evaluation itself being done in-house.
Proportionality

56. We consider that raising the cut score of the BCAT is a proportionate way to address the issues outlined in paragraph 13 above. It is also important that those unsuited to a career at the Bar make informed decisions early on in their career before making substantial investment into training. A well-calibrated BCAT is the best predictor of success on the BPTC and more reliable as a means of informing a candidate’s decision than other predictors. We have adopted the well-established and widely accepted “four-fifths rule” in assessing proportionality⁶.

Consistency and targeting

57. Our current and intended arrangements will require all candidates to pass the BCAT before enrolling on the BPTC. Only by doing so can we ensure fairness and consistency.

58. The BCAT is a universal means of assessing aptitude for attaining several important standards in the Professional Statement. Other available measures of ability such as degree classification are more variable in their reliability. Having a universal test will become even more relevant as the BSB moves towards more flexible routes of qualification, in accordance with the LSB’s Statutory Guidance on education and training.

59. In addition, allowing anyone to take the Test opens up the opportunity for students to get a measure of their aptitude for the BPTC at any stage in their academic career and allows students the opportunity to make an informed decision as early as possible.

Desired outcomes

60. The primary objective of the introduction of the BCAT was improvement of standards on the BPTC, evidenced by a reduction in failure rates. We have set out the wider implications of addressing this outcome.

61. We have shown that this objective will be met by raising the cut score to 45. To measure success, we will continue to collect, analyse and publish data, with particular focus on the impact of the raised cut score on groups with protected characteristics.

62. We are considering several options for future paths to qualification and expect changes as a result. We think that the BCAT will prove to be of increasing importance for fair selection of candidates. Whichever training route is pursued, we expect that the BCAT will be a necessary tool to support recruitment.

⁶ For more information on the “four-fifths rule”, see: Equal Employment Opportunity Commission, Department of Labor, & Department of Justice. (1978) Uniform guidelines on employee selection procedures
63. Prior to 2016, a BCAT result was valid for five years. When the BCAT was re-opened in April 2016 we decided that it should only be valid for one year—ie for entry to the BPTC for the academic year 2016/17— in anticipation of the increase in the cut score, in view of the risk of a perverse incentive for candidates to take the test before the cut score is raised. Candidates (circa 1200) who passed the BCAT in 2013-15 and have not enrolled on the BPTC will retain their pass status should they apply to the BPTC within this five-year validity period. We plan for the revised BCAT to continue to be valid for five years.

Evaluation

64. We will continue to evaluate the effectiveness of the BCAT, as demonstrated in the Report, after the new cut score is implemented. Future analysis will be done in-house as we have designed approaches to data gathering and analysis which will allow us to do so as a matter of course. Data relating to the BCAT will be included in future BPTC Key Statistics publications.

65. Further to this, the opportunity is just now emerging to examine the relationship between BCAT score and later career development; until now this has not been possible due to the five-year window for BPTC graduates to obtain pupillage. We also plan to examine the impact of allowing candidates to know their exact BCAT scores alongside information about the BPTC performance of past candidates with a similar score. We commit to involving external independent input into the evaluation process alongside our own in-house analysis, including evaluation done by our supplier Pearson VUE’s Talent Lens team.

Other regulators

66. The proposed alterations to the BCAT are not expected to have an effect on other approved regulators. The BSB published and alerted other stakeholders to its intention to apply to the LSB to amend the cut score in March 2016 and no response has been received from any of the other regulators.

Implementation timetable and operational readiness

67. The proposed timetable for implementation of the changes is as follows:

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 August 2016</td>
<td>Submission of application for rule change to LSB</td>
</tr>
<tr>
<td>August - October 2016</td>
<td>LSB approval period</td>
</tr>
<tr>
<td>October - November 2016</td>
<td>Pearson VUE to make the changes to the BCAT (6 weeks)</td>
</tr>
<tr>
<td>October - December 2016</td>
<td>Publicising the new cut score</td>
</tr>
</tbody>
</table>
BCAT with new cut score available to applicants

Five-year review of BCAT

68. Pearson VUE has indicated that it will take around six weeks to amend the cut score to the BCAT. We expect that, subject to normal timescales for approval processes, the BCAT with the new cut score would be available from December 2016, when the BCAT normally re-opens for the next academic cycle. However, we foresee no disadvantage in a delay as late as April 2017. As the general format of the BCAT would remain the same, it would only require minor changes to literature associated with the test, such as the BSB’s website and the BCAT handbook. The change would also be codified in the BPTC Handbook which is currently being rewritten.

69. We will seek to adequately publicise the change to the cut score prior to releasing the test to candidates. This would involve issuing a press release and announcing the change on the BSB’s website as well as on the Pearson VUE website associated with the BCAT.

70. We will also notify all the BPTC providers of the change to the cut score. The BSB has already announced its intention to make these changes, subject to approval from the LSB, so key stakeholders are already aware of the potential change. Further to this, the BCAT has already excited interest in the legal press so though that medium we will be able to reach students and providers effectively.

71. It is assumed that at the time of the implementation of the new cut score the BSB will receive an increase in queries regarding the score and other new policies regarding the BCAT, but that this would reduce in time.

72. The BSB’s BCAT team currently receives around one query per month regarding failure of the BCAT, out of around 100 email or telephone queries about the BCAT generally (including requests for reasonable adjustments). Based on figures outlined in the Adverse Impact Analysis, it is estimated that the number of candidates failing the BCAT would increase sevenfold, resulting in a potential 7 or so related queries per month. It is difficult to estimate the impact on resources of opening up the BCAT more widely as the number of candidates remains an unknown quantity. However, we are confident that we would be able to continue to offer a high level of service in this regard by adjusting our resourcing arrangements accordingly.
Annexes

Annexe 1: BCAT Impact and Performance Evaluation April 2015 ('the Report')
Annexe 2: BCAT Cut Score Analysis
Annexe 3: Equality Impact Assessment
Annexe 4: Professional Statement (NB the BSB’s Threshold Standard and Competences which accompany the Professional Statement will be published in September 2016).
Annexe 5: Validation of the BCAT against the Professional Statement, Threshold Standard and Competences
Annexe 6: Degree Classification of BPTC Students
Annexe 7: Sample BCAT candidate score sheet
BCAT Impact and Performance Evaluation

April 2015

Prepared by the Research Department
Executive Summary

This report was commissioned by the Bar Standards Board (BSB) Education and Training Department in order to explore and assess the performance and impact of the Bar Course Aptitude Test (BCAT) introduced in March 2013.

The objective of the analysis conducted for the purpose of this report was to investigate what (if any) impact the BCAT has made on key stakeholders and whether it is serving its intended purpose by testing the validity and reliability of the test’s functionality.

Summary of results:

- Analysis of BPTC student data suggests the introduction of the BCAT has not had an impact on the profile of students on the course, with any changes in line with general trends across Higher Education.
- Analysis has shown that the five areas of the BCAT test are aligned with the skills required on the BPTC course specification requirements and the outcomes of the job analysis.
- Analysis of data on enrolments onto the BPTC in terms of the degree class and degree institution of students does not reveal any statistically significant change following the introduction of the BCAT.
- There has not been an increase in the pass rates on the BPTC since the introduction of the BCAT as an entry requirement – pass rates on BPTC have declined between both 2011/12 to 2012/13 and 2012/13 to 2013/14.
- There is little evidence from interviews with students who failed the BCAT first time that the introduction of the BCAT is influencing their career / routing decisions.
- BPTC provider staff interviewed felt that the introduction of the BCAT had not impacted their selection procedures, was too easy to have any impact on standards, and was not an effective tool to improve standards beyond existing admissions and/or selection procedures.
- Parent(s) having a degree, being from a White ethnic background, holding a GDL degree, holding a 1st/1.2 degree, attending a Russell Group University, and Nationality classed as ‘Home/EU’ are all associated with a higher BCAT score.
- Of the characteristics analysed, ethnicity was the strongest predictor of BCAT score, and the effect of Ethnicity on BCAT score still exists independently of the effects of the other predictive variables. The differences in average scores between White and BME candidates were identified during the 2011 piloting of the test, and similar differences were observed in the 2012/13 cohort.
- Being from a White ethnic background, holding a GDL degree, holding a 1st/1.2 degree, attending a Russell Group University, and Nationality classed as ‘Home/EU’ are all associated with a higher BPTC score, and also (with the exception of degree class) all associated with a higher BPTC overall grade.
- BCAT score and BPTC overall score are significantly positively correlated (0.546), with those who scored higher on the BCAT tending to have a higher BPTC overall score. A correlation of 0.3 or above is desirable in using a test for selection.
- Regression analysis indicates that BCAT score significantly predicts both BPTC final overall score and final overall grade.
- Regression analysis indicates that BCAT score increases predictive validity beyond that of educational variables such as Degree Institution and Degree Classification.
- The cut score (required pass mark) for the BCAT is currently at a level that means only 0.6% (13 students) of the 2012/13 cohort were unable to pass the BCAT after one or more attempts.
- The impact of potential cut scores in the range 38 to 46 were examined, with only a score of 46 providing a marked reduction in students who go on to fail the course without creating an enormous barrier for applicants or excluding many students who had good course outcomes.
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Introduction

1.1. Research Background

1.1.1. In response to the concerns surrounding the Bar Professional Training Course (BPTC) detailed in Appendix A, the BSB decided to introduce a further entry requirement to the BPTC in order to raise standards of entry to and exit from the course and improve the course experience for both BPTC students and BPTC providers.

1.1.2. The Bar Course Aptitude Course (BCAT) was introduced on the 3rd April 2013 and all BPTC students entering from autumn 2013 for the 2013/14 academic year onwards were required to pass the BCAT (with the exception of part time students who were doing the BPTC over two years and registered in the 2012/13 academic year).

1.1.3. The aim of the introduction of the BCAT was to:

- Improve standards on entry and exit of the BPTC;
- Increase student satisfaction on the BPTC;
- Increase tutor satisfaction delivering the BPTC;
- Have a positive impact on the first time failure rate of the BPTC; and
- Become an internationally recognised measure of critical thinking and evaluation required to perform to a high standard on the BPTC.

1.2. Evaluation – Impact and Performance

1.2.1. In order to measure and assess any impact of the BCAT since its introduction, the BSB commissioned IFF\(^1\) Research and Work Psychology Group to undertake an evaluation to explore whether the BCAT is meeting its objectives. There are two strands to this evaluation:

- The performance evaluation –testing the validity of the BCAT in terms of its reliability and consistency. This strand was conducted by WPG.

- The impact evaluation –evaluating extent to which the BCAT is impacting on standards of entry, learning experience and tutor satisfaction. This strand was conducted by IFF.

\(^1\) Based on performance a mutual termination of agreement was made between IFF and the BSB. The BSB’s research team subsequently took ownership of the impact evaluation report whilst retaining the services of Work Psychology Group.
Methodology

2.1. Objectives of the Research

2.1.1. The objectives of the impact and performance evaluations are to provide a strong evidence base with actionable recommendations that answer the following research questions:

- Has the introduction of the BCAT exam impacted on the student profile?
- Has the BCAT been effective in improving entry and exit standards for the BPTC?
- Is the BCAT seen as an effective tool for improving standards on the course?
- Is the BCAT a valid test to use as part of the BPTC selection method?

2.1.2. This report will focus on the preliminary findings analysing the first full cohort required to take the BCAT (2013-2014).

2.2. Research Design

2.2.1. A mixture of qualitative and quantitative research methods were selected to reflect the nature of data available and to allow for triangulation of results to be carried out.

2.2.2. The following datasets and research methods were used:

- BPTC enrolment, mark and grade data – sourced from BPTC Providers
- BCAT mark data – sourced from Pearson VUE
- Student characteristics – sourced from Pearson VUE and BPTC Providers
- Face-to-face interviews - BPTC providers
- Telephone interviews - BCAT candidates that failed first time
- Telephone interviews - QLD/GDL providers
- Online survey - Prospective (QDL/GDL) students
- Online survey - BPTC students
- Literature review – Higher education trends, use of selection tests

2.3. BPTC Providers

2.3.1. Two stages of qualitative interviews were conducted with BPTC providers to assess what impact the introduction of the BCAT has had on the quality of students, tutor experience and wider admissions processes.

2.3.2. The first stage of telephone interviews were carried out in November 2013 and consisted of 12 respondents from 9 providers. 30 minute semi structure interviews covered a range of questions covering respondent's perceptions of the BCAT, its impact to date, and its suitability as a selection test for the BPTC.

2.3.3. Sampling process: The original target was to interview Course Directors for all BPTC providers however due to availability and logistical considerations Admissions Tutors were further included in the sample.

2.3.4. The second stage consisted of 17 face-to-face interviews carried out between April and June 2014 with the aim of substantiating the findings from the first the first stage.

2.3.5. The role of respondents consulted varied across institutions and included Professors, Programme Leaders and Admissions Tutors. Staff were approached to participate based on the advice of the Course Director and were dependent on the availability, size and structure of the BPTC provider.
2.4. BCAT Students who Failed the First Time

2.4.1. Qualitative telephone with candidates who sat and failed the BCAT were carried out in order to explore what impact (if any) the test had on their decision to pursue a career at the Bar.

2.4.2. The topic guide covered a range of issues including whether student believed the BCAT was a suitable screening tool to gain entry on to the BPTC and to ascertain whether candidates felt they had a fair chance of passing. Each interview lasted approximately 30 minutes and included students from home and overseas.

2.4.3. For the 2013/2014 cohort a total of 48 failed the BCAT. It was decided to use a sample size of 44 and 20 respondents was set as an appropriate quota. A total of 35 students were approached to participate in order to account for refusals and those unavailable during the fieldwork period. Respondents were selected randomly to ensure representativeness of the population.

2.5. QLD/GDL Providers

2.5.1. Providers of Qualifying Law Degrees and Graduate Diplomas in Law were included in the evaluation because of their direct contact with prospective BPTC students. Representatives were asked a series of questions discussing their perceptions of the BCAT and whether they felt its implementation would improve entry and exit standards of the BPTC.

2.5.2. From February to March 2014, 20 semi-structured interviews were conducted with respondents from 14 different institutions. During the recruitment stage, the sampling technique employed had to be adapted due to many senior staff members being unavailable or unwilling to participate.

2.6. Prospective Students

2.6.1. A quantitative online survey with students who were in the final year of their Qualifying Law Degree (QDL) or studying for a Graduate Diploma in Law (GDL) was conducted in February and March 2014. Respondents were asked a series of questions exploring their perceptions of the BCAT, whether they felt it was a suitable tool of measurement and if its introduction had any impact decisions about a career at the Bar.

2.6.2. Individual survey links were generated and disseminated to contacts within law department and schools across England and Wales in order to abide by data protection regulations. In order to encourage people to respond, students were given the opportunity to enter into a prize draw for completing the survey.

2.6.3. In total, links with distributed to 39 colleges and universities throughout February and March 2014. The survey was closed on 28th March 2014 with a total response rate of 353, which was much lower than anticipated.

2.6.4. Steps were taken to boost the response rate throughout the fieldwork period, which included sending three email reminders, placing the survey link on the BSB’s website and twitter account and changing the communications strategy. Furthermore, YouthSight were contracted as specialists in youth and student research and in total secured an additional 105 responses.

2.7. BPTC Students
2.7.1. The original scope for the BPTC perceptions online survey was to capture perceptions relating specifically to course content and administration as well as vital profile information, such as equality and diversity information. It was felt that data captured on the BCAT and perceptions of the BPTC would contribute to the other research strands for the impact evaluation.

2.7.2. The survey was administered using Survey Monkey. A link to the survey was sent to the Course Directors for the BPTC at each BPTC Provider site with a request that they circulate the survey to their BPTC students. Participation was voluntary and paper copies were made available where requested. The survey was open for a six week period between May and June 2014 and received a total of 503 responses.

2.8. BCAT and BPTC Performance

2.8.1. As a first step the BCAT data (n=2038) was reviewed; those with multiple sittings had only their final sit score retained (n=2003). As the primary purpose of this analysis was to evaluate the BCAT in relation to how well it predicts BPTC outcomes,2 candidates who did not have both BCAT and BPTC outcome data were removed, as well as part-time students. In addition, Kaplan Law School was removed from the dataset, as Kaplan no longer offers the BPTC Course, and the intention was to have an analysis which could be repeated across years to monitor the continuing performance of the BCAT. This provided a sample of n=1109.

2.8.2. The data was reviewed, and 36 candidates were removed due to unreliability of the data. This provided a final full sample of n=1073 (Sample A). This sample is used for analysis independent of BPTC outcomes. For BPTC final overall grade analysis, 6 further candidates were removed due to anomalies over missing BPTC grade data. BPTC final overall grade analysis was conducted on a sample of n=1067 (Sample B). For the BPTC overall score analysis, candidates were removed if they had any modular data missing as missing data would skew the overall BPTC score, resulting in a total dataset of n=998 (Sample C).3

2.8.3. Anything stated as statistically significant has been statistically tested and has a p-value of less than 0.05, which is a standard significance level for social research.4

2.9. Data analysis and Quality Assurance

2.9.1. Quantitative data captured was analysed using SPSS statistical analysis software. Descriptive and bivariate analysis was carried out for the impact evaluation and bivariate and multivariate analysis for the performance strand. All datasets were quality assured and triangulated. All qualitative data was systemically cleaned and coded.

2.10. Limitations

2.10.1. When drawing inferences from the various data streams it is important to bear the following considerations in mind:

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3 Full details of the quality assurance and data cleaning undertaken is detailed in Appendix B.
4 A summary of the statistical analysis undertaken as part of the Performance Evaluation is included in this report. Full details of the analysis undertaken is detailed in ‘BCAT Performance Evaluation 2013/2014’ by Work Psychology Group.
The online survey with QDL/GDL students received a low response rate. This could be partially explained by the inconsistent roll out of the survey and lack of a communications strategy. It can also be argued that despite the rationale provided, targeting students who had no intention of pursuing a career at the Bar resulted in disengagement.

In addition to various internal evaluations, the survey was being undertaken at the same time as the National Student Survey (NSS).

The results of the survey are not generalisable and were not expected to provide a representative sample but can be triangulated by other data streams.

The BPTC Perceptions Survey was a research tool used to capture the opinions of BPTC students and their experiences on the course and not specifically on the impact of the BCAT. Although a response rate of 32% (2014) and 29% (2013) of BPTC students was achieved, responses may not be generalisable to the whole student cohort.

Recruitment of BCAT candidates who failed first time proved problematic which could be explained by the sensitive situation and subject issue.

Only a small number of tutors were willing to be interviewed and their views do not represent all BPTC providers. The time and interval between interviews could explain the lack engagement from providers.

Although the views of the most senior staff within BPTC providers have been sought, it is possible their views are not representative of all staff within BPTC providers.

With the exception of the BPTC perceptions survey, no feasibility study or formal piloting was carried out for any of the impact evaluation data collection strands. Issues surrounding data collection methods, sampling techniques and recruitment processes were only registered during and after fieldwork had been conducted. The suitability and representativeness of each data stream is therefore attached with its own caveat.

Due to coding methodology and transcript handling issues the second phase of GDL interviews could not be used.

Three interviews were omitted from the first phase of GDL interviews due to quality and validity concerns.

For the majority of the characteristics (protected and non-protected) related to group differences there was missing data for a proportion of the candidates. This should be therefore taken into consideration when interpreting group difference results as by not including these individuals, findings may be either over or under estimated.
Impact Evaluation – Student Profile

3.1. Impact on student profile

3.1.1. In order to determine any impact of the introduction of the BCAT on the profile of the student cohort (i.e. the makeup of the population in terms of gender, ethnicity, and other protected characteristics) statistical analysis was carried out on data from BPTC providers on student enrolments.

3.1.2. Data on student domicile is shown in figure 1. The differences between years are statistically significant. However, the trends shown are matched by overall trends in postgraduate recruitment across higher education, where numbers of overseas students on postgraduate courses have been rising over the past few years, while the numbers of home students have been falling.

Figure 1 – BPTC Enrolment by Domicile

3.1.3. Data on student ethnicity is shown in figure 2. The ethnicity categories analysed combine the subcategories set out by the Legal Services Board. The differences between years are statistically significant. One noteworthy observation is the 10% increase in Asian students enrolling on the BPTC over the past three years. This could be explained by the rising number of overseas students over the same period, as the majority of students of Asian ethnicity on the BPTC are overseas students. Data on ethnicity cannot be accurately compared with overall higher education ethnicity trends, as the Higher Education Statistics Agency do not publicly publish data on the ethnicity of non-UK domiciled students.

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5 HE student enrolments by mode of study, sex, level of study and domicile 2009/10 to 2013/14 (HESA)
3.1.4. Data on the age of BPTC students is shown in Figure 3. Analysis of the data indicates statistically significant differences across years. However, changes in the age profile of students need to be viewed in context of general trends in Higher Education, where numbers and proportions of students from higher age bands (over 25 and over 30) have shown marked decline in recent years\textsuperscript{6}.

3.1.5. No statistically significant changes across years were observed for enrolments by Gender or Disability.

\textsuperscript{6} Analysis of trends in higher education applications, admissions, and enrolments (Independent Commission on Fees, August 2014)
3.1.6. Review of failure rates on the BCAT (see Table 1) indicates that BME candidates have higher first time failure rates than White candidates, and Overseas students have a higher failure rate than Home and EU students.

Table 1 – First Time BCAT Failure Rates by Ethnicity and Domicile

<table>
<thead>
<tr>
<th>Ethnicity / Domicile</th>
<th>Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>0.4%</td>
</tr>
<tr>
<td>Asian</td>
<td>2.8%</td>
</tr>
<tr>
<td>Black</td>
<td>3.8%</td>
</tr>
<tr>
<td>Mixed</td>
<td>1.4%</td>
</tr>
<tr>
<td>Other</td>
<td>2.4%</td>
</tr>
<tr>
<td>Prefer not to say/Missing</td>
<td>3.2%</td>
</tr>
<tr>
<td>UK</td>
<td>1.2%</td>
</tr>
<tr>
<td>EU</td>
<td>1.4%</td>
</tr>
<tr>
<td>Overseas</td>
<td>3.0%</td>
</tr>
</tbody>
</table>

3.1.7. Evaluation of the qualitative interviews was also undertaken to examine the extent to which BPTC providers and BCAT students felt the test would have an impact on the accessibility of the BPTC course.

3.1.8. The majority of BPTC providers (eight out of 10 interviews) interviewed felt that the introduction of the BCAT could have an impact on the accessibility of the course. The most common issue cited was the cost of the test, mentioned in four of the interviews. Other potentially discriminatory effects of the test mentioned were a potential gender bias of the test (two interviews) and the comparative scarcity of test centres overseas impacting on overseas students (two interviews).

3.1.9. While none of the BCAT students interviewed specifically indicated that they felt the BCAT would have a discriminatory effect, over half (9 out of 17) highlighted the cost of the test as an issue, and two highlighted issues with the limited availability of test centres, mirroring similar concerns raised among some of the BPTC providers.

Key Findings

- Over the past three years there have been some noteworthy changes to the profile of the BPTC student cohort. This could be explained by larger market trends and it is too early to tell whether the introduction of the BCAT has had any impact on the profile of students so far.

- Early indications suggest a disproportionate number of Overseas and BME students failing the BCAT first time. This will need to be monitored as it could have an impact on future diversity trends.
4.1. Alignment of the BCAT and BPTC

4.1.1. In 2009, a job analysis was conducted on behalf of the BSB to identify the core cognitive requirements for BPTC. In 2013 the outputs from this work were independently evaluated by Work Psychology Group. After completing the independent evaluation of the initial job analysis, WPG went on to conduct a content review to map the content of the BCAT against the cognitive requirements of the BPTC (i.e. the outcomes of the initial job analysis) and against the skills outlined in the BPTC handbook by identifying links between the sets of data.

4.1.2. As the figure 4 illustrates, the findings from this review indicated that the BCAT demonstrates good alignment and is a suitable test to be used in this context. The boxes on the left of the figure 4 represent the outcomes of the job analysis, the boxes in the centre represent the BCAT test specification, and the boxes on the right represent the BPTC Course Specification Requirements. All five segments of the test specification map onto the outcomes of both the BPTC Job Analysis and BPTC Course Specification.

Figure 4 – Alignment of BCAT Test & BPTC
4.2. Entry Standards

4.2.1. In order to evaluate the impact the impact of the BCAT test on the standard of students on the course, quantitative analysis of the profile of BPTC students before and after the introduction of the BCAT has been carried out. There are two available indicators relating to the previous educational achievement of students enrolling on the BPTC course – the previous degree class and the previous degree institution of students are collected by BPTC providers, enabling the use of these two indicators to evaluate any changes in the educational achievement of the BPTC student profile.

4.2.2. For the purposes of this analysis, university attended has been coded into three groups that are standard measures of the quality of the degree institution – Oxbridge, other Russell Group, and other. However, as the Russell Group expanded in 2013, other Russell Group is coded by whether the University is currently a member of the Russell Group for all the years of data analysed in order to ensure consistency. For degree class, the classifications of 1st, 2:1, 2:2, and Other (covering all other degree classifications) are used.

4.2.3. Data from 2011, 2012, and 2013 are included for this analysis in order to provide an indication of the extent to which changes in educational attainment are likely to be as a result of the BCAT or normal annual variations in the student profile that are unrelated to the introduction of the BCAT as an additional entry requirement for the BPTC.

Figure 5 – BPTC Enrolments by Previous Degree Classification

4.2.4. Figure 5 shows the proportions of enrolments by previous degree classification for 2011, 2012 and 2013. There are variations year on year in terms of the proportions of students with 1st, 2:1 and 2:2 degrees, but any increases need to be viewed in relation to the increased levels of reporting by BPTC providers, and the resulting reduction in missing data. As a result, the changes across years in the dataset are not statistically significant.
4.2.5. Figure 6 shows the proportions of enrolments by previous degree institution for 2011, 2012 and 2013. Worth noting is the high proportion of missing data, due to individual cases alongside the fact that several BPTC providers do not currently retain records of student’s previous degree institution following admission. As a result caution should be exercised before drawing and definitive conclusions from this dataset. However, analysis indicates that the differences by degree institution between years are not statistically significant.

4.3. Exit Standards

4.3.1. In order to analyse any changes in final grades received by BPTC students that could be attributable to the introduction of the BCAT, a restricted sample was used. Only full time students were included in the analysis and returning students – i.e. students who did not pass the BPTC in previous years but were retaking – were also excluded from the analysis (not excluding these students would have meant including students who had not been required to take the BCAT in the 2013/14 cohort). Finally, for the 2013/14 cohort, any students who could not be confirmed to have sat the BCAT (either due to missing data or students who had deferred their place from a previous year) were excluded. This ensures that the comparison is between samples that are matched across years, and that all the students in the 2013/14 sample analysed sat the BCAT7.

4.3.2. Figure 7 shows the proportion of students receiving each grade across years. Analysis reveals statistically significant differences in the proportions receiving each grade across each cohort. The overall trend reveals falling proportions of students receiving ‘Very Competent’ and ‘Outstanding’ grades, and increasing proportions of students failing the course. Although current trends indicating falling pass rates could

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7 For the purposes of this analysis, ‘Not Yet Competent’ also includes students who have failed, and students who have withdrawn from the course
be attributable to a number of factors unrelated to the introduction of the BCAT, the evidence does not provide any indication that the introduction of the BCAT has improved exit standards for the BPTC.

Figure 7 – BPTC Grade Proportions – Full Time Students

4.4. Routing Decisions

4.4.1. It was also valuable to explore the impact (if any) the BCAT has had on students who sat the BCAT first time and failed. In light of this, telephone interviews were carried out with students that had failed the BCAT on first sitting to understand the impact the test had on their chosen career path.

4.4.2. In total, 17 students who failed the BCAT first time were interviewed. Only three of these students had not re-sat and passed the BCAT at the time of interview, and of those three students two had not changed their plans to obtain a place on the course, or their aspiration to become a barrister. Nine of the students interviewed were already on the BPTC course, and a further seven were in the process of reapplying at the time of interview.

4.4.3. However, while only one of the students interviewed was not either on or applying to the BPTC, five interviewees felt that taking the BCAT helped to highlight areas for development and thus helped in preparation for the course.

4.4.4. A majority of the students interviewed (10 out of 17) felt the BCAT was a useful indicator of the skills required on the BPTC course.

*It is quite expensive to go on to the course. The BCAT will enable you to think whether your skills are sufficient enough.*

BCAT Applicant 7 – Currently on BPTC Course

<table>
<thead>
<tr>
<th>Year</th>
<th>Outstanding</th>
<th>Very Competent</th>
<th>Competent</th>
<th>Not Yet Competent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/12</td>
<td>8.90%</td>
<td>51.79%</td>
<td>12.69%</td>
<td>26.62%</td>
</tr>
<tr>
<td>2012/13</td>
<td>7.96%</td>
<td>46.60%</td>
<td>14.97%</td>
<td>30.48%</td>
</tr>
<tr>
<td>2013/14</td>
<td>7.24%</td>
<td>44.53%</td>
<td>11.28%</td>
<td>36.95%</td>
</tr>
</tbody>
</table>
4.4.5. In contrast, six interviewees felt that the BCAT had little relation to the law and thus was not a suitable test to filter potential BPTC students, and six students felt that the BCAT added nothing to existing qualification requirements.

They [the BSB] can introduce an exam which is related to advocacy or which is particularly related to law, rather than assessing their critical thinking through the BCAT exam. When you see the content of the BPTC, then you see that the BCAT was a waste of your money and of your time.

BCAT Applicant 3, Currently on BPTC Course

4.4.6. Mirroring comments by some BPTC Providers (see paragraph 5.3.6), five students stated that the BCAT ensured students would gain confidence that they had the required skills for the BPTC course as a result of passing the test.

If one can go through this test successfully, it’s highly likely they will be able to cope with the study materials for the BPTC course.

BCAT Applicant 2, has not retaken BCAT

4.4.7. Evidence from the interviews with candidates who had failed the BCAT suggests that failing the test has little influence on student’s intentions to obtain a BPTC place. While the majority of students interviewed felt the BCAT was a useful indicator of the skills required, a substantial minority felt that the test was inappropriate as an entry requirement, either viewing it as being superfluous once existing entry requirements were considered or due to its lack of alignment with the requirements of the course or the profession.

Key Findings

- Independent analysis had shown that the five areas of the BCAT test are aligned with the skills required on the BPTC course specification requirements and the outcomes of the job analysis, and thus that the BCAT test demonstrates good alignment and is a suitable test to be used in this context.

- Analysis of data on enrolments onto the BPTC in terms of the degree class held and previous degree institution (grouped as Oxbridge, Other Russell Group and other) of students do not reveal any statistically significant change across years. As a result, the available quantitative data does not provide any indication that the introduction of the BCAT has had a measurable impact on the entry quality of BPTC students.

- There has not been an increase in the pass rates on the BPTC since the introduction of the BCAT as an entry requirement. In contrast, when comparable samples are analysed, pass rates on the BPTC declined between 2012/13 and 2013/14, as did the proportion of students receiving the higher grades (Outstanding and Very Competent), and the differences between years are statistically significant. As a result, the available data does not provide any indication that the introduction of the BCAT has had a positive impact on the exit quality of BPTC students.

- There is little evidence from interviews with students who failed the BCAT first time that the introduction of the BCAT is influencing their career / routing decisions, with the vast majority of students interviewed (16 out of 17) having re-sat (and passed) the BCAT or planning to do so, and only one student interviewed reconsidering their intention to enrol on the BPTC.
Perceptions - Effective Tool for Selection

5.1. Prospective BPTC Students

5.1.1. The survey of QLD/GDL students asked students their level of agreement with five statements covering the value of the BCAT (Figure 8). Their responses indicate a fairly even split between students who agree with the statements and those who disagree for the first three statements. In contrast, a majority of respondents (56.91%) agree or strongly agree with the statement that the BCAT will 'raise standards of entry to the BPTC', and a plurality of respondents (49.68%) agree that the BCAT 'is an appropriate way of helping potential candidates understand the demands of the BPTC'.

Figure 8 – QLD/GDL Student’s Perceptions of the BCAT

5.1.2. Survey respondents who were aware of the BCAT were asked to state whether its introduction has had any influence over their decision to apply to the BPTC. Of those currently considering a career at the Bar, the majority (63.3%) stated that it had no influence over their decision to apply or not and 31.6% that it made them more wary about applying to the BPTC than they would have been if it had not been an entry requirement.

5.1.3. Of respondents both currently considering a career at the Bar and responding that they were more wary about applying for the course as a result of the introduction of the BCAT, the most common reasons given were the cost of the BCAT (32.3%) and the fact that it was an additional hurdle in an already complicated process (32.3%). Only 16.1% indicated that they were concerned over their ability to pass the BCAT.

5.1.4. This evidence suggests the BCAT may be having a limited influence on prospective students’ initial decisions over whether to apply to the BPTC or not, although this is more likely to be as a result of the cost of the test or the fact it is an additional hurdle rather than concern over their ability to pass the test.

5.2. BPTC Students

5.2.1. The BSB uses a range of research tools to capture data on an ongoing basis to support its monitoring and regulatory objectives. The original scope for the BPTC perceptions survey was to capture perceptions relating specifically to course content
and administration as well as vital profile information, such as equality and diversity data. The BPTC Perceptions Survey was run in 2013 and 2014, thus capturing data from both the 2012-13 and 2013-14 cohort of students on the BPTC course. This enables both the results from the 2013/2014 BPTC perceptions survey to be analysed in order to investigate the BPTC’s perceived fitness for purpose, as well as the comparison of survey results across the 2012-13 and 2013-14 cohorts to investigate any impact of the BCAT on student’s perceptions of their experience and learning environment on the course.

5.2.2. When asked whether there was a need to raise standards of entry to the BPTC, the majority of responders in both the 2013 and 2014 survey agreed, at 63.5% and 57.7% respectively (Figure 9). Any change in satisfaction with the entry standards for the course needs to be viewed in the context of other changes to admissions procedures. Some providers indicated in the BPTC interviews that they had changed their own admissions procedures over recent years, either accepting less students or introducing other filters to ensure higher quality students (paragraph 5.3.5).

5.2.3. It is important to highlight the disparity in responses between specific groups within the total population. While 73.8% of UK students and 73.7% of EU students answered that there was a need to raise the standard of entry requirements, only 39% of international students answered the same.

Figure 9 – Need to raise entry standards to the BPTC?

![Chart showing percentage of respondents in 2013 and 2014 who answered 'yes' and 'no' to the question of whether there was a need to raise entry standards to the BPTC.]

5.2.4. Through the 2014 BPTC Perceptions Survey students currently on the course were asked about their perceptions of the BCAT test in more detail. Figure 10 illustrates the responses to five statements regarding the value of the BCAT.

5.2.5. Among survey respondents, the majority disagreed with all five statements. Less than a fifth of current BPTC students responding to the survey felt the test has the potential to meet its main objective ‘to raise standards of entry to the BPTC’ while close to two thirds (66.4%) disagreed. An even larger majority of respondents disagreed with the statement that the BCAT could identify those who were likely to pass the course – less
than one in twelve (8.4%) of students agreed with this statement, and nearly four fifths disagreed (79.3%).

**Figure 10** – Student perceptions of the BCAT

5.2.6. Respondent’s views on whether the BCAT was ‘a fair and objective way to test the aptitude of an individual studying for the BPTC’ also revealed high levels of disagreement, with 19.6% agreeing or strongly agreeing and 63.9% disagreeing or strongly disagreeing.

5.2.7. The evidence from the survey indicates that large majorities of respondents do not perceive the BCAT as an appropriate tool to achieve its objectives - that it will not identify those who are able to pass the BPTC course, and that it will not raise standards of entry – after having sat the test and started the course as part of a cohort where the BCAT is a mandatory entry requirement. This suggests that as it stands the test is not seen by students as being well suited to achieve its objectives, particularly when viewed in the context of the majority of survey respondents supporting the need to raise standards on the course (see paragraph 5.2.2).

5.2.8. In particular, the fact that the majority of BPTC students disagree with the statement that the BCAT is a fair and objective way to test aptitude for the course is a source of concern, given that changes to the required pass mark may help ensure the BCAT is better able to filter students but will not address the focus and structure of the test itself.

5.2.9. The perceptions of BPTC students who have actually sat the BCAT are in marked contrast to prospective BPTC students (see paragraph 5.1.1) as large majorities disagree with each of the five statements. This evidence suggests that students that have sat the BCAT are much less likely to be positive about its ability to achieve its objectives than those who have not (and thus are less aware of what the test or the BPTC course involves).

5.3. BPTC Providers

5.3.1. The key findings from the analysis of the provider interviews were their belief that the introduction of the BCAT had – as yet - had no impact. All providers interviewed stressed that the BCAT had had no impact on either the numbers applying for the course or the quality of the 2013/14 student cohort.
5.3.2. Nine of the ten providers stated that the introduction of the BCAT had had no substantive impact on their own procedures, other than being an additional administrative burden (raised by 2 providers). However, one exception to this was raised across all providers – that there had been an additional burden to themselves due to issues with the BSB’s email notification system, which had sent emails to providers for all students that had passed the BCAT regardless of whether the student had applied to their institution or not.

5.3.3. The vast majority of providers interviewed stressed that the ease of the test was an issue. Comments included that the test was too easy to filter out poor students (9 out of 10 providers); that as far as they were aware everyone had passed the BCAT (eight out of ten providers); and that the test was too easy to achieve the stated objectives of the BCAT (6 out of ten providers).

*I don’t think I know anyone that failed that test, even though we were rejecting people because they were far too weak academically to ever pass the BPTC, they were still passing that test and I think it was pointless*

BPTC Provider 5, Course Director

5.3.4. An issue raised in the majority of interviews was that the BCAT had no value over and above provider’s own admission procedures, raised in seven out of the ten interviews. These interviewees felt that their own admissions processes already filtered out the weakest students, and that as they felt the BCAT was easier to pass that their own applications process, it had little added value.

*Given as I say that the bar is set so very low and people like me, already on the ground were weeding out what I think [are] the very weak candidates. I don’t think that it is going to have a massive impact on providers*

BPTC Provider 10, Course Director

5.3.5. Two providers mentioned that they had recently introduced more stringent entry requirement requirements on their own initiative in order to ensure higher quality students.

*We’ve got better quality students because we’ve chopped our numbers down by choice. We usually go for 120, we’ve decided to go for 75, so we’ve been able to take the better students anyway*

BPTC Provider 3, Course Manager

5.3.6. Four of the providers felt that the test could give candidates a misleading view of their own ability, in that passing the BCAT implied the candidate had the ability to pass the BPTC course. In two interviews respondents stated that applicants who they had not offered places to had questioned the decision based on their passing the BCAT.

*We had students who we had rejected because we didn’t think they were good enough coming back to us saying, ‘I’ve passed the BCAT now, would you reconsider?’*

BPTC Provider 7, Course Director

5.3.7. However, despite the limited impact of the BCAT to date, all the providers interviewed were supportive of the need to raise standards on the BPTC course. Providers highlighted a range of reasons to ensure higher quality students on the course, such as the overall difficulty of the course (4 interviews) the competitiveness of the profession (3 interviews), the cost of the course (3 interviews) and the impact on the overall course
experience as a result of students with low ability (3 interviews) or poor language skills (3 interviews).

5.3.8. Seven interviewees explicitly stated their support for the introduction of the BCAT as a screening tool for poor quality students who could otherwise gain a place on the course.

As with a number of these things the theory is good. If you can give somebody a piece of information that enables them to make a more informed choice before they spend £12K, 13K, 14K on a course, then I think the theory is good

BPTC Provider 1, Course Director

5.3.9. The evidence from the BPTC provider interviews suggests that while there is considerable support among providers for raising standards on the BPTC course, the majority of providers interviewed feel that the BPTC is not currently having this effect, with no impact on their own admissions procedures, no perceived improvement in the quality of students on the course, and a widespread perception that the test is far too easy to filter course applicants as it currently stands.

Key Findings

- A majority of prospective BPTC students (students on QLD or GDL courses) surveyed agreed that the BCAT test has the potential to raise standards of entry to the BPTC, and just under half (49.68%) agreed that ‘the BCAT is an appropriate way of helping potential candidates understand the demands of the BPTC’. Prospective student’s survey responses also suggested the BCAT may be having a limited influence on prospective students’ initial decisions over whether to apply to the BPTC due to the cost of the test and the fact it is an additional hurdle in a complex process.

- In both 2013 and 2014, the majority of students on the BPTC who responded to the Perceptions Survey felt that there is a need to raise the standards of entry to the BPTC. However, large majorities of survey respondents felt that the BCAT did not have the potential ‘to raise standards of entry to the BPTC’, and less than one in 12 agreed that the BCAT ‘would identify those likely to pass the BPTC’.

- BPTC provider staff interviewed indicated that their entry criteria had not altered specifically because of the introduction of the BCAT and that the introduction of the BCAT has not had any noticeable impact on the standard of students on the course.

- The majority of BPTC providers interviewed felt the BCAT was too easy to have any impact on standards, and felt that the BCAT was not an effective tool to improve standards beyond existing admissions and/or selection procedures. However, all interviewees were supportive of the raising of the standards of students on the BPTC.
Performance Evaluation

6.1. Validity of Test

6.1.1. The performance evaluation provides an assessment of the validity of the BCAT as a selection test, and in particular explores the relationship between BCAT and BPTC outcomes.

6.1.2. The original sample consisted of all 2013/14 BPTC students for whom there was matched BCAT data (n=1188). Summary statistics covering the makeup of the sample and BCAT scores by provider are included in Tables 2 and 3, for comparison with the restricted sample used for the analysis. For reasons detailed in section 2.8, Kaplan Law School was excluded from the sample. A full process of data cleaning and quality assurance was then undertaken, which is fully detailed in Appendix B. This resulted in a final full sample of n=1073.

Table 2 – Number of Candidates by Provider (Unrestricted Sample)

<table>
<thead>
<tr>
<th>BPTC Provider</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>BPP-Leeds</td>
<td>38</td>
<td>3.2</td>
</tr>
<tr>
<td>BPP-London</td>
<td>232</td>
<td>19.5</td>
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<td>BPP-Manchester</td>
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<td>Cardiff</td>
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<td>5.6</td>
</tr>
<tr>
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<tr>
<td>Kaplan</td>
<td>71</td>
<td>6.0</td>
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<tr>
<td>MMU</td>
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</tr>
<tr>
<td>Newcastle</td>
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<td>5.2</td>
</tr>
<tr>
<td>Nottingham</td>
<td>59</td>
<td>5.0</td>
</tr>
<tr>
<td>UoL-Birmingham</td>
<td>82</td>
<td>6.9</td>
</tr>
<tr>
<td>UoL-London</td>
<td>118</td>
<td>9.9</td>
</tr>
<tr>
<td>UWE</td>
<td>59</td>
<td>5.0</td>
</tr>
</tbody>
</table>

Table 3 - BCAT Score by Provider (Unrestricted Sample)

<table>
<thead>
<tr>
<th>BPTC Provider</th>
<th>N</th>
<th>Range</th>
<th>Min</th>
<th>Max</th>
<th>Mean</th>
</tr>
</thead>
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<td>Newcastle</td>
<td>62</td>
<td>22</td>
<td>42</td>
<td>64</td>
<td>49.68</td>
</tr>
</tbody>
</table>

9 Prior to analysis, a process of data cleaning and removal of outliers was conducted. Full details of this process can be found in Appendix B. In particular it is important to note the samples used in the different stages of the analyses.
6.1.3. Table 4 outlines the number and frequency of candidates by Provider in the final sample used for the Performance Evaluation. The majority of candidates (273, 25.4%) came from City and the lowest number of candidates (37, 3.4%) came from BPP Leeds.

Table 4 – Number of Candidates by Provider

<table>
<thead>
<tr>
<th>Provider</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
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</tr>
<tr>
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<td>10.6</td>
</tr>
<tr>
<td>UWE</td>
<td>59</td>
<td>5.5</td>
</tr>
</tbody>
</table>

6.1.4. Analysis by whether a candidate sat the BPTC once or whether they had to re-sit one or more modules ('Attempt') was undertaken. 546 (50.9%) candidates were classified as ‘first attempt’ and 527 (49.1%) candidates were classified as ‘second attempt’.

6.1.5. Analysis of BCAT descriptive statistics was carried out on Sample A (n=1073). Table 5 provides the descriptive statistics for the BCAT. The mean score for the BCAT is 52.26. Figure 11 provides a histogram of the data; this shows that the data broadly follows a normal distribution and appears to be differentiating between candidates.

Table 5 – BCAT Descriptive Statistics

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>Range</th>
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<td>34</td>
<td>37</td>
<td>71</td>
<td>52.26</td>
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</table>

Figure 11 – BCAT Score distribution

![Histogram of BCAT Score distribution]
6.1.6. BCAT score was analysed by BPTC attempt (first/second). Those who only sat the BPTC once \((n=546)\), had a higher mean BCAT score \((54.20)\) than those who has a second attempt at the BPTC \((50.26, n=527)\). Statistical testing showed this difference to be significant.

6.1.7. BCAT score was also analysed by Provider and Table 6 provides a summary of the statistics. City had the highest mean BCAT score \((53.34)\) closely followed by BPP London \((53.33)\). Newcastle had the lowest BCAT score \((49.64)\), closely followed by Cardiff \((50.26)\). Statistical tests revealed significant differences between providers, with BPP London and City scoring significantly higher than Cardiff, Newcastle and UoL Birmingham.

**Table 6 – BCAT Score by Provider**

<table>
<thead>
<tr>
<th>BPTC Provider</th>
<th>N</th>
<th>Range</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Mean</th>
</tr>
</thead>
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<td>37</td>
<td>70</td>
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<td>61</td>
<td>22</td>
<td>42</td>
<td>64</td>
<td>49.64</td>
</tr>
</tbody>
</table>

6.1.8. Reliability and item level scoring and analysis of the BCAT is undertaken by the supplier (Pearson Talent Lens) and is scored using Item Response Theory (IRT). The overall test reliability is good and in line with expectations for a selection test of this nature. The mean score increased slightly in 2014 from 39.3 to 39.9, but this increase is negligible. Item level analysis indicates a good fit with the measurement model employed (IRT) and the individual items are generally of good quality and are able to differentiate between candidates. The mean difficulty of the test has remained consistent. Overall, there is nothing of concern in relation to the internal psychometric properties of the test itself.

6.1.9. Analysis of BPTC overall score was carried out on Sample C \((n=998)\). Table 7 provides the descriptive statistics for the BPTC overall score. The mean BPTC overall score is 72.35. Figure 12 provides a histogram of the data; this shows that the data broadly follows a normal distribution and appears to be differentiating between candidates.

**Table 7: BPTC Overall Score Descriptive Statistics**

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>Range</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>BPTC Overall Score</td>
<td>998</td>
<td>42.5</td>
<td>48.7</td>
<td>91.2</td>
<td>72.35</td>
</tr>
</tbody>
</table>
6.1.10. BPTC overall score was analysed by BPTC attempt (first/second). Those who only sat the BPTC once (n=505), had a higher mean BPTC overall score (76.22) than those who have a second attempt at the BPTC (68.39, n=493). Statistical testing showed this difference to be significant.

6.1.11. Analysis of BPTC final overall grade descriptive statistics was carried out on Sample B (n=1067); see Appendix B for further details.

6.1.12. The highest proportion of BPTC final overall grade was Very Competent (468, 43.9%) and the lowest proportion of BPTC final overall grade was Outstanding (79, 7.4%), see Table 8.

Table 8 – BPTC Final Overall Grade

<table>
<thead>
<tr>
<th>Grade</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>79</td>
<td>7.4</td>
</tr>
<tr>
<td>Very Competent</td>
<td>468</td>
<td>43.9</td>
</tr>
<tr>
<td>Competent</td>
<td>128</td>
<td>12.0</td>
</tr>
<tr>
<td>Not Yet Competent</td>
<td>392</td>
<td>36.7</td>
</tr>
</tbody>
</table>

6.1.13. When the data was split by BPTC attempt, for first attempt candidates, only 81 candidates (15.0%) received Not Yet Competent and did not attempt any re-sits (Table 9). The majority received a Very Competent (357, 66.1%). For second attempt candidates, 311 (59.0%) candidates still received a Not Yet Competent, and only 1 (0.2%) received an Outstanding on their second attempt.

Table 9: BPTC Final Overall Grade by Attempt

<table>
<thead>
<tr>
<th>Attempt</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>First attempt</td>
<td>Outstanding</td>
<td>78</td>
</tr>
</tbody>
</table>
### Key Findings

- The psychometric properties of the BCAT reveal it to be a reliable test that is able to differentiate between candidates.
- Candidate who only sat the BPTC once, had higher BCAT scores and BPTC overall scores than those who had to re-sit one or more modules on the BPTC.
- There were differences in BCAT scores between the Providers, with City having the highest mean BCAT score and Newcastle having the lowest mean BCAT score.
- The highest proportion of BPTC final overall grade was Not Yet Competent (392, 36.7%) and the lowest proportion of BPTC final overall grade was Outstanding (79, 7.4%). There were differences in the BPTC final overall grade obtained by individuals from different Providers.

### 6.2. BCAT Group Differences

6.2.1. Selection tests aim to not unfairly discriminate or show adverse impact against any particular group and it is important that this is monitored as part of the evaluation. All protected and non-protected characteristics are analysed here to identify if there are any significant differences in BCAT scores for the identified groups. This analysis was conducted on Sample A (n=1073).

6.2.2. For the majority of the characteristics (protected and non-protected) related to group differences there was missing data for a proportion of the candidates. Prior to any group difference analysis, analysis was conducted to see if there was bias in the missing results for the protected characteristics that had high number of missing responses. The analysis indicated that there was significant differences in BCAT score for whether an individual had a missing response for the following variables; Ethnicity, State or Fee Paying School, Caring Responsibilities (children) and Religion. This should be therefore taken into consideration when interpreting group difference results as by not including these individuals, findings may be either over or under estimated.

6.2.3. All protected and non-protected characteristics were analysed. Age, Disability, Caring Responsibilities (Children), State or Fee paying school, and Sexual Orientation do not exhibit any significant differences. Caring responsibilities (other) did exhibit a significant difference – however, as the numbers in the caring category are small this results should be interpreted with caution.

*All group data is obtained from BCAT records with the exception of Disability and Degree Classification, which use BPTC data. Disability data had high levels of missing data in the BCAT records, and Degree Classification was not available.

*This analysis is not completed on the full BCAT cohort (n=2003) as data preparation methodology for this report dictated that only matched data was to be included. A report entitled ‘BCAT performance distribution analysis’ (2013) provides distribution and group differences analysis of the full 2013 BCAT cohort.*
• **Gender:** Males (52.70, n=499), obtained a higher mean BCAT score than Females (51.87, n=570). This difference was statistically significant, reflecting a very small effect size. 4 (0.4%) candidates did not provide data in relation to gender.

• **Language:** Those that stated that English was their first language (52.50, n=913), obtained a higher mean BCAT score than those that stated that English was not their first language (50.91, n=160). This difference was statistically significant, reflecting a small effect size.

• **Law degree/GDL:** Those that stated that they hold a GDL obtained a higher mean BCAT score (55.30, n=231) than those that hold a Law degree (51.42, n=841). This difference was statistically significant, reflecting a medium effect size. 1 (0.1%) candidate did not provide data in relation to degree type.

• **Parental Degree:** Those that stated that their parent(s) held a degree obtained a higher mean BCAT score (52.70, n=639) than those that stated that neither of their parents held a degree (51.23, n=347). This difference was statistically significant, reflecting a small effect. 87 (8.1%) candidates did not provide data in relation to parental degree.

• **Ethnicity:** Table 10 below provides the mean BCAT scores by Ethnicity. Data was not available for 87 (8.1%) candidates. Statistical analysis showed there were significant differences in the BCAT scores obtained by individuals from different ethnic backgrounds. Analysis indicated that candidates from a White ethnic background and a Mixed ethnic background scored significantly higher than those from an Asian, Black or Other background.

![Table 10 – BCAT Score by Ethnicity](image)

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>Mean</th>
<th>SD</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>413</td>
<td>54.91</td>
<td>5.70</td>
<td>37</td>
<td>71</td>
</tr>
<tr>
<td>Asian</td>
<td>438</td>
<td>50.02</td>
<td>4.85</td>
<td>37</td>
<td>65</td>
</tr>
<tr>
<td>Black</td>
<td>66</td>
<td>48.74</td>
<td>5.24</td>
<td>39</td>
<td>60</td>
</tr>
<tr>
<td>Mixed</td>
<td>45</td>
<td>53.31</td>
<td>4.90</td>
<td>40</td>
<td>65</td>
</tr>
<tr>
<td>Other</td>
<td>24</td>
<td>48.50</td>
<td>4.60</td>
<td>37</td>
<td>56</td>
</tr>
</tbody>
</table>

6.2.4. Ethnicity was also re-coded into a dichotomous variable\(^{12}\). Those from a White ethnic background obtained a higher mean BCAT score (54.91, n=413) than those from a BME background (50.07, n=573). This difference was statistically significant, reflecting a large effect.

6.2.5. **Religion:** Table 11 provides the mean BCAT scores by Religion. Data was not available for 123 (11.5%) candidates. Analysis showed there were significant differences in the BCAT scores obtained by individuals from different religions. Statistical analysis indicated where the significant differences lay. Candidates who reported their religion as No religion or belief scored significantly higher than those who reported their religion as Buddhist, Christian, Hindu, Muslim and Sikh. Candidates who reported their religion as Agnostic scored significantly higher than those who

\(^{12}\) A dichotomous variable is a variable with two possible values.
reported their religion as Buddhist, Hindu, Muslim and Sikh. Candidates who reported their religion as Christian scored significantly higher than those who reported their religion as Muslim. Numbers in the Jewish and ‘Other’ category are too small to include in interpretation.

Table 11 – BCAT Score by Religion

<table>
<thead>
<tr>
<th>Religion</th>
<th>N</th>
<th>Mean</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>No religion or belief</td>
<td>192</td>
<td>54.43</td>
<td>37</td>
<td>67</td>
</tr>
<tr>
<td>Agnostic</td>
<td>51</td>
<td>54.9</td>
<td>41</td>
<td>65</td>
</tr>
<tr>
<td>Buddhist</td>
<td>68</td>
<td>50.24</td>
<td>38</td>
<td>60</td>
</tr>
<tr>
<td>Christian (all denominations)</td>
<td>366</td>
<td>52.41</td>
<td>39</td>
<td>71</td>
</tr>
<tr>
<td>Hindu</td>
<td>55</td>
<td>50.38</td>
<td>44</td>
<td>64</td>
</tr>
<tr>
<td>Jewish</td>
<td>5</td>
<td>58.8</td>
<td>53</td>
<td>61</td>
</tr>
<tr>
<td>Muslim</td>
<td>190</td>
<td>49.06</td>
<td>37</td>
<td>63</td>
</tr>
<tr>
<td>Sikh</td>
<td>13</td>
<td>49.46</td>
<td>40</td>
<td>57</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>55.2</td>
<td>46</td>
<td>66</td>
</tr>
</tbody>
</table>

6.2.6. **Nationality** – Table 12 provides the mean BCAT scores by Nationality. Analysis indicated there were statistically significant differences in the BCAT scores obtained by individuals from different nationalities, with Home and EU candidates both scoring significantly higher than Overseas/Non-EU candidates.

Table 12 – BCAT Score by Nationality

<table>
<thead>
<tr>
<th>Nationality</th>
<th>N</th>
<th>Mean</th>
<th>SD</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home</td>
<td>390</td>
<td>53.48</td>
<td>6.22</td>
<td>37</td>
<td>70</td>
</tr>
<tr>
<td>EU</td>
<td>205</td>
<td>54.53</td>
<td>6.10</td>
<td>37</td>
<td>71</td>
</tr>
<tr>
<td>Overseas/Non-EU</td>
<td>478</td>
<td>50.29</td>
<td>4.70</td>
<td>37</td>
<td>65</td>
</tr>
</tbody>
</table>

6.2.7. **Degree Classification and Institution**: Statistical analysis showed there were significant differences in the BCAT scores obtained by individuals who hold different degree classifications. The analysis indicated that candidates who hold a 1st degree score significantly higher on the BCAT than those who hold a 2.1 or a 2.2, and those who hold a 2.1 score significantly higher than those candidates who hold a 2.2. Numbers with the 3rd category or ‘Other’ were too small to interpret. Data on degree classification was not available for 11 (1.0%) candidates. Table 13 below provides the mean BCAT scores by Degree Institution. Statistical analysis indicated that there were significant differences between combinations of all groups, with those attending Oxbridge having significantly higher BCAT scores that those from Russell Group Institutions (excluding Oxbridge) and Other institutions, and those from Russell Group Institutions having significantly higher BCAT scores that those from Other institutions. Data on Degree Institution was not available for 196 (18.3%) candidates.

Table 13 – BCAT Score by Degree Institution

<table>
<thead>
<tr>
<th>Degree Institution</th>
<th>N</th>
<th>Mean</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
</table>


6.2.8. Linear regression\textsuperscript{13} was conducted to examine whether the significant protected characteristics predicted BCAT score. The significant predictors that had multiple categories were recoded into dichotomous variables.\textsuperscript{14} Only five of the variables were included in the final model - Degree Classification (1\textsuperscript{st}/2.1 or 2.2/3\textsuperscript{rd}), Ethnicity (White or BME), Nationality (Home/EU or Overseas), Parental Degree, and Law degree or GDL - as including additional variables did not significantly improve model validity. An inspection of individual predictors revealed that all five variables were significant predictors of BCAT score with Ethnicity providing the biggest unique contribution, and Nationality providing the lowest unique contribution. Parent(s) having a degree, being from a White ethnic background, holding a GDL, holding a 1\textsuperscript{st}/1.2 degree and Nationality classed as ‘Home/EU’ were all associated with a higher BCAT score.

6.2.9. A second multiple regression was run to further understand the relationship between Ethnicity and BCAT score. Degree Classification, Nationality, Parental Degree and Law degree or GDL were entered into model one which explained 16.0% of the variance.\textsuperscript{15} This was revealed to be statistically significant. Adding Ethnicity into the second model explained an additional 7.5% of the variance which was also statistically significant. This indicates that Ethnicity continues to significantly predict BCAT score when the other variables are controlled for i.e. the observed effect of Ethnicity on BCAT score still exists, independent of the effects of other predictive variables.

6.2.10. The findings in relation to Ethnicity in particular are not surprising. In the 2011 pilot, differences of 0.75 standard deviation in BCAT scores between White candidates and BME candidates was found, which is slightly less than found in this present study (.83). Differences of this order are likely to lead to differences in success rates for the groups. This result is typical of findings in other selection tests in other contexts where difference of one standard deviation or more are common (Roth at al, 2001, Wakeford et al, 2015).

6.2.11. The other significant predictors are related to educational background and socio-economic status (Degree Classification, Parental Degree, Law/GDL degree). These should be considered in light of widening participation agendas. Nationality is also likely to be a function of level/quality of educational qualifications, rather than, for example, language which was not a significant predictor in the regression equation.

6.2.12. A DIF (Differential Item Functioning) analysis\textsuperscript{16} was also undertaken on individual test items. The number of items flagged via DIF was fewer than would be expected by chance. After consultation with a psychometrician, broadly speaking, these results do not provide any particular concern about the fairness of the test, however it is important that DIF continues to be monitored.

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|c|}
\hline
Group & N & Mean & SD \\
\hline
Oxbridge & 101 & 58.81 & 48 \\
Russell Group & 310 & 53.73 & 40 \\
Other & 466 & 50.66 & 37 \\
\hline
\end{tabular}
\end{table}

\textsuperscript{13} Regression analysis is a method of statistical analysis that examines the relationship between an outcome variable and one or more explanatory variables. Regression analysis reveals both the size of any predictive relationship and its statistical significance.

\textsuperscript{14} This was not possible for Religion, so it could not be included in the model.

\textsuperscript{15} Variance is a measurement of the spread between numbers in a data set. The greater the proportion of the variance explained, the better a statistical model predicts the observed data.

\textsuperscript{16} DIF analysis is a procedure used to determine if test items are fair and appropriate for assessing the ability of various demographic groups.
6.3. Predicting BPTC Outcomes

6.3.1. This analysis provides evidence relating to how well the BCAT scores predict the BPTC overall score and BPTC final overall grade. A good relationship between test scores and course outcomes is critical to using the test to identify people unlikely to pass the course.

6.3.2. A correlation analysis was undertaken between BCAT score and BPTC overall score using sample C (n=998). A correlation is a statistic which provides an estimate of the size of the relationship between two variables. The results show that the two variables are significantly positively correlated (0.546) indicating a strong relationship between the BCAT and BPTC overall score, with those who scored highly on the BCAT also tending to have a higher BPTC overall score. A correlation of 0.3 or above is desirable in using a test for selection.

6.3.3. In order to use the BCAT score to predict outcomes, linear regression was conducted to examine whether BCAT score predicted BPTC overall score. The overall model showed that BCAT score explained 29.8% of the variance in BPTC score, which was statistically significant, with higher scores on the BCAT associated with higher scores on the BPTC. The BPTC overall score is predicted to rise by about half a standard deviation for every standard deviation rise in the BCAT test score.

6.3.4. Multiple regression was conducted to examine whether adding BPTC Attempt (first or second attempt) as a variable provided a better fit for the model. The model revealed that Attempt and BCAT score are both significant predictors of BPTC score, with BCAT score providing the biggest unique contribution. Sitting the BPTC only once is associated with higher scores on the BPTC.

6.3.5. To investigate this further, the level of prediction of the BCAT score on BPTC overall score, while controlling for the effects of BPTC Attempt was analysed. This enables one to best isolate the true relationship between BCAT score and BPTC overall score. Attempt was entered into model one which explained 27.4% of the variance, and was statistically significant. Adding BCAT score into the second model explained an additional 14.7% of the variance which was also statistically significant. This indicates that the BCAT continues to significantly predict BPTC overall score when Attempt is controlled for, but Attempt does have a significant and unique contribution to BPTC overall scores.
6.3.6. **Predicting BPTC Module Scores**: Analysis on the BPTC module scores was conducted on Sample A (n=1073). Correlational analysis and regression analysis revealed statistically significant correlations between BCAT score and all module scores, and that BCAT score was a significant predictor of all module scores.

6.3.7. **Predicting BPTC Overall Grade**: Analysis of BPTC final overall grade was conducted on Sample B (n=1067). The descriptive statistics of BCAT score, split by BPTC final overall grade were examined. Table 14 below shows that those that received an Outstanding grade had the highest mean BCAT score (58.68), and those who received a Not Yet Competent had the lowest mean BCAT score (49.10).

**Table 14 – Descriptive statistics of BCAT score, split by BPTC Final Overall Grade**

<table>
<thead>
<tr>
<th>BPTC Overall Final Grade</th>
<th>N</th>
<th>Range</th>
<th>Min</th>
<th>Max</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>79</td>
<td>25</td>
<td>45</td>
<td>70</td>
<td>58.68</td>
</tr>
<tr>
<td>Very Competent</td>
<td>468</td>
<td>29</td>
<td>38</td>
<td>67</td>
<td>54.15</td>
</tr>
<tr>
<td>Competent</td>
<td>128</td>
<td>23</td>
<td>40</td>
<td>63</td>
<td>51.12</td>
</tr>
<tr>
<td>Not Yet Competent</td>
<td>392</td>
<td>34</td>
<td>37</td>
<td>71</td>
<td>49.1</td>
</tr>
</tbody>
</table>

6.3.8. Statistical analysis showed that there were significant differences in the BCAT scores obtained by individuals receiving different BPTC final overall grades, with significant differences in BCAT scores between all combinations of BPTC final overall grades.

6.3.9. Statistical tests indicated that there is a significant association between BCAT Score (binned) and BPTC final overall grade, with a medium effect size. This indicates that BCAT score (binned) had a significant effect on an individual’s BPTC final overall grade. In particular:

- **Outstanding**: Individuals were significantly more likely to obtain a grade of Outstanding if they obtained a BCAT score of 58 or more, and significantly less likely if they were in the BCAT score ranges of less than 47, 48 to 51, or 52 to 54.
- **Very Competent**: Individuals were significantly more likely to obtain a grade of Very Competent if they were in the BCAT score ranges of 55 to 57, or 58 or more, and significantly less likely if they were in the ranges of 47 or less, or 48 to 51.
- **Competent**: Individuals were significantly more likely to obtain a grade of Competent if they had a BCAT score of 48 to 51, and significantly less likely if they had a BCAT score of 58 or more.
- **Not Yet Competent**: Individuals were significantly more likely to obtain a grade of Not Yet Competent if they had a BCAT score of 47 or less, or 48 to 51, and significantly less likely if they obtained a BCAT score of 55 to 57, or 58 or more.

6.3.10. While there is some overlap of BCAT scores between the grades, there is a clear relationship between the BCAT scores and outcome grade with higher BCAT scores obtaining generally higher grades. Very Competent had the largest variance in BCAT scores, followed by Not Yet Competent, Competent, and finally Outstanding.

6.3.11. A multinomial logistic regression was used to examine the prediction of BCAT score upon BPTC final overall grade. The results show that BCAT score significantly predicts BPTC final overall grade. In particular, BCAT score significantly predicts

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17 To examine the relationship between BCAT score and BPTC final overall grade, BCAT score was split into five bands, each encompassing approximately 20% of the sample.

18 Multinomial logistic regressions were used in a number of the analyses. They should be interpreted with caution because when a large number of categories are present, there can be large numbers of cases with zero frequencies.
whether someone will achieve an Outstanding vs. Not Yet Competent grade and a
Very Competent vs. Not Yet Competent grade, but not a Competent vs. Not Yet
Competent grade, with stronger prediction seen for Outstanding compared to Very
Competent.

- **Outstanding vs. Not Yet Competent**: for every increase in BCAT score by one point,
someone is 1.48 times more likely to obtain a grade of Outstanding rather than NYC.
- **Very Competent vs. Not Yet Competent**: for every increase in BCAT score by one
point, someone is 1.21 times more likely to obtain a grade of VC rather than NYC.

### Key Findings

- There is a significant positive correlation between the BCAT and BPTC overall score.
  Those who scored highly on the BCAT also tended to have a higher BPTC overall score.
- Regression analysis identified that the BCAT significantly predicts BPTC overall score,
  and significantly predicts BPTC final overall grade. Individuals with higher BCAT scores
generally obtain higher BPTC scores and overall grades.
- Whether you re-sit the BPTC also significantly predicts BPTC overall score, with those
  who sit the BPTC only once having higher BPTC overall scores. However, the BCAT
  predicts BPTC overall score over and above ‘attempt’.

### 6.4. Differential Validity

6.4.1. Differential validity identifies whether the predictive relationships identified between
the BCAT and BPTC outcomes is the same for all protected characteristics groups.
However, only those groups that have a significant relationship with BPTC outcomes
are included in the analysis.

6.4.2. For this analysis, variables were re-coded into dichotomous variables where
possible - Degree Institution (Russell Group or Non-Russell Group), Degree
Classification (1st/2:1 or 2.2/3rd), Nationality (Home/EU or Overseas) and Ethnicity
(White or BME). This was not possible for two variables, Religion and Sexual
Orientation.

6.4.3. **BPTC Overall Score**: Analysis was conducted on Sample C (n=998). Statistical
tests were conducted for BPTC overall score and all recorded student characteristics
to identify which may be significant predictors. Testing showed a significant difference
in BPTC score for Disability, State or Fee pay School, Language, Law degree or GDL,
White or BME, Nationality, Degree Classification, Degree Institution (Russell Group or
Non-Russell Group), Religion and Sexual Orientation.

- **Disability**: Those who declared they had a disability obtained a higher mean BPTC
  overall score (75.73, n=47) than those who declared no disability (72.17, n=946). Data
  on disability was not available for 5 (0.5%) candidates.
- **State or Fee Pay Schools**: Those from a fee paying school obtained a higher mean
  BPTC overall score (72.70, n=525) than those from a state school (71.71, n=410).
  Data was not available for 63 (6.3%) candidates.
- **Language**: Those who have English as their first language obtained a higher mean
  BPTC overall score (73.04, n=849) than those who do not have English as their first
  language (68.43, n=149).
- **Law degree or GDL**: Those holding a GDL obtained a higher mean BPTC overall
  score (76.57, n=224) than those with a Law degree (71.12, n=773). Data was not
  available for 1 (0.1%) candidate.
• **Ethnicity (White or BME):** Those candidates who classified themselves as White obtained a higher mean BPTC overall score (76.28, n=396) than those who classified themselves as BME (69.08, n=523). Data was not available for 79 (7.9%) candidates.

• **Nationality (Home/EU or Overseas):** Those from Home or the EU obtained a higher mean BPTC overall score (74.79, n=564) than those from Overseas (69.18, n=434).

• **Degree Classification (1st/2.1 or 2.2/3rd):** Those with a 1st or 2.1 degree classification obtained a higher mean BPTC overall score (74.48, n=692) than those with a 2.2 or 3rd degree (66.96, n=272). Data was not available for 34 (3.4%) candidates.

• **Degree Institution (Russell Group or Non-Russell Group):** Those from a Russell Group Institution obtained a higher mean BPTC overall score (76.19, n=393) than those from a non-Russell Group Institution (69.31, n=426). Data was not available for 179 (17.9%) candidates.

• **Religion:** Analysis showed there were statistically significant differences in the BPTC overall scores obtained by individuals from different religions. Table 15 below provides the mean BPTC overall scores by Religion. Statistical tests were examined to determine where significant differences lay. Data was not available for 112 (11.2%) candidates.
  - Candidates who reported their religion as No religion or belief scored significantly higher than those who reported their religion as Buddhist, Christian, Hindu, Muslim and Sikh.
  - Candidates who reported their religion as Agnostic scored significantly higher than those who reported their religion as Hindu, Muslim and Sikh.
  - Candidates who reported their religion as Buddhist scored significantly higher than those who reported their religion as Muslim.
  - Candidates who reported their religion as Christian scored significantly higher than those who reported their religion as Hindu and Muslim.

**Table 15 – BPTC Overall Score by Religion**

<table>
<thead>
<tr>
<th>Religion</th>
<th>N</th>
<th>Mean</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>No religion or belief</td>
<td>181</td>
<td>76.22</td>
<td>57.2</td>
<td>91.2</td>
</tr>
<tr>
<td>Agnostic</td>
<td>51</td>
<td>74.71</td>
<td>53.3</td>
<td>90.7</td>
</tr>
<tr>
<td>Buddhist</td>
<td>66</td>
<td>70.86</td>
<td>55.5</td>
<td>83.8</td>
</tr>
<tr>
<td>Christian (all denominations)</td>
<td>350</td>
<td>72.53</td>
<td>49.1</td>
<td>89.6</td>
</tr>
<tr>
<td>Hindu</td>
<td>53</td>
<td>67.88</td>
<td>54.4</td>
<td>84.3</td>
</tr>
<tr>
<td>Jewish</td>
<td>5</td>
<td>82.19</td>
<td>76.1</td>
<td>87.1</td>
</tr>
<tr>
<td>Muslim</td>
<td>159</td>
<td>67.45</td>
<td>48.7</td>
<td>81.5</td>
</tr>
<tr>
<td>Sikh</td>
<td>12</td>
<td>67.69</td>
<td>58.3</td>
<td>76.2</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
<td>74.81</td>
<td>61</td>
<td>86</td>
</tr>
</tbody>
</table>

6.4.4. Regression analysis was run to examine the impact of the protected and non-protected characteristics on the predictive relationship between the BCAT and BPTC overall score. Only five of the variables were included in the final model (BCAT score, Degree Classification, Degree Institution, Ethnicity (White or BME), and Law degree or GDL) as including further variables did not significantly improve model validity. An inspection of individual predictors revealed that all variables were significant predictors of BPTC overall score with BCAT score providing the biggest unique contribution and Law degree or GDL providing the lowest unique contribution. A higher BCAT score, higher degree classification, achieving your degree at a Russell Group institution, being classified as White and holding a GDL were all associated with a higher BPTC overall score.

6.4.5. **BPTC Final Overall Grade:** Analysis by BPTC final overall grade was conducted on Sample B (n=1067). Statistical tests were carried out to identify which of the
protected characteristics were significant predictors of BPTC final overall grade. These indicated that Age (Under or Over 25), Ethnicity (White or BME), Language, Degree Institution (Russell Group or Non-Russell Group), Degree classification (1\textsuperscript{st}/2:1 v 2:2/3\textsuperscript{rd}), Law Degree/GDL, Nationality (Home/EU or Overseas), and Religion were significantly associated with BPTC final overall grade. Gender, Parental Degree, State or Fee Paying School, Caring responsibilities - Children, Caring responsibilities - Other, and Sexual Orientation were all non-significant.

- **Age**: significant, with a small effect size. Over 25s were more likely than Under 25s to obtain an Outstanding grade. Data was not available for 42 (3.9%) candidates.
- **Ethnicity (White or BME)**: significant, with a medium effect size. White individuals were more likely than BME individuals to obtain a grade of Outstanding or Very Competent, and less likely to obtain a grade of Competent or Not Yet Competent. The opposite pattern of results was seen for BME individuals. Data was not available for 86 (8.1%) candidates.
- **Language**: significant, with a small effect size. Those for whom English was not their first language were less likely to obtain a final grade of Outstanding or Very Competent, and more likely to obtain a final grade of Not Yet Competent.
- **First Degree Institution (Russell Group or Non-Russell Group)**: significant, with a medium effect size. Those who attended a Russell Group University were more likely to obtain a grade of Outstanding or Very Competent, and less likely to obtain a grade of Competent or Not Yet Competent than individuals who attended a Non-Russell Group University. The opposite pattern of results was seen for those who attended a Non-Russell Group University. Data was not available for 195 (18.2%) candidates.
- **First Degree Classification (1\textsuperscript{st}/2:1 or 2:2/3\textsuperscript{rd})**: significant, with a medium effect size. Those who obtained a 1\textsuperscript{st} or 2:1 were more likely than those who obtained a 2:2 or 3\textsuperscript{rd}, to obtain a final grade of Outstanding or Very Competent, and less likely to obtain a final grade of Not Yet Competent. The opposite pattern of results was seen for those who obtained a 2:2 or 3\textsuperscript{rd}. Data was not available for 35 (3.2%) candidates.
- **Law Degree or GDL**: significant, with a medium effect size. Those who had a GDL were more likely to obtain a final grade of Outstanding or Very Competent, and less likely to obtain a grade of Competent or Not Yet Competent. Those who had a Law Degree were less likely to obtain a final grade of Outstanding, and more likely to obtain a final grade of Not Yet Competent. Data was not available for 1 (0.1%) candidates.
- **Nationality (Home/EU or Overseas)**: significant, with a medium effect size. Individuals who were Home or EU were more likely to obtain a final grade of Outstanding or Very Competent than Overseas students, and less likely to obtain a final grade of Competent or Not Yet Competent. The opposite pattern of results was seen for Overseas students.
- **Disability (Yes or No)**: significant, with a small effect size. Individuals who reported having a disability were more likely to obtain a final grade of Outstanding than those who did not report having a disability. Data was not available for 6 (0.6%) candidates.
- **Religion (n=945)**: significant, with a small effect size. Hindu or Muslim individuals were more likely to obtain a Not Yet Competent grade, and individuals with no religion or belief were more likely to receive an Outstanding or Very Competent grade.

6.4.6. A multinomial logistic regression was run to identify whether there was a change in the predictive relationship between BCAT score and BPTC final overall grade for any of the significant protected characteristic predictors. Age, Disability and Language were removed from this analysis as they did not significantly improve model validity.

- **Outstanding vs. NYC**: Individuals who are White (3.73 times), have a GDL (4.76 times), are Home/EU (16.42 times), and attended a Russell Group University (28.86 times) are more likely to achieve an Outstanding grade.
- **Very Competent vs. NYC**: Individuals who are White (2.61 times), have a GDL (2.5 times), and attended a Russell Group University (4.24 times) are more likely to achieve a Very Competent grade. Nationality was no longer significant.
- **Competent vs. NYC:** None of the protected characteristic significantly predicted whether someone would obtain a result of Competent over NYC.

6.4.7. A second multinomial logistic regression was run to examine the prediction of BCAT score upon BPTC Final Overall Grade, when the significant protected characteristics are added into the model. BCAT score significantly predicted the outcomes of Outstanding, Very Competent and Competent over Not Yet Competent, and the protected characteristic variables’ prediction decreased when BCAT was added into the regression.

### Key Findings

- Statistically significant differences in BPTC overall score were found for 10 of the categories analysed. These were Disability, State or Fee pay School, Language, Law degree or GDL, White or BME, Nationality, Degree Classification, Degree Institution (Russell Group or Non-Russell Group), Religion and Sexual Orientation.
- Regression analysis showed that a higher BCAT score, higher degree classification, achieving your degree at a Russell Group institution, being classified as White, and holding a GDL were all associated with a higher BPTC overall score.
- Regression analysis identified that there is an improvement in prediction of the BPTC overall score when Degree Classification, Degree Institution, Ethnicity and Law degree or GDL are included alongside the BCAT score. However, the effect of BCAT on BPTC overall score still exists, independent of the effects of these variables, and BCAT score is still the best predictor of BPTC overall scores.
- Further analysis showed that individuals who are White, have a GDL, are Home/EU, and attended a Russell Group University are more likely to achieve an Outstanding or Very Competent grade than a Not Yet Competent grade.

### 6.5. Incremental Validity

6.5.1. Section 6.4 above outlined that both Degree Institution (Russell Group or Non-Russell Group) and Degree Classification (1st/2.1 or 2.2/3rd) showed significant differences in BPTC overall score and BPTC final grade, with those classified as obtaining their first degree from a Russell Group Institution and those obtaining a 1st or 2.1 degree having significantly higher BPTC outcomes, than those obtaining their first degree from a Non-Russell Group Institution and those obtaining a 2.2 or a 3rd respectively.

6.5.2. Statistical tests showed that First Degree Institution and Classification were significantly associated, with a small effect size. Those who obtained a 1st or 2:1 were significantly more likely than those who obtained a 2:2 or 3rd to have attended a Russell Group Institution, and significantly less likely to have attended a non-Russell Group Institution. The opposite pattern was found for those who obtained a 2:2 or 3rd.

6.5.3. **BPTC Overall Score:** This analysis was carried out on the Sample C (n=998). A multiple regression was run to examine the incremental validity of BCAT score over educational variables in predicting BPTC overall score. The analysis indicated that

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19 Although a significant relationship exists between the two variables, the linear regression assumption of multicollinearity was not violated
BCAT score has significant incremental validity over other educational variables. An inspection of individual predictors revealed that all variables (Degree Institution, Degree Classification, and BCAT Score) were significant predictors of BPTC overall score with BCAT score providing the biggest unique contribution and Degree Institution providing the lowest unique contribution. A higher BCAT score, higher degree classification and achieving your degree at a Russell Group Institution were all associated with a higher BPTC overall score. While the BCAT is the strongest predictor, including educational variables in selection to the BPTC together with the BCAT will provide better prediction than the BCAT alone.

6.5.4. BPTC Overall Grade: This analysis was carried out on Sample B (n=1067). A multinomial logistic regression was run to determine the incremental validity of BCAT score above and beyond Degree Institution. The analysis indicated that Degree Institution significantly predicted BPTC final overall grade, but that BCAT score was predictive above and beyond Degree Institution.

6.5.5. BCAT score was also predictive in determining outcomes of Outstanding and Very Competent over Not Yet Competent, but not for Competent over Not Yet Competent.

- **Outstanding vs. Not Yet Competent**: individuals attending a Russell Group University were 26.14 times more likely to obtain a grade of Outstanding over Not Yet Competent. With BCAT score in the model, the prediction reduced to 13.20 times more likely. With each increase in BCAT score by one, individuals were 1.44 times more likely to obtain a grade of Outstanding vs. Not Yet Competent.

- **Very Competent vs. Not Yet Competent**: individuals attending a Russell Group University were 4.97 times more likely to obtain a grade of Very Competent over Not Yet Competent. With BCAT score in the model, the prediction reduced to 3.35 times more likely. With each increase in BCAT score by one, individuals were 1.19 times more likely to obtain a grade of Very Competent vs. Not Yet Competent.

- **Competent vs. Not Yet Competent**: individuals attending a Russell Group University were not significantly more likely to obtain a grade of Competent over Not Yet Competent, and BCAT score was also not a significant predictor for Competent vs. Not Yet Competent.

### Key Findings

- A higher BCAT score, higher degree classification, and achieving your degree at a Russell Group Institution were all associated with a higher BPTC overall score.

- While the BCAT is the strongest predictor, including educational variables as part of selection to the BPTC together with the BCAT will provide better prediction than the BCAT alone.

- Degree Institution also significantly predicted BPTC final overall grade, however the BCAT score is predictive above and beyond Degree Institution in predicting BPTC Final Overall Grade.

6.6. Cut Score Analysis

6.6.1. This analysis aims to identify other potential cut scores, using both distribution analysis and the validation evidence. The current results show that the test is an

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20 First Degree Classification (1st and 2:1, 2:2 and 3rd) could not be entered into the regression because it resulted in too many cases with zero frequencies.

21 The cut score is the mark required to pass the BCAT Test.
effective predictor of performance and thus it is feasible to use the validation evidence to help identify a potential cut score, based on current data. Potential identified cut scores are then modelled on the current data to identify the impact of these cut scores on pass/failure rates on the BPTC, including adverse impact.

6.6.2. The analysis was conducted on Sample B (n=1067). Some issues may be that many individuals sat the BCAT after they had been offered a place on the BPTC; as such individuals do not have to obtain the highest possible BCAT score they can, but rather just pass it to gain their place because selection was based on other methods. Therefore motivation may not have been as high as if the BCAT score (other than filtering out a few low performers) had been used within selection.

6.6.3. Based on initial pilot analysis prior to the test being used operationally, a cut score of 37 was set for the BCAT. In the pilot sample, this was 2.06 SDs below the mean of 50.92. For the 2013 sample, a cut score of 37 falls 2.61 SDs below the mean of 52.27. The total pass rate for all sittings in 2013 was 97.6%. Of the 2003 first sit candidates, 41 (2.1%) failed the test. 31 of these failed candidates took the test a second time, with 6 (24%) failing the second sit. 4 of these failed candidates took the test a third time, with 1 (25%) failing the third sit. When only final sit data is examined (n=2003) for the 2013 BCAT data, the cut score of 37 resulted in 13 people failing the BCAT (a pass rate of 99.4%).

6.6.4. Figure 13 shows the distribution of BCAT scores within the sample used for the current analysis (n=1067). The BCAT scores were normally distributed.

![Histogram of distribution of BCAT scores](image)

6.6.5. **Identifying potential cut scores from BPTC overall grade:** One approach to determining a cut score is based on identifying the minimum BCAT score associated with desirable outcome grades i.e. direct inspection of the BCAT scores. The desirable outcome grade could be set at a marginal pass (Competent) or at a good pass level (Very Competent). While Competent represents an adequate level to pass the course and go on to practice it could be regarded as more desirable to aim for students to pass at the ‘Very Competent’ level even though some will pass at the

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22 ‘Final sit’ uses a single BCAT score for each candidate, representing the final BCAT score they obtained following any resits.
lower grade. The following analysis is based on setting the level of the test to be consistent with an aim of students attaining a Very Competent or above outcome, unless otherwise stated.

6.6.6. As can be seen from Section 6.4, there are a wide range of BCAT scores associated with each BPTC final overall grade, with the largest range being associated with Not Yet Competent and the largest variance associated with Very Competent. To reduce the likelihood of basing cut scores on outliers, the 5th and 95th percentile scores were calculated for each grade and were used as boundaries for the grade categories (see Table 16). The minimum BCAT score associated with a grade of Very Competent is 38, while the 5th percentile score is 43.45, or 43 when rounded to a whole number. Therefore, 43 could be a potential cut score for selecting those individuals who are more likely to perform well on the BPTC.

<table>
<thead>
<tr>
<th>BPTC Final Overall Grade</th>
<th>O</th>
<th>VC</th>
<th>C</th>
<th>NYC</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>79</td>
<td>468</td>
<td>128</td>
<td>392</td>
</tr>
<tr>
<td>Mean</td>
<td>58.68</td>
<td>54.15</td>
<td>51.12</td>
<td>49.1</td>
</tr>
<tr>
<td>Minimum</td>
<td>45</td>
<td>38</td>
<td>40</td>
<td>37</td>
</tr>
<tr>
<td>5th Percentile</td>
<td>51</td>
<td>43.45</td>
<td>42</td>
<td>41</td>
</tr>
<tr>
<td>95th Percentile</td>
<td>65</td>
<td>62</td>
<td>58.55</td>
<td>58</td>
</tr>
<tr>
<td>Maximum</td>
<td>70</td>
<td>67</td>
<td>63</td>
<td>71</td>
</tr>
</tbody>
</table>

6.6.7. Identifying potential cut scores from Overall Score: Another approach to identifying a potential cut score is to use the BPTC overall score. If a desired minimum BPTC overall score can be identified, the prediction equation within the regression analysis can be used to identify the BCAT score which is associated with that BPTC overall score. However, it is important to note that this will not be exact and there will be many factors other than ability that will influence performance on the BPTC.

6.6.8. Again, to remove the possibility of potential outliers the 5th and 95th percentiles of BPTC overall score were calculated and used as grade boundaries. Table 17 provides the descriptive statistics of BPTC overall score by BPTC final overall grade. The minimum BPTC score associated with a grade of Very Competent is 68.7 and the 5th percentile score is 71.2. The minimum BPTC overall score associated with a grade of Competent is 64.8 and the 5th percentile score is 66.5.

<table>
<thead>
<tr>
<th>BPTC Final Overall Grade</th>
<th>O</th>
<th>VC</th>
<th>C</th>
<th>NYC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>75</td>
<td>461</td>
<td>123</td>
<td>334</td>
<td>993</td>
</tr>
<tr>
<td>Mean</td>
<td>84.79</td>
<td>76.44</td>
<td>70.14</td>
<td>64.73</td>
<td>72.35</td>
</tr>
<tr>
<td>Minimum</td>
<td>79.6</td>
<td>68.7</td>
<td>64.8</td>
<td>48.7</td>
<td>48.7</td>
</tr>
<tr>
<td>5th Percentile</td>
<td>81.3</td>
<td>71.2</td>
<td>66.5</td>
<td>54.7</td>
<td></td>
</tr>
<tr>
<td>95th Percentile</td>
<td>89.3</td>
<td>82.3</td>
<td>75.6</td>
<td>73.6</td>
<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>91.2</td>
<td>84.3</td>
<td>81</td>
<td>77.8</td>
<td>91.2</td>
</tr>
</tbody>
</table>

6.6.9. The BCAT score associated with a BPTC overall score of 71.2 is 50.85, calculated using the results of a linear regression. This BCAT score is close to the mean within the sample, being within 1 standard deviation of the mean (0.24 SD). The BCAT score

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23 The N here is different because it reflects those who have complete data for both BPTC Final Overall Grade and BPTC Final Overall Score, which was 993 people.
associated with a BPTC overall score of 66.5 is 44.18 which is 1.38 SD from the mean.

6.6.10. When interpreting predicted BPTC overall scores, one must consider the standard error of estimate (SEE); this is the typical difference between the predicted score and the actual score achieved. The standard error of estimate in this case is 6.3 (from the regression equation). This means for any candidate there is a 67% chance that their actual BPTC score will lie between one SEE above the predicted score and one SEE below. There is a 96% probability that the actual BPTC score will be within 2 SEE of the predicted score.

6.6.11. **Modelling Cut Scores:** The analysis above has identified potential cut scores of 43 (from direct inspection) and 51 (from regression). However, the latter score falls well within 1 standard deviation of the mean. Taking into consideration the error with predicting BPTC overall scores from BCAT scores, it is advised that a slightly more conservative ‘top end’ cut score option is explored.

6.6.12. Taking into consideration the above, and distance from the mean in standard deviations, BCAT scores of 38, 39, 40, 43 and 46 are identified as potential cut scores. 38, 39 and 40 are all 2 or more SD below the mean so could be viewed as reasonable cut scores. 43 was identified through reviewing BPTC final overall grades and 46 was identified as a conservative cut score based on predictions from the regression equation (i.e. a cut score that falls between 5th percentile of Very Competent and Competent, but is over 1 SD from the mean).

6.6.13. Table 18 shows the predicted BPTC overall scores from the potential cut scores including the 96% confidence interval for the predicted scores. This shows that a potential cut score of 46 has a predicted BPTC overall score of 67.78. This sits above the 5th percentile score achieved by those who obtained a Competent grade and just below the minimum score achieved by those with a Very Competent grade. A potential cut score of 43 has a predicted BPTC overall score of 65.67 which sits within 1 mark of the 5th percentile score achieved by those who obtained a Competent grade.

<table>
<thead>
<tr>
<th>Cut Score</th>
<th>Predicted BPTC Final Score</th>
<th>96% confidence interval</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>61.44</td>
<td>48.8 - 74.0</td>
</tr>
<tr>
<td>38</td>
<td>62.14</td>
<td>49.5 – 74.7</td>
</tr>
<tr>
<td>39</td>
<td>62.85</td>
<td>50.3 – 75.5</td>
</tr>
<tr>
<td>40</td>
<td>63.55</td>
<td>51.0 – 76.2</td>
</tr>
<tr>
<td>43</td>
<td>65.67</td>
<td>53.1 – 78.3</td>
</tr>
<tr>
<td>46</td>
<td>67.78</td>
<td>55.2 – 80.4</td>
</tr>
</tbody>
</table>

6.6.14. Table 19 shows the impact of applying these potential cut scores to the current sample (N=1067). The table shows the numbers and percentages of individuals who would pass the BCAT, pass the BPTC, pass above Competent, and fail the course based on BPTC final overall grades. The bottom row shows that by selecting the best 87% of the sample based on their BCAT score (Cut score 46) the total percentage of the population failing can be reduced from 36.74% down to 33.37%. Alternative results for lower (less selective) cut scores are also shown.
<table>
<thead>
<tr>
<th>Outcome</th>
<th>Pass BCAT</th>
<th>Pass Course</th>
<th>Pass above C</th>
<th>Fail Course</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cut Score</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>37</td>
<td>1067</td>
<td>100.00</td>
<td>675</td>
<td>63.26</td>
</tr>
<tr>
<td>38</td>
<td>1062</td>
<td>99.53</td>
<td>675</td>
<td>63.56</td>
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<td>39</td>
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<td>99.16</td>
<td>674</td>
<td>63.71</td>
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<tr>
<td>40</td>
<td>1051</td>
<td>98.50</td>
<td>672</td>
<td>63.94</td>
</tr>
<tr>
<td>43</td>
<td>1005</td>
<td>94.19</td>
<td>652</td>
<td>64.88</td>
</tr>
<tr>
<td>46</td>
<td>932</td>
<td>87.35</td>
<td>621</td>
<td>66.63</td>
</tr>
</tbody>
</table>

6.6.15. Table 20 shows a breakdown of the impact of the different potential cut scores on the individual BPTC final overall grade outcomes within the final BPTC sample (n=1067). For the most selective cut score (46), this would have resulted in 12.65% of trainees not being accepted onto the course. 40 (29.6%) of these students that would not have been accepted onto the course would have passed the course with a grade of Very Competent or Outstanding (false negatives); this is 3.7% of the total population. The number of candidates failing would reduce from 392 to 311; a reduction in failure rate of 21%. At the other extreme, increasing the cut score to just 38 would result in only 0.47% of trainees not being accepted onto the course, and none of these achieved above a NYC grade.

<table>
<thead>
<tr>
<th>Cut Score</th>
<th>Grade</th>
<th>Fail BCAT N</th>
<th>%</th>
<th>Pass BCAT N</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>O</td>
<td>79</td>
<td>100.00</td>
<td>79</td>
<td>100.00</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>468</td>
<td>100.00</td>
<td>468</td>
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<td>468</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>128</td>
<td>100.00</td>
<td>128</td>
<td>100.00</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>387</td>
<td>98.72</td>
<td>392</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>1062</td>
<td>99.53</td>
<td>1067</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>O</td>
<td>79</td>
<td>100.00</td>
<td>79</td>
<td>100.00</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>467</td>
<td>99.79</td>
<td>468</td>
<td>100.00</td>
<td>468</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>128</td>
<td>100.00</td>
<td>128</td>
<td>100.00</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>384</td>
<td>97.96</td>
<td>392</td>
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</tr>
<tr>
<td></td>
<td>Total</td>
<td>1058</td>
<td>99.16</td>
<td>1067</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>O</td>
<td>79</td>
<td>100.00</td>
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<td>100.00</td>
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<td></td>
<td>VC</td>
<td>465</td>
<td>99.36</td>
<td>468</td>
<td>100.00</td>
<td>468</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>128</td>
<td>100.00</td>
<td>128</td>
<td>100.00</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>379</td>
<td>96.68</td>
<td>392</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>1051</td>
<td>98.50</td>
<td>1067</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>O</td>
<td>79</td>
<td>100.00</td>
<td>79</td>
<td>100.00</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>453</td>
<td>96.79</td>
<td>468</td>
<td>100.00</td>
<td>468</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>120</td>
<td>93.75</td>
<td>128</td>
<td>100.00</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>353</td>
<td>90.05</td>
<td>392</td>
<td></td>
<td></td>
</tr>
<tr>
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<td>91.67</td>
<td>468</td>
<td>100.00</td>
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<tr>
<td></td>
<td>C</td>
<td>114</td>
<td>89.06</td>
<td>128</td>
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</tr>
</tbody>
</table>
6.6.16. The impact of the intermediate cut scores (39, 40, 43) which would have resulted in 0.84%, 1.50% and 5.81% of the students respectively being unable to take the course. They reduce the failure rate marginally (2.0%, 3.3%, and 9.9% respectively) and lower the impact on those with the best course outcomes (Very Competent or Outstanding) with 0.09%, 0.28% and 1.4% false negatives within the total population respectively.

6.6.17. **Adverse Impact Analysis:** One of the key criteria when examining the cut score is the adverse impact on different groups. An adverse impact analysis was undertaken for four potential cut scores\(^{24}\) (38, 40, 43, and 46\(^{25}\)) for each of the protected characteristics\(^{26}\). Please note that for this analysis, each group is represented as a dichotomous variable.

6.6.18. The relative selection ratio for groups is the ratio of the pass rate for the group with the lower success rate to that with the higher pass rate. Where this value is below 0.8 the selection fails the ‘four fifths rule’ and is considered to have significant adverse impact. The implication if this is the case in a real selection process is that people from the lower scoring group have less than 80% of the chance of people from the higher scoring group of being offered a place to study. It should be noted, that differences in test scores will always exist between two groups, but unless this difference (i.e. the adverse impact) is deemed as significant, this is not a cause for concern, but of course should continue to be monitored.

6.6.19. The results show that there was no significant adverse impact across any of the protected characteristics included in the analysis. Ethnicity, Degree Institution and Degree Classification showed slightly more adverse impact as the cut score increased, however the selection ratios were well within acceptable parameters.

6.6.20. **Summary of Cut Score Analysis:** Using both distribution statistics and outcome data, five potential cut scores were identified. The current results show that the test is an effective predictor of performance for current students and thus prediction from BPTC overall scores was examined, which suggested a cut score of up to 51. Direct inspection of the test scores associated with a Very Competent grade suggested a cut score of 43. Cut scores in the range 38 to 46 were examined taking into consideration the distribution of the data.

6.6.21. The cut scores respective impact on the failure rate of the BPTC and the false negatives (i.e. excluding those who would then have gone on to achieve a Very Competent or above grade) were examined. Only a score of 46 provided a marked reduction in students who go on to fail the course (21%) without creating an enormous barrier for applicants or excluding many students who had good (Very Competent or Outstanding) course outcomes (only 3.7% false positives).

6.6.22. It should be noted that the impact of the cut score is probabilistic and there will always be some incorrect decisions. The prediction from the test will not be perfect and although these results show there will be an improvement in outcomes if a higher cut score was used, this will exclude some students who would have done well on the course. Of course this will be true of any selection rule e.g. there will be some people with a third class degree who might have done well on the course.

\(^{24}\) The current cut score of 37 was not examined because all individuals in the sample had passed the BCAT.

\(^{25}\) 39 was not examined because of the likely similarity with 38 and 40

\(^{26}\) Religion could not be included in the analysis because it could not be recoded dichotomously.
Key Findings

- The current cut score is set at 37; this resulted in a 97.6% pass rate in 2013 for all sittings of the BCAT, and a 99.4% pass rate when only final sit data was examined (representing 13 students who were unable to pass the BCAT after resits were taken into account). Alternative cut scores were identified based on the predictive relationship between the BCAT and BPTC outcomes as well as through the distribution of the data.

- The most conservative cut score (38) showed minimal impact with 0.47% of trainees not being accepted onto the course, and none of these achieved above a NYC grade.

- The most selective cut score (46) provided a marked reduction in students who go on to fail the course (21%) without creating an enormous barrier for applicants or excluding many students who had good (Very Competent or Outstanding) course outcomes.

- The impact of cut scores is probabilistic and there will always be incorrect decisions, however the evaluation has provided good evidence that the cut score could be increased. The decision as to the actual cut score chosen will need to take into consideration factors outside of this evaluation, including financial and political drivers.
Conclusions and Implications

7.1. Overview

7.1.1. The Impact Evaluation suggests that the introduction of the BCAT has not had any significant impact on the profile of students on the BPTC, with changes to the student profile in line with general trends across Higher Education. In addition, the evidence suggests that the BCAT has had no significant impact on entry standards for the course, and that exit standards have declined, although this could be due to a number of factors unrelated to the BCAT. Further, the evidence suggests the BCAT is not seen as an effective tool for improving standards by either BPTC students or BPTC providers.

7.1.2. The Performance Evaluation has provided good early evidence of the predictive validity of the BCAT with the BCAT predicting BPTC outcomes (both scores and grades) overall and across all Providers. In addition, the BCAT has significant predictive power over and above Degree Institution and Degree Classification obtained. The BCAT in itself is also deemed to be a reliable measure, and previous role analysis has demonstrated its content validity (Ashworth, 2013). As such, the BCAT can be considered a useful, robust and practical tool as part of establishing a national standard for entry to the BPTC.

7.1.3. It was found that the BCAT did show significant differences in relation to ethnicity, with White candidates scoring significantly higher that BME candidates. This held true for the predictive relationship between the BCAT and BPTC outcomes, with ethnicity continuing to be a significant predictor of BPTC scores when all other variables were controlled for. This is in line with findings from the pilot.

7.2. Implications

7.2.1. Use of the BCAT: One of the key aims of this evaluation was to review the existing cut score and identify whether a different cut score could be implemented. The cut score is currently very conservative (based on the piloting of the BCAT in 2011) and in 2013 only 2.4% of those that sat the BCAT (for all sittings) did not pass. The evidence from this evaluation has demonstrated that a higher cut score could be employed and that this would serve to reduce the failure rate on the BPTC. Continued monitoring and evaluation of the BCAT and its relationship with BPTC outcomes would provide greater evidence and understanding as to the optimum cut score for the test and as such it is recommended that evaluation of the BCAT and its relationship with the BPTC continues in subsequent years.

7.2.2. It is understood that Providers do not tend to use the BCAT score within their selection processes, rather that candidates are simply required to pass the BCAT. With the evidence that the score candidates’ receive on the BCAT is predictive of not only BPTC overall score, but grade, one implication is that advice to Providers is reviewed in relation to how they use the BCAT as part of their selection processes. For example, bandings could be provided to Providers to assist them in making decisions in tie-break situations, or the BCAT score could be placed on a standardised scale and combined with outputs from their other selection methods (consideration would need to be given in relation to the relative weighting of the different assessment methods and the variability of processes between Providers).

7.2.3. With any selection test, it is advised that the item content is refreshed on a regular basis. Not only does this assist with issues relating to security and over exposure of items, but it can help future proof test by ensuring that the content remains relevant and face valid.
7.2.4. **Group Differences:** The findings in relation to group differences should be carefully considered. Whilst not an unusual finding (Wakeford et al., 2015), it is important that effort is placed to mitigate the risks of adverse impact. Whilst it is unlikely that these effects will be able to be reduced in this particular test (although reviewing item content in relation to DIF analysis is a positive step), the impact of this can be minimised through the inclusion of other selection methods that show less adverse impact (see paragraph 7.2.11). Selection methods such as Situational Judgement Tests (STJs) that assess behavioural attributes have been found to evidence fewer group differences, including for ethnicity (Lievens et al., 2008, Whetzel et al., 2008) than cognitive ability tests. Continued monitoring at a test and item level can help support any future developments. Finally, learning from other settings and sectors can assist BSB to further understand how to deal with and manage this risk of potential adverse impact.

7.2.5. **Perceptions of the BCAT:** Candidates’ and stakeholders’ perceptions of fairness, feasibility, and reasonableness of selection processes are important for recruitment, ethical, and legal reasons (Gilliland, 1993). The impact evaluation of the BCAT provided some useful information as to how the BCAT is perceived. It was found that less than a fifth of current BPTC students responding to the survey felt the BCAT test has the potential to meet its main objective ‘to raise standards of entry to the BPTC’ although half of prospective QLD/GDL students taking part in this evaluation agreed that the BCAT test has the potential to meet its main objective. Feedback from Providers tended to be mixed, although some of this may be due to the perception of what the BCAT was measuring.

7.2.6. Candidate and stakeholder perceptions are often related to the clarity and amount of information available about the test, and favourable reactions also tend to increase over time (Patterson et al., 2011). Sharing the evaluation findings in relation to the validity and effectiveness of the BCAT will help increase candidate and stakeholders perception over time. However, in general, although ability tests such as these often exhibit high criterion-related validity, candidate reactions are often classified as medium to low (Arnold et al., 2010), probably due to the lack of face validity or perceived job relatedness and it is therefore unlikely that perceptions in relation to the BCAT will ever be extremely favourable. In contrast, other selection tests (such as Situational Judgement Tests often have favourable candidate reactions (Klassen et al., 2014, Koczvara et al., 2012).

7.2.7. **Breadth of Criteria Tested:** Of particular note is the relatively narrow nature of what the BCAT is assessing. The BCAT is a measure of cognitive ability and in particular has been mapped to the cognitive demands and requirements of the BPTC. However, cognitive ability is only one part of the spectrum of knowledge, skills and abilities likely to be required to be successful not only on the BPTC, but further down the career pathway. Evidence from other sectors has demonstrated that attributes other than cognitive ability (such as communication skills, team working and perspective taking) are significant predictors of performance in training (Patterson et al., 2013), and can also provide incremental validity over measures of cognitive ability and tests of knowledge (Koczvara et al., 2012). These important criteria can be assessed in computer based settings to accommodate large volumes (i.e. at a sifting stage) and can be done so effectively on a national scale.

7.2.8. **Systematic Role Analysis:** Prior to the introduction of the BCAT, a small scale role analysis was conducted in 2009, focusing on the cognitive requirements of the role. A review of this role analysis by WPG in 2013 (Ashworth, 2013) concluded that the overall methodology undertaken for the job analysis was in alignment with best practice role analysis methodology. It employed multi-methods, included a diverse range of individuals and appeared to take a triangulation approach. However, this role
analysis only focussed on the cognitive requirements of the role. A full scale, systematic and future-focussed role analysis would assist in establishing the important skills, behaviours and attributes required to be successful in the role.

7.2.9. A best practice selection process starts by conducting a role analysis; a systematic analysis of the relevant knowledge, skills and abilities associated with performance in the target role. An in-depth role analysis is the cornerstone to produce an effective selection process as it identifies the appropriate competency framework and selection criteria for a particular role. This enables accurate identification of the key areas to be targeted at selection, and instils fairness by ensuring that all candidates applying for the same role are assessed only against one standard set of criteria that are directly relevant to the target role (Arnold et al., 2010). In addition to fairness, research evidence shows that conducting a job analysis is important for an organisation to defend its human resource management practices against legal challenge (Gutman, 2001).

7.2.10. In this particular context, a role analysis would help identify those attributes that are essential in the role and would help guide any future choice of selection methods. It would also help future proof selection by identifying any emerging criteria. With any selection process, it is important to consider the potential changing nature of the profession. Where there is the possibility of regulatory changes, consideration should be given to ensuring that selection into the profession is future orientated and that the trainees of today are able to meet the demands of tomorrow. The role of the regulator here is therefore essential to both identify the essential criteria required, but also to set the appropriate standards.

7.2.11. **Complementary Selection Methods:** One widely used assessment method for assessing professional attributes outside of cognitive ability is Situational Judgement Tests (SJTs). SJTs are designed to assess individuals’ judgement regarding situations encountered in the workplace. Candidates are presented with a set of hypothetical work-based scenarios and asked to make judgements about possible responses. Candidates’ responses are evaluated against a pre-determined scoring key to provide a picture of their situational judgement in that particular context. The evidence for using SJTs in selection is extensive. Large international meta-analytic studies show that SJTs can predict performance within the workplace and have substantial added value over IQ tests and personality measures in selection (McDaniel et al, 2001; Lievens, et al, 2005). Of particular note is the emerging evidence in relation to the use of SJTs and widening access (Sackett et al, 2009; Whetzel et al 2008).

7.2.12. It is important to highlight that it is not recommended that any other measure should be used to replace the BCAT, but rather that there are other selection methods that would be complementary to the BCAT. If any new selection method was to be introduced, it would need to be ensured that it complemented the Providers’ existing admissions and/or selection processes. Feedback from the Impact Evaluation found that providers did not view the BCAT as an effective screening tool as it was not perceived to be going beyond providers’ existing admissions and/or selection procedures. It is also important to consider how the BCAT (or any other potential selection method) integrates with the wider selection process being used.

7.2.13. **Summary:** Designing a robust selection process is a complex and continual task. It should be acknowledged that the role requirements, selection criteria, context for implementation and stakeholder acceptance may change over time and it is important for evaluation and development to take place on an ongoing basis. The evaluation has highlighted a number of implications that are outlined above, however these are related to continual improvements and efforts to future proof the process. A phased approach to improvements is advised and next steps should seek to understand and prioritise any future activities.
Appendix A

1. The BSB and the Bar Professional Training Course

1.1. The Bar Standards Board (BSB) regulates barristers called to the Bar in England and Wales. Their mission is to regulate the Bar so as to promote high standards of practice and safeguard clients and the public interest. The BSB is responsible for:

- Setting the education and training requirements for becoming a barrister;
- Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- Setting standards of conduct for barristers;
- Monitoring the service provided by barristers to assure quality; and
- Handling complaints against barristers and taking disciplinary or other action where appropriate.

1.2. In order to qualify as a practising barrister in England and Wales, individuals must complete the following:

- A qualifying law degree (QLD), or an undergraduate degree in another subject followed by the Graduate Diploma in Law (GDL);
- The Bar Professional Training Course (BPTC); and
- A pupillage, consisting of practical training in chambers or employment under a pupillage supervisor.

1.3. The BPTC is the vocational training course which students must pass in order to enter the final stage of their training. The primary aim of the BPTC is to prepare students for pupillage at the Bar of England and Wales and to enable students to acquire the skills required for pupillage at the Bar.

1.4. From 2011-2014 the percentage of students per academic year who failed the BPTC increased from 27% to 39%.

1.5. Given the cost of the BPTC course (ranging between £12,500 to over £18,000 in addition to living expenses) the BSB felt that there was a duty to ensure that only those who had a realistic chance of passing the BPTC were admitted on to the course.

1.6. In addition, the structure of the course involves collaborative and group learning and concerns had been raised that the presence of students without the necessary aptitude to succeed on the BPTC (particularly those with poor English language skills) impacts on the learning experience of other students on the course. In light of the financial investment required, the BSB has a duty of care to ensure the quality of learning for all students on the BPTC is as high as possible.

1.7. The decision to use an aptitude test was based on the recommendations of Neuberger Report27 and the Wood Review28. The aim was to use a fair aptitude test which measured critical thinking and analytical skills so that those without the prerequisite skills for a career at the Bar would not undertake the BPTC. Through introducing a further entry requirement for the BPTC, it was predicted that this would both improve the performance of those studying the BPTC and prevent those who do not have the prerequisite skills to succeed on the BPTC or at the Bar from undertaking the course.

27 See http://cms.barcouncil.room.net/assets/documents/FinalReportNeuberger.pdf; to read the full report.
28 Please see https://www.barstandardsboard.org.uk/media/1353435/bvc_report_final_with_annexes_as_on_website.pdf; to read the full report.
Appendix B

1 Data Cleaning

1.1 General data cleaning was undertaken, including identifying impossible scores within the data.

1.2 Data cleaning and imputation was required for the grades section; there were a number of inconsistencies and anomalies between modules grades and overall grades that were dealt with in-line with guidance provided. These were:

- If had second sit module grades (4’s), but no second sit final overall grade (only first sit final overall grade = 4), then 4 manually entered as second sit overall grade
- If had no overall grades, but 4’s in first sit modules only, then 4 entered in first sit overall grade
- If had no overall grades, but 4’s in first and second sit modules then 4’s manually entered into both first and second sit overall grades
- If had a second sit overall grade, but no first sit overall grade, manually entered 4 into first sit overall grade
- If had only first sit module scores and grades, but a 4 in both first and second sit overall grades; manually removed second overall grade
- If had only first sit module scores and grades, but only second sit overall grade; manually changed to first sit

1.3 No manual data imputation or cleaning was undertaken for any other variables.

1.4 BCAT Reference duplicates were identified, discussed with BSB, and matched correctly or deleted if they could not be matched.

1.5 35 cases (31 people) had two or three BCAT scores in the data (i.e. sat it more than once that year). For each person their final BCAT score was retained and the earlier sits were removed from the analysis.

1.6 21 separate duplicates were identified, where individuals has two sets of BPTC data and only one had BCAT data. All except six were subsequently matched to the correct BCAT Reference. The six were removed from the analysis.

1.7 Of the 2003 individuals with final sit BCAT scores (i.e. those who sat multiple times in the same year only had their final score included), 99.4% passed the BCAT, with only 13 individuals failing.

2 Restriction of range

3.1 Restriction of range corrections were not deemed applicable in this instance. After discussions with BSB, it was noted that many individuals only complete the BCAT after receiving a place on the course, so the BCAT is not selecting individuals out directly (besides from a very small number who failed), and therefore the ‘unrestricted’ sample is itself restricted. There were minimal differences in the spread of scores between the ‘unrestricted’ (i.e. everyone who sat the BCAT) and ‘restricted’ (i.e. everyone with BPTC data) samples, with the small difference reflecting a small number of outlying scores. Calculating corrections on the current data would likely yield minimal changes in the scores and could even lead to spurious corrections. Therefore, restriction of range corrections were not run.
3 Creation of variables

3.1 BPTC overall score was calculated by taking their final score (first or re-sit) and calculating final overall score using the appropriate weighting.

3.2 To identify if an individual was first or second sit for analysis; both their scores and grades were looked at for each module. If they had scores or grades in a second sit module, as well as first sit for that module, they were classified as having re-sat that module. However, if they only had second sit data, they were classified as first sit for that particular module. A candidate was classified as overall second sit if they had any second sit module data.

3.3 A variable created to identify if first or second sit (based on above).

3.4 A final overall grade calculated (whether first or second sit).

4 Removal of outliers/missing analysis

1.1 The full data set consists of 1109 candidates. Review of the data showed that there was a proportion of candidates missing 1 or more module scores within the 12 modules (98, 8.8%), and missing 1 or more module grades within the 10 modules (79, 7.1%). Correlations were run between BCAT score and total scoring missing to see if there was a relationship. This showed that the lower BCAT score a candidate has, the greater number of missing module data they are likely to have (spearman r = .258 <.001).

1.2 Candidates were excluded if they had more than half of the modular data missing for scores and grades as the data was judged to not be reliable. This removed 33 candidates. In addition, a further three candidates were removed due to concerns with the reliability of their data. This dataset of 1073 (Sample A) is the final dataset that was used for overall sample frequencies, descriptive statistics of BCAT score, including BCAT demographic analysis.

1.3 Analysis was conducted to see if there was any pattern for these 36 candidates in relation to their place of training. The highest proportion (16, 5.5%) came from City, but BPP Manchester had the highest percentage of its candidates in this group (7.5%, 4).

1.4 Analysis was also conducted by BCAT score to identify whether those excluded due to unreliability of data had a significantly different score to those included in the analysis. T tests showed that there was a significant difference between the excluded and included individuals (t=-2.58, p<.05) with excluded individuals scoring significantly lower (49.72, n=36) than included individuals (52.26, n=1073). Although in relation to creating a usable and reliable dataset the removal of these individuals is appropriate, it should be noted that those removed are at the lower end of the BCAT scoring distribution.

1.5 For BPTC final overall grade analysis, 6 further candidates were removed for final overall grade analysis only, following advice from BSB\textsuperscript{30}. These were candidates who only had first sit modular data (score and grade), and had a 4 overall first grade attempt, but a higher final overall grade second attempt, indicating that they had re-sat some modules but the data had not been provided. Thus BPTC final overall grade analysis was conducted on a sample of n=1067 (Sample B).

1.6 For the BPTC overall score analysis, candidates were removed if they had any modular data missing (n=110), as missing module data would skew the overall module score. These included 35 of the previously identified individuals to be removed, so an additional 75 individuals were removed from the dataset. The total dataset following this was n=998 (Sample C).

\textsuperscript{29} 001287, 000141, 002112
\textsuperscript{30} 000611, 000713, 001312, 001414, 001736, 001891
1.7 Analysis was conducted to see if there was any pattern for these 111 people in relation to their place of training. Analysis was conducted by Provider. The highest proportion (33, 14.3%) came from BPP London, but Newcastle had the highest percentage of its candidates in this group (24.2%, 15).

1.8 Analysis was also conducted by BCAT score to identify whether those excluded due to missing module scores had a significantly different score to those included in the analysis. T tests (t=-4.96, p<.01) showed that there was a significant difference between the excluded and included individuals and excluded individuals scoring significantly lower (49.60, n=111) than included individuals (52.47, n=998). Although in relation to creating a usable and reliable variable (i.e. the overall module score) the removal of these individuals is appropriate, it should be noted that those removed are at the lower end of the BCAT scoring distribution.
Bibliography and References

Ashworth, V. (2013) BCAT Performance Evaluation Distribution Analysis
Analysis - BCAT Cut Score

Following the completion of the BCAT Impact and Performance Evaluation in 2015, the Bar Standards Board was asked to consider the findings and the implications they had for the future implementation of the BCAT. As identified in the evaluation, the BCAT had not had any significant impact in achieving its key objective in raising standards on the BPTC. However, scores on the BCAT (rather than a passing or failing grade) were strongly correlated with outcomes on the BPTC. The Performance Evaluation highlighted that the current ‘cut score’ was set at such a level that only 0.65% of those who had taken the test were unable to pass after one or more attempts, and thus the current pass mark was set at too low a level to effectively screen out less able candidates from the BPTC. Instead, the evaluation recommended raising the ‘cut score’ to 46, which would enable the BCAT to filter out poorer candidates. With the data then available on 2014 BPTC grades, this pass mark would have excluded an additional 135 students from the BPTC, and in 2014 would have reduced the numbers of students failing to pass the BPTC by 20.7% (81 students).

The BSB identified two areas of concern in adopting a pass mark of 46. First, there was concern (identified in the evaluation report) that a pass mark of 46 might have an adverse impact on students from BME backgrounds, who performed worse (on average) on the BCAT. Second, that a pass mark of 46 excluded too high a proportion of students who would have gone on to pass the BPTC (40% of those who would have been excluded at a pass mark of 46 went on to pass the course in 2014, with 29.6% passing at Very Competent or Outstanding). In response to these concerns, additional analysis was undertaken to:

- investigate the impact of additional pass marks not evaluated as part of the performance evaluation;
- investigate any adverse impact on BME candidates using the two additional years’ worth of BCAT results which were available.

Analysis – Cut Score

The independent analysis of different cut scores undertaken by Work Psychology Group as part of the BCAT Performance Evaluation focussed on recommending a BCAT mark associated with an outcome of ‘Very Competent’. ‘Very Competent’ and ‘Outstanding’ can be viewed as the optimal desired grades on the BPTC (given that a relatively small proportion of passing students obtain a grade of ‘Competent’ on the BPTC, with ‘Very Competent’ making up the majority of passing grades). Nonetheless, it was felt that by aiming for a desired mark of ‘Very Competent’ or above, the cut score recommended by WPG ran the risk of excluding too many students who would have passed the course. As a result, the BSB decided to investigate lower cut scores in order to determine their impact on passing rates, and whether they would have a more proportionate impact on excluding passing students.

The table below provides summary statistics for the BCAT score obtained by students in the 2013/14 cohort (at the time the decision was made to investigate alternative cut scores, the data for the 2014/15 cohort was not available), for each of the BPTC grades obtained. The ‘mean’ value provided indicates the average score on the BCAT for candidates achieving each of the given grades on the BPTC. A ‘percentile’ indicates the value below which a given percentage of a group of observations fall. So, the 10th percentile indicates that of those
candidates who achieved a grade of ‘Competent’ on the BPTC, only 10% scored less than 45 on the BCAT.

<table>
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<th>BPTC Overall Final Grade</th>
<th>BCAT Mark - 10th Percentile</th>
<th>BCAT Score - Mean</th>
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<tbody>
<tr>
<td>Outstanding</td>
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</tr>
<tr>
<td>Very Competent</td>
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</tr>
<tr>
<td>Not Yet Competent</td>
<td>42</td>
<td>49.1</td>
</tr>
</tbody>
</table>

These figures suggested that a BCAT mark of 45 could be a more appropriate cut score if the intention is to set the mark at a point associated with a BPTC grade of ‘Competent’ or above, while only excluding a small number of students who could have passed the BPTC. While the 10th percentile for a grade of ‘Very Competent’ is 46 (mirroring the recommendation by WPG of pass mark of 46 in order to target BPTC grades of ‘Very Competent’), the corresponding figure for a pass mark of ‘Competent’ is 45. As a result, analysis of a pass mark of ‘45’ was undertaken, mirroring the analysis of ‘46’ undertaken by WPG as part of the Performance Evaluation. A pass mark of 44 was also evaluated, as neither 44 nor 45 had been analysed as potential pass marks in the Performance Evaluation. These analyses were initially done with only the 2013/14 cohort, as data for the 2014/15 cohort was not available when this analysis was initially undertaken. These tables have since been updated with the data from the 2014/15 cohort when that data became available. This means the sample also includes students from the 2013/14 cohort who initially failed the BPTC, but were able to subsequently pass with a grade of Competent after retaking their exams in 2014/15.

The table below shows the impact of applying potential cut scores of 44 and 45 to the available sample (students from the 2013/14 and 2014/15 cohorts). The table shows the numbers and percentages of individuals who would pass the BCAT, pass the BPTC, pass above Competent, and fail the course based on BPTC final overall grades.

### Impact of potential cut scores on BPTC Final Overall Grades

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<thead>
<tr>
<th>Cut Score</th>
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<th>Pass above C</th>
<th>Fail Course</th>
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<tr>
<td></td>
<td>N</td>
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<td>37</td>
<td>2305</td>
<td>100.00%</td>
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</tbody>
</table>
With the top cut score (46) the number of candidates failing would reduce from 613 to 468; a reduction in failure rate of 23.7%. This reduction in failure rate is lower for less selective cut scores – a cut score of 45 reduces the failure rate by 19.6%, 44 by 15.2%, and 43 by 11.6%.

The table below shows a breakdown of the impact of the different potential cut scores on the individual BPTC final overall grade outcomes within the 2013/14 and 2014/15 BPTC cohort. For the most selective cut score (46), this would have resulted in 12.8% of trainees not being accepted onto the course. 83 (28.1%) of these students that would have failed to have been accepted onto the course would have passed the course with a grade of Very Competent or Outstanding (false negatives); this is 3.6% of the total population. For a pass mark of 45, 64 (27.1%) of those excluded would have passed the course with a grade of Very Competent or Outstanding – this is 2.8% of the total population.

### Predicted test success rates at each grade, for the potential cut scores

<table>
<thead>
<tr>
<th>Cut Score</th>
<th>Grade</th>
<th>Fail BCAT</th>
<th>Pass BCAT</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>40</td>
<td>O</td>
<td>0</td>
<td>0.00%</td>
<td>209</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>13</td>
<td>1.20%</td>
<td>1070</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>10</td>
<td>2.50%</td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>28</td>
<td>4.57%</td>
<td>585</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>51</td>
<td>2.21%</td>
<td>2254</td>
</tr>
<tr>
<td>43</td>
<td>O</td>
<td>3</td>
<td>1.44%</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>42</td>
<td>3.88%</td>
<td>1041</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>38</td>
<td>9.50%</td>
<td>362</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>71</td>
<td>11.58%</td>
<td>542</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>154</td>
<td>6.68%</td>
<td>2151</td>
</tr>
<tr>
<td>44</td>
<td>O</td>
<td>3</td>
<td>1.44%</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>51</td>
<td>4.71%</td>
<td>1032</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>46</td>
<td>11.50%</td>
<td>354</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>93</td>
<td>15.17%</td>
<td>520</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>193</td>
<td>8.37%</td>
<td>2112</td>
</tr>
<tr>
<td>45</td>
<td>O</td>
<td>3</td>
<td>1.44%</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>61</td>
<td>5.63%</td>
<td>1022</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>52</td>
<td>13.00%</td>
<td>348</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>120</td>
<td>19.58%</td>
<td>493</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>236</td>
<td>10.24%</td>
<td>2069</td>
</tr>
<tr>
<td>46</td>
<td>O</td>
<td>4</td>
<td>1.91%</td>
<td>205</td>
</tr>
<tr>
<td></td>
<td>VC</td>
<td>79</td>
<td>7.29%</td>
<td>1004</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>67</td>
<td>16.75%</td>
<td>333</td>
</tr>
<tr>
<td></td>
<td>NYC</td>
<td>145</td>
<td>23.65%</td>
<td>468</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>295</td>
<td>12.80%</td>
<td>2010</td>
</tr>
</tbody>
</table>

### Adverse Impact Analysis

One of the key criteria when examining the cut score is the potential adverse impact on different groups of any change to the cut score. The analysis below provides an adverse
Impact analysis for four potential cut scores (43, 44, 45 and 46) for ethnicity. For this analysis, each group is represented as a dichotomous variable.

The tables show the relative selection ratio for the groups compared, i.e. the ratio of the pass rate for the group with the lower success rate to that with the higher pass rate. Where this value is below 0.8 the selection fails the ‘four fifths rule’ and is considered to have significant adverse impact. The implication if this is the case in a real selection process is that people from the lower scoring group have less than 80% of the chance of people from the higher scoring group of passing the test. This analysis uses results data for all students taking the BCAT across the three full years the test has been in operation (2013, 2014 and 2015) rather than only those students who obtained a place on the course. As a result, this does not necessarily indicate that an increase in cut score would itself result in a lower chance of obtaining a place in the course for certain groups of candidates as not all students who pass the BCAT obtain a place. Differences in test scores will always exist between two groups, but unless this difference (i.e. the adverse impact) is deemed as significant, this should not be seen as a cause for concern, although it should continue to be monitored.

The Performance Evaluation indicated that only ethnicity exhibited potential adverse impact for some cut scores. This analysis evaluates two additional pass marks (44 and 45) for ethnicity. The analysis indicates that for black students the highest cut score examined (46) fails the ‘four fifths rule’, with black students having less than 80% of the chance of passing the BCAT than white students. However, for both the additional pass marks examined (44 and 45), the ratio remains within the 80:20 ratio. The same analysis was also undertaken with other diversity characteristics¹, with none breaching the 80:20 ratio indicating significant adverse impact at any of the potential cut scores.

Adverse impact analysis for Ethnicity (White, BME).

<table>
<thead>
<tr>
<th>Cut Score</th>
<th>43</th>
<th>44</th>
<th>45</th>
<th>46</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>BME</td>
<td>White</td>
<td>BME</td>
</tr>
<tr>
<td>N</td>
<td>1773</td>
<td>2659</td>
<td>1749</td>
<td>2581</td>
</tr>
<tr>
<td>Proportion</td>
<td>94.71</td>
<td>89.05</td>
<td>93.43</td>
<td>86.44</td>
</tr>
<tr>
<td>Relative selection ratio</td>
<td>0.94</td>
<td>0.93</td>
<td>0.89</td>
<td>0.84</td>
</tr>
<tr>
<td>Total</td>
<td>1872</td>
<td>2986</td>
<td>1872</td>
<td>2986</td>
</tr>
</tbody>
</table>

Adverse impact analysis for Ethnicity (White, Asian).

<table>
<thead>
<tr>
<th>Cut Score</th>
<th>43</th>
<th>44</th>
<th>45</th>
<th>46</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Asian</td>
<td>White</td>
<td>Asian</td>
</tr>
<tr>
<td>N</td>
<td>1773</td>
<td>2046</td>
<td>1749</td>
<td>1987</td>
</tr>
<tr>
<td>Proportion</td>
<td>94.71</td>
<td>90.45</td>
<td>93.43</td>
<td>87.84</td>
</tr>
<tr>
<td>Relative selection ratio</td>
<td>0.96</td>
<td>0.94</td>
<td>0.90</td>
<td>0.85</td>
</tr>
<tr>
<td>Total</td>
<td>1872</td>
<td>2262</td>
<td>1872</td>
<td>2262</td>
</tr>
</tbody>
</table>

¹ Other available diversity data consisted of gender, domicile, English as a first language, age, first generation to attend university, state or fee paying school, disability, caring responsibilities (children or other), and sexual orientation.
Adverse impact analysis for Ethnicity (White, Black).

<table>
<thead>
<tr>
<th>Cut Score</th>
<th>43</th>
<th>44</th>
<th>45</th>
<th>46</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Black</td>
<td>White</td>
<td>Black</td>
</tr>
<tr>
<td>N</td>
<td>1773</td>
<td>322</td>
<td>1749</td>
<td>308</td>
</tr>
<tr>
<td>Proportion</td>
<td>94.71</td>
<td>80.10</td>
<td>93.43</td>
<td>76.62</td>
</tr>
<tr>
<td>Relative selection ratio</td>
<td>0.85</td>
<td>0.82</td>
<td>0.80</td>
<td>0.75</td>
</tr>
<tr>
<td>Total</td>
<td>1872</td>
<td>402</td>
<td>1872</td>
<td>402</td>
</tr>
</tbody>
</table>
Equality Analysis (EA)

<table>
<thead>
<tr>
<th>Date of Assessment</th>
<th>8 June 2016</th>
</tr>
</thead>
</table>
| Assessor Name & Job Title | Simon Thornton-Wood, Director of Education and Training  
                           Hayley Gault, Senior Training Supervision Officer |
| Name of Policy/Function to be Assessed | Revision of the cut score of the Bar Course Aptitude Test |
| Aim/Purpose of Policy | The aim of this proposal is to raise the cut score (pass mark) for the Bar Course Aptitude Test (BCAT). The BCAT was introduced in 2013 in order to increase the quality of individuals admitted to the Bar Professional Training Course (BPTC) by testing candidates' critical thinking skills, and thereby raise the pass rate on the BPTC. However, since its inception only a small percentage (0.65% in 2013/14) of those who take the BCAT fail the test.  
While analysis has indicated that BCAT performance is overall an accurate indicator of BPTC performance and that the skills tested are relevant to the outcomes of the BPTC, the BCAT with its current cut score has not had an impact on pass rates on the BPTC. The aim is that raising the cut score will exclude those more likely to fail the BPTC, so that pass rates and the quality of learning experience on the BPTC will improve.  
In addition to raising the cut score, the aim is to reduce the number of permitted attempts of the BCAT per year and also to open it out to anyone who wishes to take it rather than exclusively to BPTC applicants. |
1. Evidence

What evidence will you use to assess impact on equality?

This assessment is based on analysis of BCAT data performed both in-house (2013/14 and 2014/15 BPTC cohorts) and by Work Psychology Group (2013/14 BPTC cohort).

The Work Psychology Group Evaluation Report, produced in 2015,

2. Impact on Equality

Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).

The available data was analysed in relation to the impact of an increased cut score on ethnicity, gender, domicile, English as a first language, age, first generation to attend university, state or fee paying school, disability, caring responsibilities (children or other), and sexual orientation. There was found to be no significant adverse impact on any of these groups except for ethnicity.

The Work Psychology Group evaluation report recommended raising the cut score from 37 as it currently stands to 46. With the data then available on 2014 BPTC grades, this pass mark would have excluded an additional 135 students from the BPTC, and in 2014 would have reduced the numbers of students failing to pass the BPTC by 20.7% (81 students).

However, analysis performed by the BSB indicated that a pass mark of 46 might have an adverse impact on candidates from black and minority ethnic (BME) backgrounds, who perform worse on average on the BCAT. The impact was measured using the ‘four fifths rule’; at a cut score of 46, BME candidates having less than 80% of the chance of passing the BCAT of white candidates. A pass mark of 45, however, satisfies the four fifths rule.

The same range and level of reasonable adjustments and support will be available for candidates as previously so this should not have an effect on candidates who require such additional support.

| Race | As stated above, candidates from a BME background perform worse on average on the BCAT than white candidates. With a cut score of 45, 92.5% of white candidates will pass the BCAT, compared to 82.5% of BME candidates. This reduces to 73.9% of black candidates. As a proportion, this equates to 0.89 for white/BME Candidates and 0.8 for white/black candidates. This satisfies the four fifths rule described above which states that the cut score does not have a significant |


adverse effect on BME candidates. However, there is an impact with will need to be monitored in the future to ensure that any impact remains minimal and justified.

<table>
<thead>
<tr>
<th>Gender</th>
<th>Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on gender.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability</td>
<td>Analysis of the data available does not suggest that the increased cut score will have any significant impact on candidates with disabilities.</td>
</tr>
<tr>
<td>Age</td>
<td>Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on age.</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on sexual orientation.</td>
</tr>
<tr>
<td>Religion/Belief</td>
<td>Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on religion or belief.</td>
</tr>
<tr>
<td>Gender Reassignment</td>
<td>Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on gender reassignment.</td>
</tr>
<tr>
<td>Pregnancy/ Maternity</td>
<td>Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on candidates' pregnancy or maternity.</td>
</tr>
</tbody>
</table>
| Other Identified Groups | **Socio-economic groups**  
The BCAT currently costs £150 for UK/EU candidates and £170 for international candidates. Currently, there is no limit to the number of attempts a candidate may take at the BCAT and the full fee is payable each time. This means that a wealthy candidate may have many more chances to pass than a candidate with lesser economic means. Along with the proposal to increase the cut score, the aim is to decrease the number of permitted attempts per year to a maximum of three. This would reduce the disparity between wealthy and non-wealthy candidates in terms of number of chances to pass.  
In addition, the aim is to open out the BCAT more widely. In its current form, the BCAT is only available to those actively applying for the BPTC. This limits the pool of potential candidates. Allowing anyone to take the test at any stage – for example during their undergraduate |
degree or even whilst in school – means that the potential pool of candidates is much greater. If the number of people taking the test goes up this would have an impact on the cost of the BCAT; i.e. it would decrease. It would be desirable to reduce to cost of the BCAT so this would be monitored closely and reviewed at the end of the next cycle of BCAT applications.

How does the policy advance equality of opportunity?

Opening out the BCAT more widely will give candidates the opportunity to make an informed decision about whether to invest in the significant cost of training for a career at the Bar as early as possible. As stated above, reducing the number of permitted attempts per year will also help to reduce the disparity between wealthy and less wealthy candidates in their number of chances to pass the BCAT.

How does the policy promote good relations between different groups?

The policy to increase the BCAT’s cut score does not directly promote good relations between different groups.

3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark ‘X’ next to one option and give a reason for your decision)

| a. No change to the policy (no impacts identified) | Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups. |
| b. Continue the policy (impacts identified) | Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified. X |
| c. Adjust the policy and continue | Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy. |
d. Stop and remove the policy
There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.

Reason for decision:
The analysis based on the data available suggests that while BME candidates may potentially be affected by the raise in cut score, a cut score of 45 does not significantly adversely affect this group. It is predicted that no other group with protected characteristics will be significantly impacted by the change. The revised cut score therefore is unlikely to have an adverse impact on equality and diversity. However, the BSB should continue to monitor the impact to ensure that no group is affected in the future, particularly focusing on the impact on BME candidates.

4. Action Plan for Improvement

Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.

<table>
<thead>
<tr>
<th>Action Required</th>
<th>Desired Outcome</th>
<th>Person Responsible</th>
<th>Timescale</th>
</tr>
</thead>
</table>
| Review BCAT cut-score policy every 12 months | Review data available on BCAT performance to ensure that the cut score is appropriate and not having an adverse effect on racial or other groups | Oliver Jackling, Research and Evaluation Officer  
Ben Margerison, Data Analyst  
Input from Equality and Access to Justice team | June 2017 and yearly thereafter |
Introduction

The Professional Statement describes the knowledge, skills and attributes that all barristers should have on ‘day one’ of practice. It is the standard to be achieved by a barrister upon the issue of a full qualification certificate, on which basis they may apply for a full practising certificate.

Who is the Professional Statement for?

- **The BSB**: The Professional Statement sets out the parameters of competent practice that will assist the regulator in maintaining standards both of those entering practice and providers of education and training.

- **Those involved in the design and delivery of education and training for the Bar**: the Professional Statement will be used to inform the development of educational materials and pathways. The Statement will be used as a basis for the development of Threshold Standards, upon which learning outcomes will be based.

- **Aspiring barristers**: the Professional Statement describes the knowledge, skills and attributes which should be developed in order for them to qualify as a barrister. This will help aspiring barristers make informed decisions about their future development.

- **Practising barristers**: the Professional Statement describes the essential knowledge, skills and attributes that they should expect of themselves and their peers. The Professional Statement will not replace the Code of Conduct, and all barristers must continue to comply with the regulations set out in the BSB Handbook, which will remain the sole reference point for all disciplinary matters.

- **Consumers**: the Professional Statement may be used to inform an understanding of the barrister’s role and the service consumers can expect to receive. Complaints will continue to be dealt with under the Code of Conduct.

The knowledge, skills and attributes stated in the Professional Statement cover a broad scope of competence. For example, a newly-authorised barrister would not be expected to have the same level of oral advocacy competence as one who has practised for many years. Threshold Standards are currently being developed to define precisely the level of competence for each area of knowledge, skill and attribute listed in the Professional Statement for a barrister at the point of full authorisation. Threshold Standards will be published in 2016.
PROFESSIONAL STATEMENT FOR BARRISTERS

The Professional Statement: an overview

1. Barristers’ distinctive characteristics
   - Legal knowledge, skills and attributes
   - Practical knowledge, skills and attributes
     - Advocacy
     - Professional standards

2. Personal values and standards

3. Working with others
   - At work
   - Lay individuals

4. Management of practice
   - Personal practice management at workplace level
   - Professional compliance and work
Barristers’ distinctive characteristics

1. Barristers will:

<table>
<thead>
<tr>
<th>Legal knowledge, skills and attributes</th>
</tr>
</thead>
</table>
| **1.1** Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.  
They will recognise and abide by their paramount duty in this regard including where this may require them to act against their own or their client’s best interests. |
| **1.2** Have a knowledge and understanding of the key concepts and principles of public and private law.  
They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, including the implications of EU law, and be able to apply this as necessary. |
| **1.3** Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.  
They will have a good understanding of, and be up-to-date with recent cases and developments in, the area(s) of law in which they practise. They will have a good understanding of the rules of practice and procedure operating in courts relevant to their area(s) of practice. For example, the rules relating to jurisdiction, evidence, disposals, financial orders and costs. They will understand the processes by which disputes can be resolved outside court, such as arbitration and mediation. |
| **1.4** Have an awareness of the wide range of organisations supporting the administration of justice.  
They will understand that the system for administration of justice comprises more than the judicial system alone and will have an awareness of the other elements wherever they are relevant to their work. They will also have an awareness of the sources of advice and funding available to clients, their additional responsibilities in cases that are not self-funded, and the implications of the same on the conduct of a case. |
1.5 **Apply effective analytical and evaluative skills to their work.**

They will identify the relevant facts of a matter and apply their legal and procedural knowledge to those facts to analyse the issues. They will acquire an understanding of their client’s circumstances, needs, objectives, priorities and constraints. They will use that analysis and understanding to evaluate the available options and communicate them to their client.

1.6 **Provide clear, concise and accurate advice in writing and orally and take responsibility for it.**

Advice in writing will include written opinions and advising by email. Oral advice will include conducting conferences and advising by telephone. This will also include advising on the need and preparation for trial where an earlier disposal of the case does not occur, and the ability to convey unpalatable advice where necessary.

1.7 **Negotiate effectively.**

They will be able to recognise the strengths and weaknesses of the client’s case and that of all other parties and to seek an outcome by negotiation which is in the best interests of the client.

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**Practical knowledge, skills and attributes**

1.8 **Exercise good English language skills.**

They will have an effective command of the language and be able to use it appropriately, accurately and fluently so as to handle complex and detailed argumentation. They will use correct English grammar, spelling and punctuation.

1.9 **Exercise good communication skills, through any appropriate medium and with any audience as required in their work.**

They will be able to choose the appropriate medium of communication, taking into account the message and the audience. They will be aware of and responsive to what others are communicating to them, whether in writing, verbally or non-verbally. They will be able to write with clarity and precision. They will be articulate and able to speak with fluency. They will be able to adapt their language and communication to suit their audience, which may be clients, colleagues and others, from any background.
1.10  **Make sound judgements in their work.**

They will ensure their judgements are independent, based on a good understanding of the relevant law and evaluation of relevant facts and information, and that any advice they give or decisions they make are reasoned and supported by evidence.

1.11  **Ensure they are fully prepared.**

They will be familiar with the facts and law applicable to any matter on which they are working, as well as their client’s circumstances and goals, so as to be able to supply their client with a good standard of work.

1.12  **Employ effective research skills.**

Using either paper or electronic media, they will be able to recognise and identify relevant legal issues as well as recognise the need to research areas beyond the law that are relevant to their work. They will undertake any research accurately and efficiently. This will involve assessing the quality and relevance of sources, interpreting and evaluating the results of the research and presenting those results clearly and accurately.

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**Advocacy**

1.13  **Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.**

They will be able to draft standard court documents. For example, claim forms, statements of case, witness statements, applications, indictments, witness statements, orders and appeal documents. They will be able to draft these documents in clear language which focuses on the issues relevant to the case.

1.14  **Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.**

They will be able to draft skeleton arguments that have clarity of purpose, are of an appropriate length and which comply with any applicable rules. Their arguments will identify the issues and will cite authorities and external materials in an appropriate manner.
1.15 **Have persuasive oral advocacy skills.**

They will be able to communicate their client’s case effectively. They will be able to deliver coherent, well-structured and concise submissions and cite legal authorities and materials appropriately. They will be able to engage appropriately with and maintain an awareness of others in any forum where they represent clients.

When delivering submissions and questioning witnesses, they will be able to communicate audibly, using both pace and language that are appropriate to the tribunal. They will be able to handle witnesses in accordance with the rules of the court. They will ask questions which assist the court, focus on the real issues in the case and avoid the irrelevant. They will listen to the answers and demonstrate appropriate conduct towards the witness.

### Professional standards

1.16 **Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**

They will clearly understand a barrister’s core duties and apply them in all aspects of their work.

1.17 **Know how to conduct themselves appropriately in court.**

They will know and use the required dress, accepted forms of address, formalities of proceedings and established conventions and customs in each forum where they represent clients.

1.18 **Only accept work which they believe they are competent to undertake.**

They will be able to assess the level of their own knowledge, skills and attributes, to enable them to make an informed judgement on the acceptance of work and have the resilience to decline to act where necessary.
### Personal values and standards

Barristers will:

2.1 **Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**

They will be aware of and recognise the explicit and implicit pressures to behave in any other way and resist those pressures even where to do so may be against their personal interests.

2.2 **Be honest in their dealings with others.**

They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.

2.3 **Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.**

They will understand the law on equality and the need to value differences between members of society and apply that understanding in the workplace through taking positive steps to confront and tackle discrimination, whether in themselves, in others or in the structures of that workplace.

2.4 **Ensure their work does not incur unnecessary fees.**

They will establish with a client at the outset of any matter the basis for charging fees and then follow those arrangements in a cost-effective manner. They will only undertake work which they believe promotes their client’s interests.

2.5 **Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**

They will continually assess their weaknesses, limitations or knowledge gaps, analysing them accurately and honestly. They will acknowledge these to others if appropriate, and learn from the reflective process.
2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.

They will be able to plan and develop their career by identifying their strengths and preferences and the risks and opportunities of the environment in which they work. They will be able to assess their legal knowledge and skills and their working environment regularly, then eliminate any perceived knowledge or skills shortfall, ensuring their abilities remain relevant for the work they wish to undertake.
## 3 Working with others

Barristers will:

<table>
<thead>
<tr>
<th>At work</th>
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</table>
| **3.1** Understand and exercise their duty to act in the best interests of their client.  
They will apply this core barrister’s duty in every case except where it conflicts with their duty to the court in the administration of justice. |
| **3.2** Understand and apply principles of team working where appropriate.  
They will have an understanding of how teams work and the benefits of team working and be able to use their individual knowledge and skills to work collaboratively with others towards a common goal. They will be able to play an active role in supporting a team-working ethos, work co-operatively with others and willingly give help and support to colleagues, know when to offer assistance and advice and do so when required. |
| **3.3** Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.  
They will be aware of the potentially differing needs of people from a range of backgrounds, life experiences, or those who have characteristics which are protected under the Equality Act 2010. They will be receptive and responsive to how those needs might be met through making adjustments to their own practices. |
| **3.4** Treat all people with respect and courtesy, regardless of their background or circumstances.  
They will be aware of the diversity of people they may encounter and use that awareness to modify their behaviour where necessary so as to demonstrate respect and convey courtesy to all. They will know how and where to demonstrate empathy, and act accordingly. In their own workplace, they will treat senior, junior and support colleagues with respect and courtesy, recognising where an adversarial approach is not suitable. |
3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.

They will be able to identify situations where keeping the client informed is their responsibility and in those circumstances they will be able to establish with their clients a suitable structure, including timescales, for communicating significant developments in their case and communicate those effectively. This will include telling the client about options as their case develops, possible outcomes and associated risks.

### Lay individuals

3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.

They will understand and apply the relevant elements of the Code of Conduct for barristers in this regard and the need to maintain a balance between their duty not to take unfair advantage and their duty to the court. They will recognise and appreciate the potential lack of understanding where clients or opponents have an inadequate knowledge of the law and procedure compared with those whose cases are conducted through qualified legal advisors and the effect this may have on the handling of a matter.
Barristers will:

### Personal practice management

#### 4.1 Where appropriate, possess a strong understanding of the specific implications of being:

##### 4.1.1 a self-employed barrister.

They will be able to supervise the day-to-day management of their practice by clerks and other employees and accept overall responsibility for all delegated work.

##### 4.1.2 an employed barrister.

They will understand the specific implications of being employed as a barrister. They will be able to identify and deal with any conflicts of interest that arise as a result of their employed status and act with independence.

#### 4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.

They will have an awareness of skills such as time and project management, planning, record keeping, using IT effectively and personal development. They will analyse their own needs for such skills then acquire and apply them to a good standard where necessary. They will have a basic understanding of risk analysis so as to be able to apply it to their work. The employed barrister in particular will ensure they understand the governance structure of the organisation in which they work and achieve a balance between their obligations to that organisation and their professional duties.

#### 4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

They will ensure their workload is manageable. They will have a basic understanding of business continuity so as to be able to deal with unplanned circumstances. They will be sufficiently organised to ensure absences are planned so as to enable them to honour commitments.
## At workplace level

### 4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

They will contribute to the efficient operation of their workplace where appropriate through such actions as the sharing of work when necessary, the developing of the business, and the creation of effective support systems.

## Professional compliance and work

### 4.5 Maintain the confidentiality of their clients’ affairs, adopting secure technology where appropriate.

They will be aware of and be able to use either electronic or hard copy information management systems so as to ensure the confidentiality and security of their clients’ information as well as comply with current file storage and destruction regulations.

### 4.6 Exercise good time-keeping in face-to-face or telephone encounters.

They should attend meetings, conferences and court appearances punctually and fully prepared unless prevented by matters beyond their control.

### 4.7 Where necessary, be diligent in keeping good records and files of cases.

They will be able to identify situations where keeping records and files is their responsibility and in those circumstances they will ensure that the records they keep may be understood by others as well as themselves, are organised, accurate, contain sufficient details to portray a true record and are up-to-date.
# Summary

1. **Barristers’ distinctive characteristics**

Barristers will:

## Legal knowledge, skills and attributes

| 1.1 | Uphold the reputation of the Bar and observe their duty to the court in the administration of justice. |
| 1.2 | Have a knowledge and understanding of the key concepts and principles of public and private law. |
| 1.3 | Have a knowledge and understanding of the law and rules of procedure and practice relevant to their area(s) of practice. |
| 1.4 | Have an awareness of the wide range of other organisations supporting the administration of justice. |
| 1.5 | Apply effective analytical and evaluative skills. |
| 1.6 | Provide clear, concise and accurate advice in writing and orally. |
| 1.7 | Negotiate effectively. |

## Practical knowledge, skills and attributes

| 1.8 | Exercise good English language skills. |
| 1.9 | Exercise good communication skills, through any appropriate medium and with any audience as required in their work. |
| 1.10 | Make sound judgements in their work and take responsibility for their decisions. |
| 1.11 | Ensure they are fully prepared. |
| 1.12 | Employ effective research skills. |
## Advocacy

1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.

1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.

1.15 Have persuasive oral advocacy skills.

## Professional standards

1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.

1.17 Know how to conduct themselves appropriately in court.

1.18 Only accept work which they believe they are competent to undertake.
2 Personal values and standards

Barristers will:

2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.

2.2 Be honest in their dealings with others.

2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.

2.4 Ensure their work does not incur unnecessary fees.

2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.

2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.
### 3 Working with others

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4 Management of practice

Barristers will:

**Personal practice management**

4.1 Where appropriate, possess a strong understanding of the specific implications of being:
   4.1.1 a self-employed barrister.
   4.1.2 an employed barrister.

4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.

4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

**At workplace level**

4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

**Professional compliance and work**

4.5 Maintain the confidentiality of their clients’ affairs, adopting secure technology where appropriate.

4.6 Exercise good time-keeping in face-to-face or telephone encounters.

4.7 Where necessary, be diligent in keeping good records and files of cases.
Appendix A: Relationship between The Professional Statement and The Code of Conduct

1. A healthy profession is one that goes beyond basic compliance with its regulatory code. To practise effectively in today’s dynamic marketplace, barristers should be adaptive, systematic and flexible. Related knowledge, skills, attributes and behaviours will support them in upholding the regulatory standards of the BSB Handbook.

2. The Professional Statement describes what barristers should be able to do upon entry to the profession: the essential knowledge, skills, attributes and behaviours that all barristers should be able to demonstrate when issued with a full practising certificate. It is an entry standard which barristers should expect of themselves and their peers. It is also a resource which may be used by consumers to inform their understanding of a barrister’s role and the service that they can expect to receive. Furthermore, it can be used by those developing and delivering training to inform the development of effective future educational tools and pathways.

3. The Professional Statement does not focus on what barristers must do; this is dealt with in the BSB Handbook (inclusive of the Code of Conduct and associated Core Duties), with which all barristers must continue to comply. The Professional Statement may be used as an evidential point of reference when a breach of the requirements for competent practice (set out in the Code of Conduct) have been raised as a matter of complaint.

4. The Professional Statement forms part of the regulatory regime governing entry to the profession. The BSB Handbook details the regulatory landscape for subsequent practice, following admission.

5. Much of the knowledge, skills and attributes described in the Professional Statement can be related directly to the Core Duties set out in the BSB Handbook, as would be expected in any document that is used in admitting people to a profession. The Professional Statement refers to the BSB Handbook wherever compliance with its regulations is essential to demonstrating the knowledge, skills, attributes and behaviours that should be expected of a barrister. This relationship is illustrated by demonstrating which elements of the Core Duties are to be found in each element of the Professional Statement (an exercise known as mapping). The knowledge, skills, attributes and behaviours needed for a new barrister to practise in accordance with the Code of Conduct are revealed with clarity by this process.

6. A detailed mapping of the Professional Statement to the Core Duties is contained overleaf.
The Core Duties

CD1  You must observe your duty to the court in the administration of justice.

CD2  You must act in the best interests of each client.

CD3  You must act with honesty and integrity.

CD4  You must maintain your independence.

CD5  You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession.

CD6  You must keep the affairs of each client confidential.

CD7  You must provide a competent standard of work and service to each client.

CD8  You must not discriminate unlawfully against any person.

CD9  You must be open and co-operative with your regulators.

CD10 You must take reasonable steps to manage your practice, or carry out your role within your practice, competently and in such a way as to achieve compliance with your legal and regulatory obligations.
How the Professional Statement relates to a barrister’s Core Duties

Barristers’ distinctive characteristics

Barristers will:

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<tr>
<th>Legal knowledge, skills and attributes</th>
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<td>CD1 CD3 CD4 CD5</td>
</tr>
<tr>
<td>1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.</td>
<td>CD7 CD10</td>
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<tr>
<td>1.4 Have an awareness of the wide range of other organisations supporting the administration of justice.</td>
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<tr>
<td>1.5 Apply effective analytical and evaluative skills.</td>
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### Advocacy

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<tr>
<td>1.14</td>
<td>Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.</td>
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<td>1.15</td>
<td>Have persuasive oral advocacy skills.</td>
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</table>

### Professional standards

<table>
<thead>
<tr>
<th>1.16</th>
<th>Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.</th>
<th>CD9</th>
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<tr>
<td>1.17</td>
<td>Know how to conduct themselves appropriately in court.</td>
<td>CD1</td>
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<td>CD3</td>
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<td>CD4</td>
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<td>CD5</td>
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<tr>
<td>1.18</td>
<td>Only accept work which they believe they are competent to undertake.</td>
<td>CD7</td>
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</table>
## Personal values and standards

Barristers will:

<table>
<thead>
<tr>
<th></th>
<th>Personal values and standards</th>
<th>CD</th>
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<tbody>
<tr>
<td>2.1</td>
<td>Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.</td>
<td>CD2, CD3, CD4</td>
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<td>2.2</td>
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<td>CD8</td>
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<td>Ensure their work does not incur unnecessary fees.</td>
<td>CD6</td>
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<td>Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.</td>
<td>CD3, CD7</td>
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<td>2.6</td>
<td>Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.</td>
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3 Working with others

Barristers will:

### At work

3.1 Understand and exercise their duty to act in the best interests of their client. CD2

3.2 Understand and apply principles of team working where appropriate. CD10

3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances. CD2 CD8

3.4 Treat all people with respect and courtesy, regardless of their background or circumstances. CD3 CD5 CD8

3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations. CD7

### Lay individuals

3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person. CD2 CD7 CD10
Management of practice

Barristers will:

### Personal practice management

4.1 As appropriate, possess a strong understanding of the specific implications of being a:
   4.1.1 self-employed barrister.
   4.1.2 employed barrister.

4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.

4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

### At workplace level

4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

### Professional compliance and work

4.5 Maintain the confidentiality of their clients’ affairs, including by the use of secure information and communications technology methods.

4.6 Exercise good time-keeping.

4.7 Where necessary, be diligent in keeping good records and files of cases.
1. **Overview**

1.1. The Bar Standards Board are seeking to provide evidence that the BCAT is a relevant, valuable and valid assessment against the Professional Statement, threshold standard and competences, and thus has a role to play in the future of assessment, education and training.

1.2. Currently the evidence relating to the appropriateness of the BCAT stems predominantly from the job analysis that was conducted in 2009. This confirmed that the cognitive attributes as assessed through the BCAT were core requirements for the Bar Professional Training Course (BPTC). In 2013 a content review of the BCAT test specification was conducted. The content of the test was mapped to the outcomes of the job analysis and the BPTC course specifications requirements document. The findings from this review supported the initial conclusions from the job analysis report; that the test was suitable to be used given the clear alignment between the test content and the requirements of the BPTC.

1.3. However, since the development and the finalisation of the Professional Statement in 2015 and ongoing development of the threshold standard and competences, it is now important to review the BCAT against these to ensure that the frame of reference is in relation to these outcomes i.e. day one standards at the end of pupillage, rather than the BPTC qualification.

1.4. This will be achieved through the activity outlined below:

   a) **Mapping of the BCAT against the Professional Statement, threshold standard and competences.** Similar to the review conducted in 2013, a content mapping process has commenced that maps the content of the test to the content of the Professional Statement and competences. This would help evidence whether or not the BCAT aligns with the dimensions of interest (in this case, the threshold standard and competences).

1.5. Following on this this work, there is the potential for further activity if required:

   b) **Qualitative review.** To support the mapping process, a small additional piece of qualitative work will be conducted that explores how the statement and competences are put into practice in relation to the cognitive elements that are measured by the BCAT. This can be particularly helpful for when cognitive requirements act as a proxy for other behaviours i.e. if the content of the BCAT does not explicitly map to the statement or competences. This will be supported by the evidence base that demonstrates how cognitive elements can act as a proxy for other behaviours.

   c) **Benchmarking with other professions.** Finally, a benchmarking piece will be conducted. This will seek to explore other professions that use similar types of tests, not at the point of selection, but as part of the competences required for practice. This will add support to the use of such an assessment within law.

2. **Mapping Exercise**

2.1 This review involves mapping (or looking for congruence/alignment) between the BCAT test specification/questions and the knowledge, skills and attribute statements that make up the professional statement and their associated competences. If the purpose of the BCAT is to
identify those that are successful at the end of pupillage and thus on Day one as a barrister, the content of the BCAT should align to some degree with the profile identified at this stage.

2.2 BCAT Test specification

2.2.1 The test is split into five sections and there are 12 questions within each section. The instructions/information provided to candidates is outlined below.

2.2.2 Test section 1: Inference. In this section of the test, each exercise begins with a statement of facts that you are to regard as true. After each statement of facts you will find a possible inference i.e., conclusion that some persons might draw from the stated facts. Examine each inference separately, and make a decision as to its degree of truth or falsity.

2.2.3 Test 2: Assumptions. In this section of the test, each statement is followed by several proposed assumptions. You are to decide for each assumption whether a person, in making the given statement, is really making that assumption, i.e., taking it for granted, justifiably or not.

2.2.4 Test 3: Deduction. In this section of the test, each exercise consists of several statements (premises) followed by several suggested conclusions. For the purposes of this test, consider the statements in each exercise as true without exception. Read the first conclusion beneath the statements. If you think it necessarily follows from the statements given, click on the box next to "CONCLUSION FOLLOWS.". If you think it is not a necessary conclusion from the statements given, click on the box next to "CONCLUSION DOES NOT FOLLOW" even though you believe it be true from your general knowledge.

2.2.5 Test 4: Interpretation. The problem is to judge whether or not each of the proposed conclusions logically follows beyond a reasonable doubt from the information given in the paragraph. If you think that the proposed conclusion follows beyond a reasonable doubt (even though it may not follow absolutely and necessarily), click on the box next to "CONCLUSION FOLLOWS.". If you think that the conclusion does not follow beyond a reasonable doubt from the facts given, click on the box next to "CONCLUSION DOES NOT FOLLOW" even though you believe it to be true from your general knowledge.

2.2.6 Test 5: Evaluation of arguments. In making decisions about important questions, it is desirable to be able to distinguish between arguments that are strong and arguments that are weak, as far as the question at issue is concerned. For an argument to be strong, it must be both important and directly related to the question. An argument is weak if it is not directly related to the question (even though it may not be of great general importance), or if it is of minor importance, or if it is related to only to trivial aspects of the question.

2.3 Mapping between the BCAT and the Professional Statement and Competences

2.3.1 The Professional Statement, Threshold Standard and Competences were reviewed. The Professional Statement consists of four main characteristics; Legal and Practical Knowledge, Skills and Abilities (consisting of 18 separate knowledge, skills or attributes), Personal Values and Standards (consisting of 6 separate knowledge, skills or attributes), Working with Others (consisting of 6 separate knowledge, skills or attributes) and Personal Practice Management (consisting of 7 separate knowledge, skills or attributes). Each knowledge, skill or attribute has
a number of competences defined within it, and the threshold standard describes the minimum level or standard to which the competences must be performed.

2.3.2 The content was reviewed to identify those knowledge, skills or attribute statements that specifically relate to cognitive skills measured within the BCAT, as defined in section 3.2. Appendix A provides a detailed breakdown of the Professional Statement and identifies those knowledge, skills or abilities that are mapped to the content of the BCAT. Whilst this is not presented at the competence level, the competences were reviewed when undertaking this mapping process. The colour coding indicates the proportion of competences within that particular knowledge, skill or attribute that mapped to the test content, with a darker colour indicating a higher degree of mapping.

2.3.3 This activity was undertaken by two experienced occupational psychologists to provide robustness to the process and validate the results. Mapping was undertaken independently. The two researchers then met and any discrepancies were discussed and agreed. The review indicated that there was a very high level of concordance between the two researchers.

2.3.3 The results show that Legal and Practical Knowledge and Skills exhibits the most relation with the BCAT test content, with 11 of the 18 statements (61%) showing some degree of overlap or mapping with the BCAT test content. For seven of these statements, a degree of congruence was only seen for a minority of the competences, whilst for a further two statements there was a reasonable level of congruence. For the final two competences, all or the majority of the competences mapped to the test content. These were “Apply effective and analytical skills to their work”, and “Employ effective research skills”.

2.3.4 A small degree of congruence was found between Personal Standards and Values and the BCAT test content, with two of the six statements showing a small amount of mapping specifically relating to identifying personal and unconscious bias. This limited mapping is not unsurprising given that the BCAT is an assessment of cognitive requirements which do not tend to feature heavily in behaviours relating to values or personal attributes.

2.3.5 A small degree of overlap was found between Working with Others and the BCAT test content for the statement “Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations” specifically relating to identifying and evaluating possible courses of action and their consequences. Again, this would be expected given that this characteristic is predominantly interpersonal in nature.

2.3.6 A small degree of overlap was found between Personal Practice Management and the BCAT test content for the statement “Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice” specifically relating to identifying, evaluating and measuring the probability and severity of risk. This characteristic relates predominantly to skills relating to organisation and management of self and resources. Whilst there is little direct mapping, optional research activity B (that aims to identify proxy for cognitive ability) may identify that some of the cognitive requirements within the BCAT underpin skills and behaviours relating to organisation and management.
3. **Summary and Conclusions**

3.1 In summary, out of the 37 statements relating to knowledge, skills and attributes required, 15 (41%) could be directly mapped to the BCAT test content. Out of the 169 individual competences, a total of 29 (17%) competences directly mapped to the BCAT test content. Overall, this proportion of mapping for a single measure or assessment is satisfactory and what may be expected for a test of this nature. Any measure, that has not been created solely for the purpose of assessing a broad range of pre-defined constructs for a specific purpose, can only measure a small number of constructs if it is to do so in a reliable and valid manner. The BCAT has clearly demonstrated that it is a reliable measure in this context with good predictive validity (i.e. performance on the BCAT predicts performance later on in the career pathway). In summary, this means that the BCAT is assessing attributes in a fair, reliable and valid manner, that are needed on Day one as a barrister, as defined by the Professional statement, threshold standard and competences.
### Appendix A: Detailed breakdown of mapping

<table>
<thead>
<tr>
<th>PS &amp; Competences</th>
<th>BCAT Test Content</th>
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<th>Have a knowledge and understanding of the law and procedure relevant to the areas of practice supporting the administration of justice</th>
<th>Have an awareness of the wide range of organisations supporting the administration of justice</th>
<th>Apply effective analytical and clinical skills to their work</th>
<th>Provide clear, concise and accurate advice in writing or orally and take responsibility for it</th>
<th>Negotiate effectively</th>
<th>Exercise good English Language skills</th>
<th>Exercise good communication skills, any appropriate medium and audience</th>
<th>Make sound judgements in their work</th>
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<th>Employ effective research skills</th>
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</table>
### Appendix A: Detailed breakdown of mapping

<table>
<thead>
<tr>
<th>PS &amp; Competences</th>
<th>BCAT Test Content</th>
<th>Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the argument advanced by both sides</th>
<th>Draft skeleton arguments which present the relevant facts, arguments in a clear, concise and well-structured manner</th>
<th>Have persuasive oral advocacy skills</th>
<th>Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct</th>
<th>Know how to conduct themselves appropriately in court</th>
<th>Only accept work which they believe they are competent to undertake</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inference; can you accurately draw a conclusion from a stated fact?</td>
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<td>Assumptions; is an assumption justified?</td>
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<td>Interpretation; do conclusions logically follow beyond reasonable doubt?</td>
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<td>Evaluation of Arguments; can you establish whether an argument is weak or strong?</td>
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</table>

**Table 2: Legal Knowledge, Skills & Abilities - Advocacy**
Appendix A: Detailed breakdown of mapping

<table>
<thead>
<tr>
<th>BCAT Test Content</th>
<th>PS &amp; Competences</th>
<th>Inference: can you accurately draw a conclusion from a stated fact?</th>
<th>Assumptions: is an assumption justified?</th>
<th>Deduction: do conclusions follow premises?</th>
<th>Interpretation: do conclusions logically follow beyond reasonable doubt?</th>
<th>Evaluation of Arguments: can you establish whether an argument is weak or strong?</th>
<th>Ensure their work does not incur unnecessary fees</th>
<th>Adopt a reflective approach to their work, enabling them to correct errors and admit mistakes if they have made mistakes</th>
<th>Ensure they practise with adaptability, flexibility, being self-aware and self-directed, recognising and addressing the continual need to maintain and develop their knowledge and skills</th>
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Table 3: Personal Standards and Values
### Appendix A: Detailed breakdown of mapping

| BCAT Test Content | Ps & Competences | Inference; can you accurately draw a conclusion from a stated fact? | Assumptions; is an assumption justified? | Deduction; do conclusions follow premises? | Interpretation; do conclusions logically follow beyond reasonable doubt? | Evaluation of Arguments; can you establish whether an argument is weak or strong? | Demonstrate a good awareness of their additional responsibilities to lay and professional clients, their duties to act in the best interests of their client, and the needs and sensitivities created by individual circumstances. | Where appropriate, keep clients informed of case progress in a clear and timely manner and manage their expectations | Treat all people with respect and courtesy, regardless of their background, circumstances or individual circumstances | Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations. | Demonstrates a good awareness of their additional responsibilities to lay and professional clients, their duties to act in the best interests of their client, and the needs and sensitivities created by individual circumstances. | Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations. |
|------------------|------------------|-------------------------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|-------------------------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| **Table 4: Working with Others** | | | | | | | | | | | | |
### Table 5: Personal Practice Management

<table>
<thead>
<tr>
<th>BCAT Test</th>
<th>PS &amp; Competences</th>
<th>Inference: can you accurately draw a conclusion from a stated fact?</th>
<th>Assumptions: is an assumption justified?</th>
<th>Deduction: do conclusions follow premises?</th>
<th>Interpretation: do conclusions logically follow beyond reasonable doubt?</th>
<th>Evaluation of Arguments: can you establish whether an argument is weak or strong?</th>
<th>Maintain the confidentiality of their clients’ affairs, adopting secure technology where appropriate</th>
<th>Exercise good time-keeping in face-to-face or telephone encounters</th>
<th>Where necessary, be diligent in keeping good records of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where appropriate, possess a strong understanding of the specific implications of being a self-employed or an employed barrister</td>
<td>Possess sufficient understanding of organisational management skills to be able to maintain an effective and efficient practice</td>
<td>Plan their personal workloads and absences so as to ensure they deliver on all work commitments they have made</td>
<td>Understand the organisational systems or structures within which the work and support the delivery of a professional service</td>
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</tbody>
</table>

Table 5: Personal Practice Management

Appendix A: Detailed breakdown of mapping
The data below shows a breakdown of characteristics of UK/EU domiciled students from 2011-2015 by first degree classification. It demonstrates that a requirement of a minimum 2:1 or first class degree for entry to the BPTC could have a disproportionate effect on certain groups, including BAME students, women, those with a declared disability and those who studied at academic institutions outside of the top 50 universities.

Degree classification and ethnicity (for UK/EU domiciled students only).

<table>
<thead>
<tr>
<th>First Degree Classification</th>
<th>Asian/Asian British</th>
<th>Black/Black British</th>
<th>Mixed/Multiple ethnic groups</th>
<th>Not provided</th>
<th>Other ethnic group</th>
<th>White</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>First class</td>
<td>5.59%</td>
<td>3.08%</td>
<td>2.97%</td>
<td>10.27%</td>
<td>1.26%</td>
<td>76.83%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Upper second class</td>
<td>12.91%</td>
<td>7.66%</td>
<td>4.12%</td>
<td>7.71%</td>
<td>1.43%</td>
<td>66.16%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Lower second class</td>
<td>28.32%</td>
<td>14.24%</td>
<td>3.24%</td>
<td>13.92%</td>
<td>2.75%</td>
<td>37.54%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Degree classification and gender (for UK/EU domiciled students only).

<table>
<thead>
<tr>
<th>First Degree Classification</th>
<th>Female</th>
<th>Male</th>
<th>Not provided</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>First class</td>
<td>45.89%</td>
<td>54.11%</td>
<td>0.00%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Upper second class</td>
<td>54.55%</td>
<td>45.41%</td>
<td>0.04%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Lower second class</td>
<td>53.88%</td>
<td>45.63%</td>
<td>0.49%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Degree classification and disability (for UK/EU domiciled students only).

<table>
<thead>
<tr>
<th>First Degree Classification</th>
<th>Disability declared</th>
<th>No disability declared</th>
<th>Not provided</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>First class</td>
<td>8.11%</td>
<td>91.10%</td>
<td>0.80%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Upper second class</td>
<td>11.03%</td>
<td>87.76%</td>
<td>1.21%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Lower second class</td>
<td>13.27%</td>
<td>84.95%</td>
<td>1.78%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
Degree classification and first degree institution ranking (for UK/EU domiciled students only).

<table>
<thead>
<tr>
<th>First Degree Classification</th>
<th>Top ten</th>
<th>Next forty</th>
<th>Other University</th>
<th>0</th>
<th>Not provided</th>
<th>Overseas</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>First class</td>
<td>38.01%</td>
<td>33.33%</td>
<td>25.91%</td>
<td>0.11%</td>
<td>2.05%</td>
<td>0.57%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Upper second class</td>
<td>27.07%</td>
<td>42.45%</td>
<td>24.97%</td>
<td>0.31%</td>
<td>4.71%</td>
<td>0.49%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Lower second class</td>
<td>6.80%</td>
<td>36.57%</td>
<td>49.03%</td>
<td>0.81%</td>
<td>6.15%</td>
<td>0.65%</td>
<td>100.00%</td>
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</table>
BAR COURSE APTITUDE TEST (BCAT) FEEDBACK REPORT

The BCAT measures critical thinking ability. The work of a barrister involves processing large volumes of information. Your ability to efficiently and effectively understand and evaluate this information and make good decisions sets the foundation for your success. Important competencies, including analysis, decision making, problem solving, planning, and strategic thinking, require sound critical thinking skills.

BCAT scores are presented on a scale that ranges from 20 to 80 with a midpoint of 50. They are calculated by comparing responses with those of a large group of previous test takers. A score of 37 or above is currently required to pass the BCAT.

Your Score

Candidate: Candidate Name
Result: 51 - PASS
Registration No. 2147483647

ID: 54321 Date: 23 Mar 2016 Validation No. 417502205

Your score on the BCAT placed you in the PASS category. Please turn over for further information about interpreting BCAT test scores.

Authentication

Authenticate this score report at http://www.pearsonvue.com/authenticate
(Registration Number 2147483647 and Validation Number 417502205).
BAR COURSE APTITUDE TEST (BCAT) FEEDBACK REPORT

<table>
<thead>
<tr>
<th>Score Category</th>
<th>Score Range</th>
<th>Implications</th>
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<tbody>
<tr>
<td>Fail</td>
<td>20-36</td>
<td>Those in this category are likely to struggle greatly with the type of complex analysis and decision making required on the Bar Professional Training Course. In comparison with others that have completed the test, they will tend to apply faulty logic or reasoning when analysing information.</td>
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</tbody>
</table>
| Pass (marginal)| 37-44       | Those in this category are likely to find the type of complex analysis and decision making required on the Bar Professional Training Course challenging and may need to invest more time and effort in the course than most to meet the required standard. Available data on outcomes on the BPTC for candidates in this score range indicates that:  
  • None have achieved a grade of ‘Outstanding’  
  • 26% have achieved a grade of ‘Very Competent’  
  • 11% have achieved a grade of ‘Competent’  
  • 63% have failed the course |
| Pass           | 45-60       | Individuals scoring in this band are likely to be able to demonstrate the level of critical thinking necessary for effective analysis and decision making on the Bar Professional Training Course. Available data on outcomes on the BPTC for candidates in this score range indicates that:  
  • 6% have achieved a grade of ‘Outstanding’  
  • 45% have achieved a grade of ‘Very Competent’  
  • 13% have achieved a grade of ‘Competent’  
  • 36% have failed the course |
| Pass (strong)  | 61-80       | Individuals scoring in this band are likely to demonstrate or exceed the level of critical thinking necessary for effective analysis and decision making on the Bar Professional Training Course. Available data on outcomes on the BPTC for candidates in this score range indicates that:  
  • 32% have achieved a grade of ‘Outstanding’  
  • 58% have achieved a grade of ‘Very Competent’  
  • 1% have achieved a grade of ‘Competent’  
  • 8% have failed the course |

For more information on the test, please visit www.talentlens.co.uk/BCAT.