

Bar Transfer Test Handbook

September 2017

1. What this Handbook is about and who it is for

This document sets out the requirements for the Bar Transfer Test (BTT) from August 2017. It is intended for use by those who have been required to take the BTT as a condition for being granted exemption(s) from the standard training requirements of the Bar Standards Board (BSB). These are, in general, qualified lawyers from other jurisdictions or qualified UK solicitors who wish to qualify to practise at the Bar of England and Wales

Barristers play a vital role in the administration of justice. They must uphold the reputation of the Bar and demonstrate a high standard of professional practice to justify the trust placed in them by the public and other professionals. To this end, the BSB has published a [Professional Statement](#) for Barristers incorporating the Threshold Standard and Competences, which describes the knowledge, skills and attributes that all barristers will have on “day one” of practice. The BTT allows candidates to demonstrate that they have met the Competences outlined in the Professional Statement that they have not already demonstrated through their professional and academic experience.

The BSB’s authority to set training requirements and educational standards for those seeking to practise as barristers comes from the [Legal Services Act 2007](#). The BTT is governed by the Bar Training Rules as approved by the Legal Services Board on 23 July 2013. The Bar Training Rules can be found in the [BSB Handbook](#) (rQ81; rQ89).

In conjunction with the provider(s) of the BTT, the Regulatory Assurance Department of the BSB will revise and update this Handbook periodically to ensure currency, and also to provide additional guidance and clarification as necessary. The most recent edition of the Handbook will always be the one which is [on the BSB website](#).

The current regulations and Handbook will apply at the time the BTT is taken, regardless of whether previous attempts have taken place.

2. Admission to the BTT

Procedures to be followed by qualified foreign lawyers, legal academics, European lawyers and UK-qualified solicitors who want to transfer to practise at the Bar vary slightly.

Information on how to apply, including application forms, are available [on the BSB's website](#). If you have any queries, contact the Authorisations Team on authorisations@barstandardsboard.org.uk.

Applications are dealt with by the BSB's Authorisations Team. They decide whether to grant exemptions from the standard training requirements and whether these are conditional on passing some parts of the BTT. **NB it is very important that you allow at least 8 weeks for this process.**

Once the BSB has approved an application and specified which papers of the BTT must be taken, then the candidate should contact the approved [BTT Provider](#) for further information and guidance on the examination timetable and fees that are payable, according to the number of assessments to be taken.

Details of available training and the precise timings of examinations will be notified one month before the relevant sittings. For either sitting, candidates must submit to the provider:

- A completed application form
- The appropriate fee for the BTT and, if applicable, for the Advocacy training course
- Letter of approval/verification of sections required from the Bar Standards Board

Any requirements from which an applicant is not granted exemptions (eg membership of an Inn of Court, completion of pupillage) must be fulfilled in order for the candidate to be called to the Bar.

Timeline

<i>Approximately six months before the next sitting of the BTT</i>	Read and become familiar with all the guidance and specifications available, including this Handbook
<i>Approximately six months before the next sitting of the BTT</i>	Investigate Inn membership, procedures for Qualifying Sessions, Call to the Bar and pupil Advocacy Courses
<i>At least six months before the next sitting of the BTT</i>	Submit formal application to the BSB's Authorisations Team
<i>Approximately four months before the next sitting of the BTT</i>	Contact BTT Provider to notify of intention to sit
<i>Approximately four months before the next sitting of the BTT</i>	Receive notification of exemptions permitted by the BSB
<i>At least two months before the next sitting of the BTT</i>	Register for the BTT and Advocacy Course (if required). Notify any special requirements, adjustments, etc.
<i>Before the BTT is sat</i>	Attend the compulsory Advocacy Course
<i>Dates for Test</i>	Take Test papers as required (Spring or Summer)
<i>Within one to two months after the Test</i>	Meeting of the BTT Examination Board
<i>Within three months after the Test</i>	Notification of Results by Bar Standards Board

<i>Following receipt of results</i>	If successful, and not yet a member of an Inn, apply for Inn Membership. (NB this may take up to two months; a formal declaration is required; Call forms must be counter-signed by a Bencher of the relevant Inn)
<i>Approximately three to six months after approval of Inn membership</i>	Attend Call Ceremony, or apply to be called <i>in absentia</i> (NB this may take up to two to three further months, depending on dates of Call ceremonies which take place on a limited number of set dates each year)
<i>Following Call to the Bar</i>	Start pupillage (The non-practising period of pupillage can be undertaken prior to Call. Reduction in pupillage may also apply).
<i>Following Call to the Bar</i>	If required, complete and pass the Inn's assessed Advocacy Course during the non-practising period of pupillage (NB in some cases, where Inn membership has been approved but Call has yet to take place, it may be possible to attend the course before Call)
<i>Within three years of Call to the Bar</i>	Complete any required Inns Qualifying Sessions
<i>Following successful completion of the non-practising period of pupillage (or other requirement)</i>	Issuing of Provisional Qualification Certificate (NB some exemptions from pupillage requirements may be possible, and should be applied for to the Qualifications Committee at the same time as the application to do the BTT)
<i>Following successful completion of second six months pupillage</i>	Issuing of Full Qualification Certificate for the Bar of England and Wales

Membership of Inn of Court

Membership of an Inn of Court is required prior to the completion of Qualifying Sessions and Call to the Bar of England and Wales. Applications must be made directly to an Inn of Court, in good time before the Call ceremony itself. Information about the relevant Call dates should be sought from the Inn of which the candidate is a member. Candidates cannot undertake their second six (practising pupillage) until they have been called and issued with a provisional practising certificate.

Although membership is not required prior to taking the BTT, candidates may wish to join an Inn before taking the BTT in order to complete their Qualifying Sessions. Candidates are normally required to do six Qualifying Sessions within three years of being called to the Bar, and may also be required to attend and pass an Advocacy Course at their Inn during the non-practising period of pupillage.

It is advisable to make detailed enquiries with the Inns regarding the schedule for Inn membership, Qualifying Sessions, Call to the Bar and pupils' assessed Advocacy Courses before undertaking the BTT.

English language requirement

The Professional Statement describes the following Competence regarding English language, which should be demonstrated by candidates on the BTT:

1 Barristers' distinctive characteristics
<i>Practical knowledge, skills and attributes</i>
Barristers will:
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. Barristers should: a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications. b) Speak fluent English.

All candidates **MUST** be able to demonstrate that their oral and written English language ability is at least equivalent to:

- A minimum score of 7.5 in each section of the IELTS academic test; OR
- A minimum score of 73 in each part of the Pearson Test of English (academic).

For those with any doubt as to the level of their English skills, they are strongly advised to undertake one of the above tests before registering for the BTT.

Note that the Inns of Court may impose entry requirements in addition to those requested by the Bar Standards Board.

3. How the BTT is assessed: overview

Assessment overview

The BTT consists of a maximum of 13 separate assessments, the majority of which are time-constrained formal written examinations, the remainder being oral assessments. The examination papers relate to the knowledge of the Foundation subjects as specified by the Joint Statement and covered in the Qualifying Law Degree (QLD) or the Common Professional Examination (CPE) or Graduate Diploma in Law (GDL) and to the knowledge, skills and competencies that are assessed on the BPTC.

The BSB's Authorisations Team determines which parts of the test a candidate is required to take and considers each candidate on a case-by-case basis. If a candidate has not demonstrated any of the Competences required in the Professional Statement through their previous academic or professional experience, then they will have to take the parts of the BTT which allow them to demonstrate those Competences.

The BTT takes place twice a year, usually in Spring and Summer. All required parts of the test must be taken at the same sitting. In all cases, candidates must either successfully complete the test within the period initially specified by the BSB, or apply to the BSB for an extension of the time limit within which they can do the test.

The elements of the BTT framework and requirements are as follows:

Part A (relating to the CPE/GDL)

- a. Public Law (Constitutional Law, Administrative Law and Human Rights)
- b. Law of the European Union
- c. Criminal Law
- d. Obligations including Contract, Restitution and Tort
- e. Property Law
- f. Equity and the Law of Trusts
- g. English Legal system

The syllabus for Part A is detailed in a separate document which can be found [on the BSB website](#).

Part B (relating to the BPTC)

- h. Advocacy
- i. Civil Litigation and Evidence
- j. Criminal Litigation, Evidence and Sentencing
- k. Professional Ethics
- l. Opinion Writing
- m. Drafting

The same syllabus is used for Civil Litigation, Criminal Litigation and Professional Ethics as for the BPTC. The syllabus document can be found [on the BSB website](#).

Passing the BTT

A candidate is required to pass all relevant sections of the BTT before being considered as having passed the BTT overall.

Definitions for the threshold pass standard on the BTT ('competent' or 'not competent' in each assessment) are defined below.

Grading	Descriptor
Competent	Work is satisfactory and accurate with few errors or omissions, and is of a standard that demonstrates an ability to perform the sort of tasks appropriate to pupillage. Has attained the specified outcomes (in terms of knowledge of fundamental concepts and performance of skills). Demonstrates sufficient quality to be considered satisfactory and competent in terms of fitness to progress to the pupillage stage of training. Able, with the additional training and supervision in pupillage, to represent lay clients/members of the public.
Not Competent	Does not satisfy the threshold requirements. Work is inarticulate and of poor standard, faulty and badly expressed.

Assessment framework

Subject	Minimum assessment requirements	Pass mark
Part A	Legal Foundation Subjects	
Public Law (Constitutional Law, Administrative Law, Human Rights)	One closed-book examination (2 hours)	40% for substantive law; 60% for written skills
Law of the EU	One closed-book examination (2 hours)	40% for substantive law; 60% for written skills
Criminal Law	One closed-book examination (2 hours)	40% for substantive law; 60% for written skills
Obligations (Contract, Restitution, and Tort)	One closed-book examination (2 hours)	40% for substantive law; 60% for written skills
Property/Land Law	One closed-book examination (2 hours)	40% for substantive law; 60% for written skills
Equity and the Law of Trusts	One closed-book examination (2 hours)	40% for substantive law; 60% for written skills
English Legal System	One closed-book examination (2 hours)	40% for substantive law; 60% for written skills
Part B		
Advocacy	One provider-set assessment with oral exercise (12 mins) based on written component (eg skeleton argument), plus two further oral assessments (examination-in-chief, cross-examination) (12 mins each). All assessments must be passed.	60%

Civil Litigation & Evidence	One closed book examination of three hours, centrally set and marked (electronically). The examination comprises 75 multiple choice questions, including single best answer questions.	Reported as 60% [see <i>Central Examination Board (CEB)</i>]
Criminal Litigation, Evidence & Sentencing	One closed book examination of three hours, centrally set and marked (electronically). The examination comprises 75 multiple choice questions, including single best answer questions.	Reported as 60% [see <i>Central Examination Board (CEB)</i>]
Professional Ethics	One closed book examination of two hours and 30 minutes, centrally set and marked (manually). The examination is comprised of six short answer questions.	Reported as 60% [see <i>Central Examination Board (CEB)</i>]
Opinion Writing	No separate assessment; assessed within other written examinations	N/A
Drafting	No separate assessment; assessed within other written examinations	N/A
Maximum	13 assessments	

NB Candidates will fail if their written answers do not demonstrate an ability to write at a level that is a minimum of IELTS 7.5 – see above.

Advocacy Training Session

All candidates taking assessments in advocacy must attend, before the assessment, a training session. The member of staff leading this training session must not conduct the final assessment. The training course includes lectures and tutorials: all constituent components must be attended for a candidate to be entered into the assessment.

The session seeks to:

- provide the skills necessary to prepare, manage, present and/or respond to a case or legal argument, both orally and in writing, before a court or other tribunal, whether formal or informal;
- provide, at an initial level, the essential skills for a persuasive modern advocate, as defined by the Dutton¹ criteria:
 - the ability to persuade orally
 - the ability to persuade in written argument
 - cogent legal and factual analysis
 - the ability to develop reasoned argument, and
 - forensic skills with evidence (both written and oral)
 - all of the foregoing undertaken to high ethical standards;
- prepare candidates for the advocacy training methods to which they will be exposed in pupillage and thereafter;

¹ Report of Bar Council Working Party, chaired by Timothy Dutton QC, published October 2002.

- introduce candidates to a range of advocacy training methods including an approach which recognises the value of methods approved by the Inns of Court College of Advocacy (ICCA), eg the Hampel method;
- provide knowledge and understanding of the manner in which legal submissions should be made and responded to;
- provide knowledge and understanding of relevant equality and diversity issues in advocacy, such as the Bar Standards Board's [Youth Proceedings Competences](#); and
- ensure that successful candidates meet a standard of competence compatible with expectations at the start of pupillage.

The diet of advocacy practice and final assessments must contain the following elements:

- submission of written argument;
- advancing and responding to legal, factual and procedural submissions; knowledge and application of legal principle;
- witness handling, including examination-in-chief, cross-examination and re-examination;
- dealing with interventions from the bench

NB Forms of written advocacy should also be covered as appropriate.

4. How the BTT is assessed: specific assessment requirements

Administration of assessments

Assessment processes for those assessments which are set by the BTT provider must be clear, precise, valid and reliable. Detailed protocols must be in place for the operation of assessments including:

- scheduling
 - a calendar of examinations must be published to students well in advance
 - assessment dates must not be indirectly discriminatory by clashing with religious holidays
- record keeping
 - maintaining an accurate register of candidates eligible to take examinations
 - results data
- security
 - examination materials and results
 - examination halls and invigilation
- assessment of disabled candidates
 - with reasonable adjustments made for disabled candidates
- first and second marking, including protocols for determining samples for second marking
- moderation
- consideration of mitigating circumstances
- arrangements for Examination Boards where final marks are confirmed
- recording of assessment grades by suitably trained staff
- notification of results
- movement and retention of examination papers
- academic misconduct
- appeals

The BSB may request details of any of these operational processes for monitoring purposes.

The BTT provider's academic staff involved in assessment must be competent to make fair and sound judgments about the performance of individual candidates in relation to the cohort. Academic staff must receive appropriate training and development such as mentoring for new staff and for practitioner staff new to teaching, as well as ongoing staff development for others.

Provider administrative staff must have a sound working knowledge of BSB requirements and receive appropriate training in candidate records or other systems where relevant.

Candidates must, on registering for the BTT, be provided with details of assessment including:

- the specific requirements for individual assessments (with clear criteria for how they will be assessed)
- a clear statement that no compensation for failure in assessment is permitted (ie marks gained in one part of the BTT may not be count in place of a section that has been failed)
- information about re-sits and about procedures for applying for mitigating circumstances to be considered

- information about the medium of assessments and whether they must be word processed or written by hand
- information about requirements for attendance at all assessments, including sufficient notice of timing and location.

Responsibilities of candidates

Candidates must attend examinations and assessments, and present their work as required by the provider.

Where a candidate fails to attend an examination without good reason (supported by evidence that has been accepted through the provider's mitigating circumstances procedures) then the student will be deemed to have failed that assessment.

Assessment of international candidates

Where overseas candidates make arrangements to visit London to sit the test, it is their responsibility to check whether they will be able to sit all parts of the test during their visit. The gap between papers varies at each sitting, and it is likely that the Summer sitting of the test will be most convenient for overseas students who wish to sit all parts of the test during one visit to London. Whilst BPP has reciprocal arrangements with many countries globally for the test to be sat at British Council offices, in some countries the time difference will preclude adequate quarantine/quality assurance mechanisms from being in place, so overseas sits cannot be guaranteed in all countries.

Assessment of disabled candidates

If a candidate is unable to be taught and/or assessed in the usual way, then the provider should negotiate and agree to any necessary reasonable adjustments and a learning agreement should be made between the provider and the candidate. Reasonable adjustments should be based primarily on normal classroom practice. They must never provide an unfair advantage.

Reasonable adjustments may include, but are not limited to:

- rest breaks during the exam
- additional time
- physically modified papers (eg enlarged font, different paper colour)
- the use of word processors or other technical or electrical aids
- an amanuensis
- a reader
- administration of the exam at an alternative location.

It is the candidate's responsibility to ensure that the provider is made aware of their disability well in advance of assessment, and written evidence (normally medical) must be provided. Providers will have their own deadlines for these processes and these must be observed.

Where a disabled candidate has particular access or equipment requirement in relation to assessment it is the responsibility of the provider to ensure that locations are accessible and appropriately equipped in accordance with the learning agreement agreed between the candidate and the provider.

Assessments set by the BTT provider

- The BTT provider must have clear protocols for setting and marking assessments, and for appropriate consultation with external examiners during this process.
- All assessments must be approved by external examiners. External examiners appointed by the BSB play a key role in quality assuring assessments set by providers (see the section in this document entitled *External examiners*).
- If serious disagreement occurs between internal markers, a third marker may be consulted. The external examiner may be consulted, but is not permitted to act as a third marker to resolve marking disagreements. The external examiner's decision is final.
- Questions used in summative assessments must not be reused within a three-year period. Questions for examinations and re-sits must be similar (to ensure fairness) but not repeated/identical.
- Examination papers must be kept in a secure place until required for secure delivery to the place of the examination; arrangements for secure collection of the papers at the end of the examination must be made.
- Robust arrangements for invigilation of assessments must be made, and invigilators provided with sufficient training and information. Protocols for invigilation must be available for inspection by the BSB.
- Assessors must annotate scripts with feedback on errors and areas for improvement. This will assist the external examiner or moderator by providing a rationale for the mark awarded.
- The BSB reserves the right to attend and observe the conduct of any assessment, whether set centrally or by providers.

Academic misconduct

The BTT provider must have its own policies and procedures for dealing with academic misconduct and these must be clearly visible to candidates. Proven offences must be reported to the relevant Inn of Court.

Deferral

Once a candidate has deferred a sitting in any or all of the Test papers, they must give a minimum of 14 days' notice if they wish to reverse that decision to defer.

Re-sits

Any individual paper failed on first attempt may be taken a second time. A candidate who fails the second attempt at any paper will be required to re-sit all the papers they were originally required to undertake at the next sitting of their choice (but within the period allocated by the BSB).

If the candidate has not then passed all papers, no further opportunities to re-take the BTT or any part of it will be permitted, until a period of two years has elapsed since the last

attempt at an assessment/examination, at which time a candidate may apply to the BSB to repeat the process ab initio.

A candidate who fails any paper and whose documented mitigating circumstances have been accepted by the Examination Board, may take that assessment paper again as if for the first time (i.e. without it counting as an 'attempt').

Mitigating circumstances

The BTT provider must have and operate its own policies and procedures for considering mitigating circumstances and ensure that these are clearly visible to candidates.

A candidate's application to have mitigating circumstances taken into account will initially be considered by the provider. The provider will make a recommendation to the Examination Board to accept or reject the application. The Examination Board will take into account the recommendation from the provider in making its decision whether or not to accept the application, but is not bound by it. If the Examination Board accepts the application, it has the discretion to disregard the assessment result and offer the candidate the opportunity to sit the assessment(s) as a first attempt of that sitting, i.e. with no penalty or restriction on the mark that may be obtained. The Examination Board has no other discretion available, and may not amend the grades of candidates in such circumstances.

Candidates may request a review by the Independent Reviewer of decisions relating to a mitigating circumstances application, including applications relating to assessments set by the Central Examination Board (CEB). Requests for reviews of this type may only be made on one or more of the following grounds:

- that information has become available which, if it had been available to the Examination Board at the time when it reached its decision, would or might have caused the Examination Board to reach a different decision;
- that a candidate's performance in an assessment was affected by ill-health or another factor, amounting to mitigating circumstances, which they were unable to disclose at the appropriate time, or which they had good reason not to disclose. Written evidence or certification of such mitigating circumstances and the reasons why they were not disclosed at the appropriate time must be provided to support such claims.

Please note that for reviews of all other decisions relating to assessments, the processes for provider-set assessments and centrally set assessments diverge. However, unacceptable reasons for review and the procedures for candidates to request a review are the same for all reviews of all types of assessment; see *Requests for review of Examination Board decisions for provider-set assessments*.

It is recommended that the provider operates a "fit to sit" policy where, if a student declares themselves fit to sit the assessment, a subsequent mitigating circumstances claim will not normally be taken into consideration unless it falls within the terms of any exceptions that the provider's policy allows.

The provider must ensure that their external examiners are made aware of the mitigating circumstances policy and procedure in operation in their institution.

The Examination Board

The BTT provider must appoint an Examination Board, which is responsible for confirming that assessment processes have operated appropriately and that decisions have been applied fairly to all candidates. The Board is responsible for confirming final marks and overall result, and for confirming decisions about mitigating circumstances.

The Examination Board must comprise:

- a Chair who is a senior representative of the Bar Standards Board (usually the Head of Training Supervision and Examinations);
- the BTT director;
- a senior representative of the provider's academic quality and/or registry unit (if possible), and
- at least one external examiner appointed by the BSB (remote attendance via digital conference or telephone is acceptable if physical presence is not possible).

An administrator must be present to record the final results and awards.

Requests for review of Examination Board decisions for provider-set assessments (Part A, and Part B Advocacy only)

Requests for Review of Examination Board decisions may only be made on one or more of the following grounds:

- that the Examination Board has acted ultra vires;
- that the Examination Board in the exercise of any discretion reached a conclusion which on the facts no reasonable tribunal could have reached;
- that information has been received by the Independent Reviewer which, if it had been available to the Examination Board at the time when it reached its decision, would or might have caused the Examination Board to reach a different decision;
- that a candidate's performance in an assessment was affected by ill-health or another factor, amounting to mitigating circumstances, which they were unable to disclose at the appropriate time, or which they had good reason not to disclose. Written evidence or certification of such mitigating circumstances and the reasons why they were not disclosed at the appropriate time must be provided to support such claims (see *Mitigating circumstances*);
- that an administrative error seriously influenced the outcome of the assessment concerned;
- that relevant BSB regulations were not followed in relation to the content of the assessment, the way it was conducted, or its results;
- that the procedures followed by those responsible for the assessment were not in accordance with the principles of natural justice.

Unacceptable reasons for review:

- The BSB will not consider Requests for Review that result from a candidate failing to follow the published policies and procedures.
- The BSB will not consider Requests for Review based solely on disagreement with the academic judgment of the internal or external examiners who made the assessment. The nature of assessments and all grades awarded are subject to moderation by internal and external examiners and are also confirmed by a Board of Examiners.

- The BSB will not consider Requests for Review that derive from the candidate's own shortcomings, such as failing to attend at the correct time and place of the examination.

The BSB undertakes to deal openly and fairly with candidates who wish to apply for a Request for Review of an assessment decision of an individual paper or the BTT as a whole. Requests can only be considered if they are made by the candidate who is directly affected.

Where a candidate wishes to request a review of a mitigating circumstances decision, or a single provider-set assessment, or of their overall result in the BTT:

- The candidate must submit a formal Request for Review within two weeks of receipt of feedback from the BTT provider following publication of Test results, using the required application form which may be obtained on request from btt@barstandardsboard.org.uk. The form must be submitted with full supporting documentation to the Head of Training Supervision and Examinations at btt@barstandardsboard.org.uk.
- All requests for review are considered by the Head of Training Supervision and Examinations (or the Director of Regulatory Assurance) and considered against the grounds for review.
- If the request for review is found to have no basis on the grounds stated above, the Head of Training Supervision and Examinations will inform the candidate that no further action can be taken.
- If the request for review is found to fall within the grounds stated above, the Head of Training Supervision (or the Director of Regulatory Assurance) will determine that it is passed to the Independent Reviewer. This is a person appointed by the Bar Standards Board to give an independent review of Examination Board decisions.
- The decision of the Independent Reviewer is independent of any decisions made previously by the Examination Board or any BSB officer.
- The decisions available to the Independent Reviewer are either
 - confirm the original result; or
 - recommend that one or more re-sits to be made available without penalty ('as if for the first time').
- Marks and grades cannot be increased or reduced as a result of a Review.
- In considering a request for Review, the Independent Reviewer should have before them:
 - Copies of the minutes of all relevant meetings of the Examination Board;
 - All documentation sent to the Examination Board relating to Mitigating Circumstances;
 - Any other written representations submitted by the candidate for the attention of the Examination Board or the Independent Reviewer.
- The decision of the Independent Reviewer will be communicated to the candidate, and to the BTT provider.
- The Independent Reviewer should provide reasons for their decision with reference to the evidence considered.
- A decision will normally be reached within four months of the date of submission of the Request for Review to the BSB.
- The decision of the Independent Reviewer is final.

Central Examination Board (CEB)

Centralised assessments were introduced to ensure consistency across providers of the Bar Professional Training Course (BPTC), and closer regulatory oversight of standards in knowledge subjects. These assessments are set on behalf of the BSB by the CEB. The CEB comprises a Chair, teams of examiners (a Chief Examiner and Assistant Chief Examiners for each knowledge area, and senior staff from the BSB. The Chair and the examiners contribute a mix of both academic and practitioner experience. Psychometric and assessment experts support the work of the CEB. The work of the CEB is subject to oversight by an independent observer. Bar Transfer Test candidates sit the same centralised assessments at the same time as BPTC students. This ensures parity between the two routes to completion of vocational stage requirements.

Questions and solutions for Civil Litigation and Criminal Litigation are devised by suitably qualified individuals (including academics working at BPTC and BTT providers, barristers and solicitors) recruited specifically as question writers and are agreed by the examining teams. Questions and solutions for Professional Ethics are devised by the examining team. All papers are scrutinised by relevant CEB examiners, the CEB Chair and BSB staff. The Litigation assessments are also reviewed by those who set the syllabus (this team is independent from the CEB). Assessments are checked by independent paper scrutinisers (who sit the assessments as a student would), independent technical readers and independent proof readers. Any issues raised are referred back to the CEB.

Civil Litigation and Criminal Litigation assessments are machine marked by the BSB. Professional Ethics is marked by a pool of suitably qualified individuals (including academics working at providers, barristers and solicitors) recruited specifically for this role. The CEB conducts marking moderation meetings to ensure that all markers are marking to the same standard. Markers mark only one SAQ as it helps them remain consistent and focus on the subtleties of the marking criteria. Marking by question rather than entire script avoids the “halo effect” wherein a high or low mark on one SAQ influences a marker’s judgement on the student’s answers to other SAQs. It also allows for a candidate’s work to be reviewed by a minimum of six markers and thus is fairer to students.

The pass marks for centralised assessments are determined at each sitting based on the difficulty of the questions and so may differ between sittings. Best practice for determining the pass marks involves a systematic way of gathering value judgements, reaching consensus and expressing that consensus as a single score on a test.

In order for the passing standard for the Litigation assessments to be articulated, the CEB convenes groups of expert “judges” (academics working at providers, barristers, and the examining teams) who assess the difficulty of each question by estimating the proportion of “just passing” candidates who would answer it correctly. Each judge’s estimates are added together (a minimum passing level (MPL) and the average MPL of all the judges becomes the pass mark.

In order to set the pass mark for Professional Ethics, the CEB invites markers to submit their views on the pass mark for the SAQ they marked. The CEB considers this information in making the final decision as to the pass mark, and is supported by an assessment expert in doing so.

The CEB uses test-centred standards. Each candidate’s performance is judged solely in relation to the passing standard, irrespective of the performance of the group of examinees on each assessment.

Cohort results for the subjects that are centrally set and assessed will be confirmed by the BSB's Central Examinations Board before being remitted to BPTC and BTT providers. A background calculation is applied in order for the pass marks for centralised assessments to be reported to providers as 60%. This enables providers to more easily combine CEB results with results from their own assessments. Provider Examination Boards then combine the centrally assessed results with results for other parts of the course to give overall results for individual students. The Central Examination Board is concerned only with overall consistency in the knowledge subjects and will not be involved in discussing the profiles of individual students or students' mitigating circumstances.

Appeals against centralised examination decisions

The [Centralised Assessments Regulations for Student Review \[pdf\]](#) have been designed for candidates who wish to clarify the arithmetical transcription of their marks for one of the three centrally assessed areas (Professional Ethics, Criminal Litigation and Civil Litigation), or request a review of a Central Examination Board (CEB) decision which impacts on a cohort of students. Candidates should be aware that this process does not involve a re-mark of the candidate's examination paper. Candidates wishing to request a review of a CEB decision which impacts on a cohort of candidates must wait until the Chair of the CEB's report has been published before submitting their request. To find out when the Chair's report is due to be published, candidates can visit the BSB's website.

A candidate requesting a review under section four of the Regulations and a clerical error check to the provider under section two of the Regulations must invoke processes concurrently, not consecutively.

The procedure is as follows:

- Candidates may wish to request a clerical error check and this must be completed with the BTT provider.
- Candidates may wish to submit a form to the BSB requesting an enhanced clerical error check. This should be done within a stated timescale (see Regulations section 3.2) and by submission of the stated fee. The fee is £60 per enhanced clerical error check [per subject area]. If more than one enhanced clerical error check is requested, the fee will increase appropriately.
- Candidates may wish to submit a request for a review in respect of a decision taken by the CEB in confirming cohort marks for the centralised assessments in the knowledge areas. The request for review must be submitted on the appropriate form by the stated deadline with the appropriate fee. The deadline will be stated on the BSB's website and the fee is £250. Requests are unlikely to be accepted after the stated deadline.
- Fee payment will be accepted by cheque in the first instance payable to the Bar Standards Board; or alternatively by credit card.
- All forms may be sent in hard copy version to Centralised Examinations Team, Regulatory Assurance Department, Bar Standards Board, 289-293 High Holborn, London, WC1V 7HZ or soft copy version to centralisedassessments@BarStandardsBoard.org.uk.

Since all grades are subject to internal marking and moderation systems, and are confirmed by an Examination Board, appeals based solely on disagreement with the academic judgment of the staff making the assessment should not normally be considered by providers.

External examiners

The BSB appoints (and pays for) external examiners who are key to monitoring the quality and standards of the provider-set assessments of the BTT and ensuring that BSB regulations around assessment are being implemented appropriately. The system of external examiners operates broadly in accordance with the [QAA's Quality Code](#). More information on external examiners can be found in the BPTC Handbook (available [here](#)).

5. Resources

Classroom accommodation requirements

The specification and presentation of teaching accommodation must be appropriate to professional training:

- Institutions must make all reasonable adjustments to accommodate disabled candidates.
- The teaching environment should use up-to-date technology that facilitates an interactive approach.
- Recording equipment must be available in teaching sessions.
- The acoustics and sight lines of the physical teaching spaces should be satisfactory.
- Court room furniture must be available in a sufficient number of teaching rooms to enable advocacy exercises to take place in a court room setting regularly.
- Core practitioner works must be readily available for reference

Library resource requirements

Each provider must have a dedicated law collection that is staffed by a professional law librarian. The law collection must be stocked and maintained to support delivery of the current curriculum and syllabus as specified by the BSB to the number of candidates sitting the BTT, and including any candidates who are re-sitting. The collection of the law library should be held in a format that reflects what a barrister might find in practice, ie it must not rely entirely on online resources; legal research training for students must also ensure competence in using both paper and electronic resources.

6. Other requirements

Complaints procedures

Providers must operate a complaints procedure in line with guidance in the [QAA Quality Code](#) and from the [Office of the Independent Adjudicator](#) (OIA), and this procedure must be publicly available. The provider must not penalise anyone in any way for making a complaint about services provided.

Students may submit their complaint to the OIA, but only once they have exhausted all of their provider's internal procedures for redress. If a student submits a complaint to the BSB, the BSB will also expect them to go through their provider's internal processes in the first instance.

Equality and diversity

Providers must have due regard to their duties under the Equality Act 2010, and conduct equality impact assessments before making major changes to any programmes. Each provider must ensure that candidates and staff are aware of their institutional policy on equality and diversity. The principles of equality and diversity should be embedded in teaching material design and delivery, and staff provided with appropriate equality and diversity and/or cultural awareness training. Providers should use their own and BSB data on candidate performance to identify the equality and diversity issues to be explored.

Health and safety

Current health and safety requirements must be adhered to in accordance with the legal requirements for educational institutions.

7. BTT provider accreditation

The BSB accredits and monitors BTT provider(s) to ensure that:

- training and assessment are consistent with the BSB's mission and objectives;
- providers meet the BSB's requirements;
- standards are appropriate to the professional qualification;
- the documentation is in accordance with requirements;
- the resources (staffing, library and IT) are satisfactory, and
- the quality and standards of training and assessment are maintained and will be enhanced where possible.

The BSB may validate only one provider, by means of a competition and tendering process.

The process of accreditation is based on consideration of a proposal including the rationale, ability to meet the aims and objectives of the BTT, consideration of any former, existing or related provision, and scrutiny of available documentation. If the initial proposal is considered viable by the BSB, a visit by a BSB accreditation panel is arranged, after which a report is produced. Costs of accreditation visits are met by the provider.

8. Quality assurance

General Quality Assurance

Quality assurance of the BTT is based on the following principles:

- As regulator, the BSB is responsible for determining the aims, content, outcomes, and methods of delivery and assessment of the BTT.
- The provider bears responsibility for ensuring that all BTT requirements are met in the delivery of training and assessments.

- The BSB will seek to ensure continuous enhancement of the BTT, as well as performing a quality assurance function, in order to improve both design and performance.
- Judgments about quality should be made by suitably experienced and trained academics and professionals.

The BSB takes a risk-based and proportionate approach to quality assurance based on available data. This may affect frequency and level of scrutiny in monitoring activities. These activities may also be affected by priority areas identified in the BSB's [Risk Outlook](#).

Candidates must be involved in quality assurance processes where possible.

Annual review and data requirements

The provider is expected to engage in a cyclical review process of their provision including an analytical self-evaluation which draws on their own and BSB data, and their own and BSB monitoring processes. This reflective document should explicitly address actions taken as a result of any internal or external reviews, any BSB visits, and any external examiner reports. The BSB issues a template and guidance for this purpose.