

# Authorisation Framework for the Approval of Education and Training Organisations

7 December 2018

If you would like a version of this Framework in hard copy, or in an alternative format, please contact the Equality and Access to Justice Team by telephone on 020 7611 1444 or:  
[equality@barstandardsboard.org.uk](mailto:equality@barstandardsboard.org.uk)

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

v1

Preamble

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Introduction

Components and Pathways

Authorisation, renewal and monitoring

Navigate through the framework by clicking on the different elements

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-  For all prospective AETOS
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-  For AETOs offering the academic and vocational (integrated) or vocational component

Navigate through the framework by clicking on the different elements

# Preamble

1. The Bar Standards Board (BSB) regulates barristers and specialised legal services businesses in England and Wales, in the public interest. Our responsibilities include setting the education and training requirements for becoming a barrister and the continuing education and training requirements to ensure that barristers' skills are maintained throughout their career. Our work is governed by The Legal Services Act 2007 as well as several other statutes, notably the Equality Act 2010. Our approach to the regulation of education and training is informed by, but not governed by, the Higher Education and Research Act 2017 and the Higher Education (Wales) Act 2015.

2. This Authorisation Framework has been developed as part of a programme of regulatory change, Future Bar Training (FBT)<sup>1</sup>, focusing on education and training for the Bar. This document should be read in conjunction with the BSB Handbook<sup>2</sup> which sets the standard of conduct for barristers, the rules for education and training, and serves as the key regulatory tool through which the BSB effects its regulatory obligations. The FBT programme of reform enables us to fulfil our statutory objective of encouraging

an independent, strong, diverse and effective legal profession so that there are barristers who can meet the needs of consumers in a fast-changing market for legal services. Our reforms are informed by the Legal Services Board's statutory guidance<sup>3</sup>, and their standards for assessing regulatory performance<sup>4</sup>. The Authorisation Framework complies with the statutory obligations of the BSB which are to be compliant with the following outcomes:

- Developing education and training requirements that focus on what an individual must know, understand and be able to do at the point of authorisation;
- Allowing providers of education and training the flexibility to determine how to deliver education and training that meets the outcomes required;
- Striking the right balance in setting standards between what is required at the point of authorisation and what can be fulfilled through ongoing competency requirements;

1 More about FBT can be found on the [BSB's website](#).

2 [BSB Handbook](#).

3 [Guidance on regulatory arrangements for education and training issued under s162 Legal Services Act 2007](#) (04 March 2014)

4 [Regulatory Performance Standards](#) (December 2017)

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- Striking the right regulatory balance, regarding obligations for education and training, between the individual and the provider of Bar training both at the point of entry and on an ongoing basis;
- Avoiding inappropriate direct or indirect restrictions on the numbers entering the profession.

### About the Authorisation Framework

3. This Authorisation Framework is aimed at any organisation that wishes to deliver training for the Bar of England and Wales. It may also be of interest to any consumer who wants to understand how we authorise the organisations that deliver Bar training (for the purposes of this document, Bar training encompasses any provision that falls within the scope of the Authorisation Framework as set out in paragraphs 11 to 13 below).

4. The Authorisation Framework sets out expectations and requirements and does so in a way that clearly distinguishes between organisations that wish to offer an academic and vocational (integrated) or vocational component (likely to be universities or other providers of education), and those that wish to offer a pupillage/work-based component (likely to be chambers and organisations that employ barristers and/or solicitors). Organisations wishing to offer a pathway that integrates any

combination of both the academic and vocational (integrated) or vocational components **and** the pupillage/work-based learning component will need to refer to both sets of requirements. The four Inns of Court, that provide “qualifying sessions” which are an element of vocational training, are not considered Authorised Education and Training Organisations (“AETOs” - this term includes organisations formerly known as Providers, Pupillage Training Organisations and Approved Training Organisations) for the purposes of this authorisation process.

5. This Authorisation Framework and the Curriculum and Assessment Strategy are the tools that enable organisations seeking authorisation by the BSB to understand what their proposals need to address, and that enable us to assess those proposals and to determine whether they are fit for purpose<sup>5</sup>. The Authorisation Framework will also provide the basis for ongoing supervision and authorisation renewal (where relevant) of those providing Bar training.

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6. The Authorisation Framework prescribes the standards that organisations must meet in order to provide education and training for the Bar; that is, to become and remain Authorised Education and Training Organisations (“AETOs” - this term includes organisations formerly known as Providers, Pupillage

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[A high-level Curriculum and Assessment Strategy](#) was published in May 2018. A more detailed version will be published in due course.

Training Organisations and Approved Training Organisations). These standards embody the four key principles: Flexibility; Accessibility; Affordability and High Standards<sup>6</sup>.

7. By applying the principles to individual AETOs through the Authorisation Framework, we aim to:

- a) encourage the provision of more flexible routes to qualification;
- b) promote increased accessibility to training for the Bar;
- c) enable prospective AETOs to come forward with proposals for authorisation that address the affordability of Bar training; and
- d) ensure that the training for the Bar offered by AETOs is of a high standard, meeting the needs of students and pupils (in this document meaning any person intending to qualify as a barrister), the legal profession and the consumers of legal services.

8. Education and training for the Bar must prepare students and pupils to satisfy the requirements of the Professional Statement for Barristers incorporating the Threshold Standard and Competences<sup>7</sup>, which prescribes the knowledge, skills and attributes that all barristers will have on “day one” of practice.

<sup>6</sup> The four principles set out in the [BSB Policy Statement on Bar Training 23/03/17](#).

<sup>7</sup> [The Professional Statement for Barristers. Incorporating the Threshold standard and Competences](#), September 2016

The Authorisation Framework ensures that AETOs will enable students and pupils to acquire that knowledge, and those skills and attributes, and demonstrate the Competences to at least the Threshold Standard.

9. The section “The Four Principles – What they mean”, provides a comprehensive explanation of each principle. AETOs are expected to demonstrate the extent to which they have addressed each of the four principles in developing a particular component of education and training for the Bar, and how they have achieved an acceptable balance between the principles.

The section “The Four Principles – What the BSB wants to see – Indicators” sets out what we require from AETOs to demonstrate that they satisfy the four principles and meet the standards for authorisation.

## Components and Pathways

10. There were previously three distinct and sequential **stages** of education and training for the Bar:

- Academic Stage - completion of a Qualifying Law Degree (QLD) or a non-law degree plus the Common Professional

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Examination (CPE) or Graduate Diploma in Law (GDL)<sup>8</sup> ; followed by

- Vocational Stage - completion of the Bar Professional Training Course (BPTC) and the Inns' pre-Call requirements as set out in the BSB Handbook Part 4; followed by

Call to the Bar; followed by

- Professional Stage –pupillage as set out in the BSB Handbook Part 4.

11. The advantages of the three stages of education and training have been retained in the Authorisation Framework through the continuing requirement to have them as **components**, rather than sequential stages, of more flexible pathways to qualification. The three components of education and training for the Bar are:

- Academic

- Vocational
- Pupillage or work-based learning

### 11.1. Academic component

An undergraduate degree classified as not less than a lower second class honours (2:2) or equivalent. This can be either a law degree, or a non-law degree plus further graduate/post-graduate study and in both cases must cover the seven foundations of legal knowledge<sup>9</sup> and must enable students to demonstrate (as a minimum) the relevant competences in the Professional Statement as set out in the BSB's Curriculum and Assessment Strategy<sup>10</sup>.

We do not regulate the content of undergraduate degrees and we expect a Higher Education Institution (HEI) or body with degree awarding powers to do so independently of us. This should be done within the framework of the relevant competent bodies for HEI quality assurance and regulation, in accordance with the Higher Education and Research Act 2017 (HERA 2017) and the regulatory framework of the Office for Students (OfS); and the Higher Education (Wales) Act 2015 and the regulatory framework

<sup>8</sup> In recent years, the terms CPE and GDL have been used interchangeably.

<sup>9</sup> The seven foundations of legal knowledge are Criminal Law, Equity and Trusts, Law of the European Union\*, Obligations 1 (Contract), Obligations 2 (Tort), Property/Land Law, Public Law (Constitutional Law, Administrative Law and Human Rights Law). \*Subject to the United Kingdom's withdrawal from the European Union and/or any agreement made on European Law in future. European Law will continue as one of the foundation subjects for the foreseeable future.

<sup>10</sup> [A high-level Curriculum and Assessment Strategy](#) was published in May 2018. A more detailed version will be published in due course.

of the Higher Education Funding Council for Wales (HEFCW)<sup>11</sup>. The OfS prescribes conditions of registration for English institutions, including clear threshold requirements for quality and standards (conditions B1-5). The OfS may also ask the statutorily Designated Quality Body (The Quality Assurance Agency QAA – which operates across the whole of the UK) to assess quality and standards of registered providers in England, and to publish their findings. HEFCW regulates fees and ensures a framework is in place for assessing quality of higher education in Wales, also using the QAA, and scrutinises the performance of universities and other designated providers in Wales. We believe that no additional regulation from the BSB is necessary for the academic component

### 11.2. Vocational component

Education and training that prepares students to work in the legal profession and that enables them to demonstrate (as a minimum) the relevant competences in the Professional Statement as set out in the BSB’s Curriculum and Assessment Strategy<sup>12</sup>. Prior to beginning the vocational component, students will be required to take the Bar Course Aptitude Test (BCAT) and to join an Inn

of Court as a student member<sup>13</sup>. In order to be Called to the Bar, all candidates for Call must complete a specified programme of professional development activities at their Inn of Court known as “Qualifying Sessions”.

### 11.3. Pupillage or Work-based component

Pupillage<sup>14</sup> or other forms of work-based learning providing real life training in legal work under supervision, where pupils can build on prior learning and experience in order to demonstrate (as a minimum) the relevant competences in the Professional Statement as set out in the BSB’s Curriculum and Assessment Strategy<sup>15</sup>.

12. There are four approved training pathways: The three components may be attained by means of different **pathways** that can involve:

- the academic component, followed by the vocational component, followed by the work-based learning/pupillage component;

<sup>11</sup> The regulatory framework for higher education in England. [https://www.hefcw.ac.uk/about\\_he\\_in\\_wales/about\\_higher\\_education\\_in\\_wales.aspx](https://www.hefcw.ac.uk/about_he_in_wales/about_higher_education_in_wales.aspx)

<sup>12</sup> [A high-level Curriculum and Assessment Strategy](#) was published in May 2018. A more detailed version will be published in due course.

<sup>13</sup> The latest point for fulfilling these requirements can vary depending on the pathway - see later.

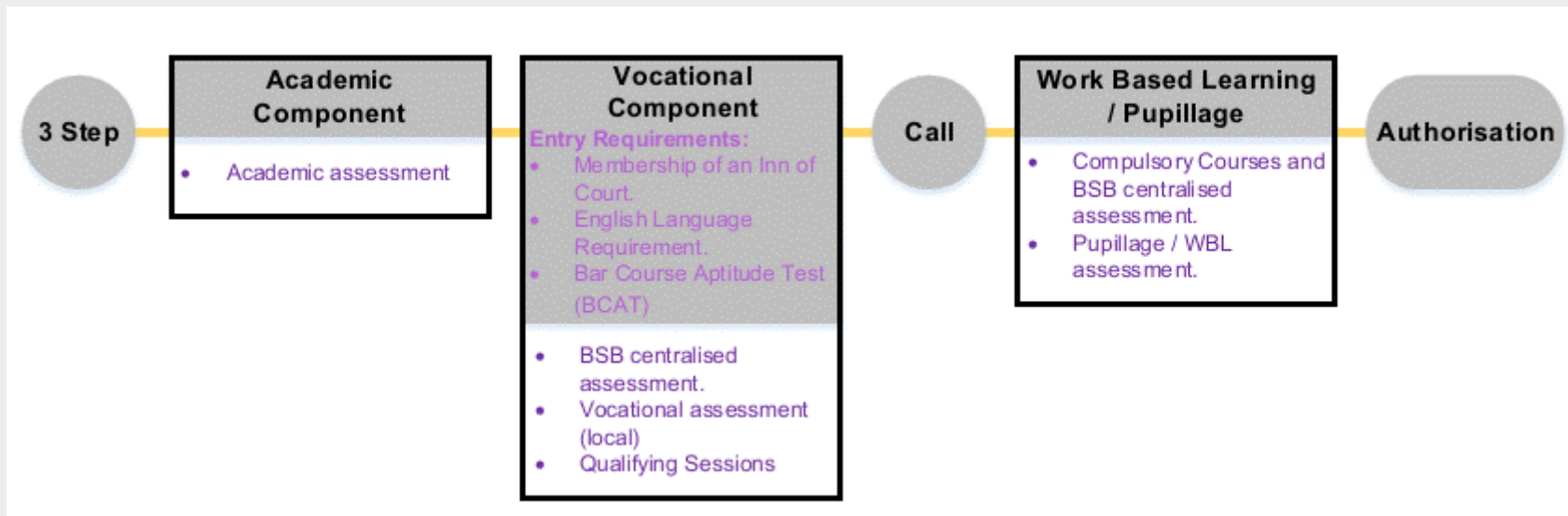
<sup>14</sup> [BSB Policy Statement on Bar Training 23/03/17](#), paragraph 34 states that FBT “would not require substantive changes to the current arrangements for pupillage”. In May 2018 the BSB issued a policy statement relating to pupillage which [can be found online](#).

<sup>15</sup> [A high-level Curriculum and Assessment Strategy](#) was published in May 2018. A more detailed version will be published in due course.

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- the academic component followed by the vocational component split into two parts, followed by the work-based learning/pupillage component;
- a combined academic and vocational component, followed by the work-based learning/pupillage component; or
- a modular or apprenticeship model encompassing the academic, vocational and work-based learning/pupillage components.

12.1 Three-step pathway: academic, followed by vocational, followed by pupillage/work-based components;





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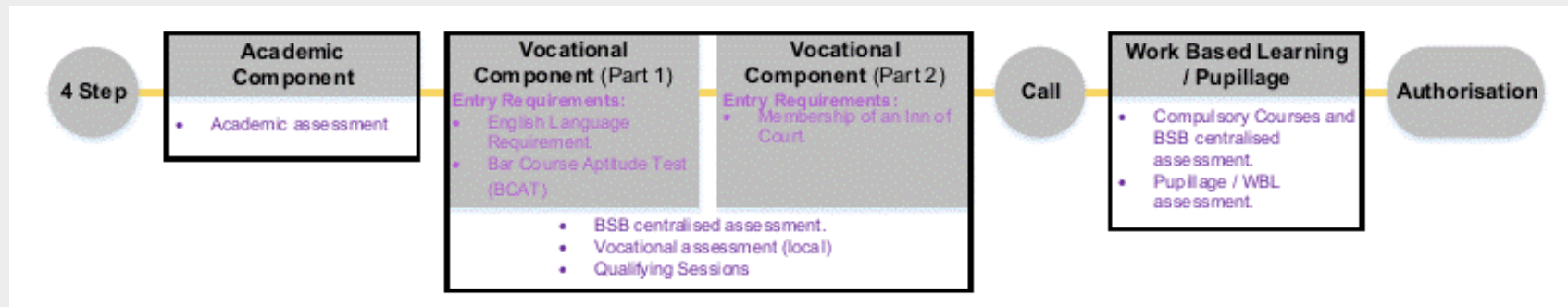
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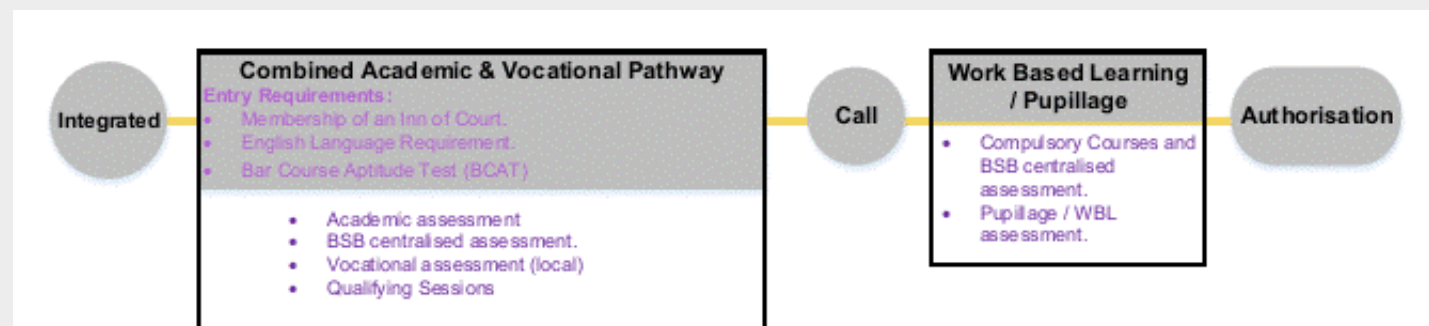
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12.2 Four-step pathway: academic component, followed by vocational component in two parts, followed by pupillage or work-based component;



12.3 Integrated academic and vocational pathway - combined academic and vocational components followed by pupillage or work-based component;



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12.4 Apprenticeship pathway: combined academic, vocational and pupillage or work-based components<sup>16</sup>. AETOs are invited to propose their own structure for an apprenticeship pathway. The point at which students should meet the various entry requirements is for the AETO to propose at the time of application.

12.5 AETOs must apply the following admissions criteria to the vocational component in the three-step and four-step pathways:

- An undergraduate degree classified as not less than a lower second class honours (2:2) or equivalent. This can be either a law degree, or a non-law degree plus further graduate/post-graduate study and in either case must cover the seven foundations of legal knowledge<sup>17</sup> and satisfy the Professional Statement Competence 1.2; and
- passing the Bar Course Aptitude Test (BCAT); and
- verification that the student's English language ability is a minimum of IELTS<sup>18</sup> 7.5 in each section of the test, or equivalent. The method of verification of English language

ability to be determined by the AETO.

12.6 AETOs must ensure that the following additional admissions criteria are satisfied at an agreed point in the integrated academic and vocational pathway and the apprenticeship pathway –

- passing the Bar Course Aptitude Test (BCAT); and
- verification that the student's English language ability is a minimum of IELTS<sup>19</sup> 7.5 in each section of the test, or equivalent.

<sup>16</sup> [BSB Policy Statement on Bar Training 23/03/17](#), paragraph 31.

<sup>17</sup> The seven foundations of legal knowledge are Criminal Law, Equity and Trusts, Law of the European Union\*, Obligations 1 (Contract), Obligations 2 (Tort), Property/Land Law, Public Law (Constitutional Law, Administrative Law and Human Rights Law). \*Subject to the United Kingdom's withdrawal from the European Union and/or any agreement made on European Law in future. European Law will continue as one of the foundation subjects for the foreseeable future.

<sup>18</sup> [IELTS or equivalent](#)

<sup>19</sup> [IELTS](#)

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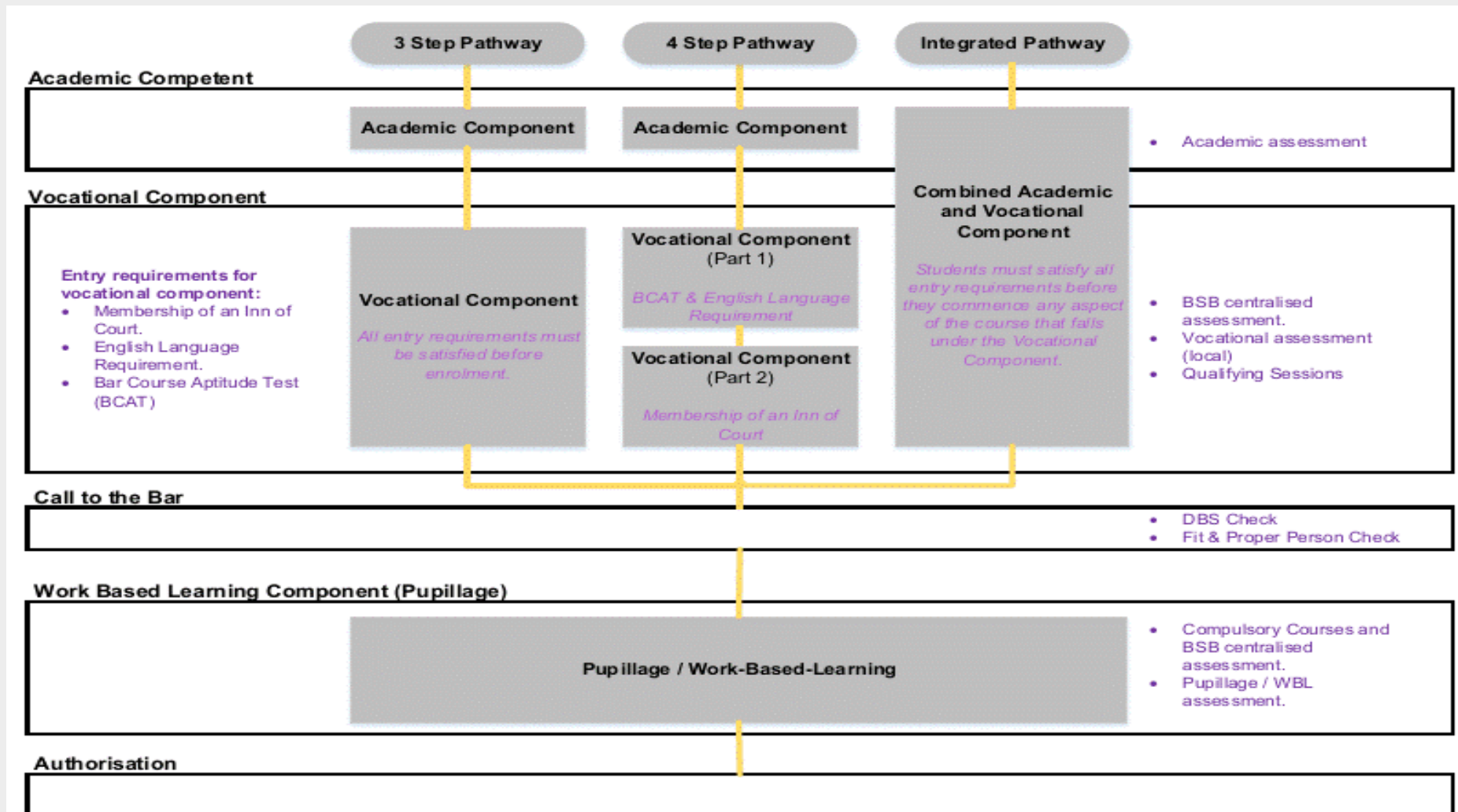
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## 12.7 Summary of 3-step, 4-step and integrated pathways:



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### Authorisation, renewal and monitoring

13. The authorisation framework encourages AETOs to innovate and compete in developing and adapting their provision as new challenges and opportunities arise. We will use a range of regulatory means to ensure compliance with the framework and, once authorisation has been granted, the framework will provide the basis for ongoing, proportionate, risk-based supervision (monitoring). In addition to meeting the requirements of the authorisation framework, we will expect all AETOs to comply with all relevant legal obligations in the provision of Bar training.

14. Prospective AETOs will be required to provide evidence of how they propose to meet the requirements of the authorisation framework in respect of each of the four key principles. The four principles are interlinked and are not in any way mutually exclusive. In their submissions for authorisation, AETOs do not necessarily have to address all four key principles equally. The evidence requirements will be proportionate to the scale of the operation. However, they will be expected to acknowledge any significant tension between the principles, and to provide a rationale for how they have achieved an acceptable balance between the principles.

15. We will comply with the five “better regulation” principles of good regulation (proportionality, accountability, consistency, transparency and targeting<sup>20</sup>) in our authorisation and monitoring processes. This means that we aim to request the right level of detail without creating a disproportionate burden for AETOs. We will have due regard to factors such as the size and nature of the AETO, the scale of the training being offered and prevailing market conditions within parameters that sustain the integrity of the principles. The process should be transparent in respect of: (a) why evidence is required; (b) whether or not the evidential requirement has been met; and (c) how evidence will be acted upon.

16. The authorisation framework is, therefore, outcomes-focused, evidence-based, transparent, risk-based and consumer-focused. Prospective AETOs will be expected to submit a proposal setting out the components/approved training pathways they wish to provide. This proposal will include:

- information about how the AETO intends to deliver the Curriculum and Assessment Strategy;
- information about compliance with any relevant pre-Call and pre-authorisation requirements;
- evidence showing how the four principles of the

Authorisation Framework will be demonstrated in the proposed component/approved training pathway.

17. We will not place limits on the numbers undertaking Bar training, although we do require AETOs to assure us how they will offer a quality education and training experience. Those AETOs offering the academic and vocational (integrated) or vocational component must publish, and/or refer to externally published data, on the outcomes they achieve.

18. Authorisation for organisations providing the vocational component (irrespective of any proposed integration with the academic and/or work-based components) will last for a defined five-year period, after which a risk-based renewal will be required. Current HEI providers of the BPTC, and any new providers of Bar training, must all seek authorisation under this Framework.

19. Once initially authorised, AETOs providing the pupillage or work-based component will be subject to a programme of risk-based supervision. Existing Pupillage Training Organisations and Approved Training Organisations will be subject to transitional arrangements. Following the transitional period these organisations will have to meet the standards in this Framework and we will assure ourselves of this through our supervision scheme. There will be no renewal process for these AETOs.

20. The following matters are addressed in other documentation with guidance about:

- how to make an application for authorisation as an AETO;
- how decisions are made, by whom and to what timescale; the process for renewal;
- associated fees and charges;
- the routes of appeal in the event of a refusal, modification, suspension or withdrawal of authorisation;
- post-authorisation supervision.

21. AETOs will be monitored by us to ensure that they continue to satisfy the four principles and meet our regulatory standards and, where they do not, steps will be taken to remedy this.

22. AETOs have responsibility for the components of the approved training pathways that they are authorised to provide. Where education and training are provided in collaboration or association with other organisations, we will require the AETO to have adequate governance arrangements in place to reflect that responsibility.

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23. Only those offering all parts of a component will be considered for authorisation as an AETO. For example, where the vocational component is split into two parts, the BSB will not consider proposals from any organisation offering solely the preparation for the first part of a two-part vocational component. AETOs may, however, enter into an agreement with a non-BSB authorised provider who wishes to offer preparation for part 1, and whose students are then assessed for part 1 and complete part 2 at the AETO. We would consider that arrangement as part of the AETO's overall proposal. It therefore follows that students must be registered at an AETO so that they can be assessed.

24. AETOs do not have the discretion to exempt students from any summative assessment required by the Curriculum and Assessment Strategy. AETOs offering an academic and vocational (integrated) or vocational component may accept students on an "examinations only" basis where they have appropriate policies in place for recognition of prior experience and/or learning, and they are satisfied that a student's previous experience and/or learning has prepared them appropriately for the examinations. AETOs offering the academic and vocational (integrated) or vocational component may, subject to restrictions in the Curriculum and Assessment Strategy relating to time limits on currency of assessment, allow students to join their course with advanced standing based on successful completion of elements of the vocational component at another AETO.

25. Organisations providing education and training for

transferring lawyers (for example, qualified solicitors, qualified lawyers from other jurisdictions and legal academics) will have to meet the standards in this Authorisation Framework.

# The four principles – what they mean

## Flexibility

26. In our interpretation of flexibility for the purposes of this Authorisation Framework we will comply with the LSB statutory guidance which states: “Providers of education and training have the flexibility to determine how to deliver training, education and experience which meets the outcomes required<sup>21</sup>”. Flexibility under the Authorisation Framework, therefore, has two aspects: (a) flexibility for students and pupils; and (b) flexibility for AETOs.

26.1. Flexibility for students and pupils means flexible education and training, ie “Flexible learning is about offering students choice in how, what, when and where they learn; the pace, place and mode of delivery<sup>22</sup>”. We encourage “...innovation in how education and training is delivered<sup>23</sup>” and want to support the opening up of new pathways to qualification that provide students and pupils with more choice about modes, location, timing, and sequencing of study.

26.2. Flexibility for AETOs takes into account that -

- we are a risk- and evidence-based regulator; and
- we are taking a less prescriptive approach than we have done previously, particularly in respect of the academic component and concentrating “...on matters more directly concerned with our standards for authorisation to practise<sup>24</sup>”.

26.3. Flexibility for AETOs includes -

- an Authorisation Framework that enables innovation in education and training, for example the use of the latest technology-enhanced learning and e-learning and the incorporation of hands-on legal experience, such as can be gained working in a supervised law clinic or advice centre (“clinical legal education”)
- an Authorisation Framework that enables any training organisation, which is able to demonstrate compliance with the indicators listed under each of the four principles, to

21 [Outcome 2 of the Legal Services Board: Guidance on regulatory arrangements for education and training](#) (March 2014)

22 [Higher Education Academy](#), accessed 03/12/18. Note that the BSB lays down a curriculum and assessment strategy which must be complied with.

23 [BSB Policy Statement on Bar Training 23/03/17](#).

24 [FBT Consultation on the Future of Training for the Bar: Future Routes to Authorisation](#) October 2016 paragraph 31

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provide a training pathway or components of a pathway

- reliance on established quality assurance and consumer protection organisations or mechanisms<sup>25</sup>.

### Accessibility

27. We are committed to ensuring that access to training for the Bar is open to all on an equal basis. One of our stated aims is “Improving accessibility – so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves<sup>26</sup>”. We need to ensure that AETOs are able to meet their obligations to students and pupils as enshrined in the Equality Act 2010 and the requirements set in the Equality Rules in the BSB Handbook. Accessibility, therefore, is a broad concept encompassing all aspects of the training for the Bar. This includes the ways in which AETOs undertake recruitment, admission and selection, and support the retention, progression and attainment of students and pupils.

27.1. To ensure that access to training for the Bar is open to all on an equal basis (while protecting high standards), we

will comply with the LSB statutory guidance which states - “Regulators place no inappropriate direct or indirect restrictions on the numbers entering the profession”<sup>27</sup>.

27.2. The Authorisation Framework seeks to ensure that AETOs will:

- provide wide and fair access to training pathways;
- remove barriers to entry for those who are currently under-represented within the Bar;
- support students and pupils to complete their education and training and to achieve the best outcome that they are capable of;
- support students and pupils to progress into the profession, the workplace or further study.

### Affordability

28. For many, the cost of Bar training can act as a significant barrier preventing them from attempting to enter the profession.

25 [FBT Consultation on the Future of Training for the Bar: Future Routes to Authorisation](#) October 2016 paragraph 31. See for example Competition & Markets Authority (CMA) [guidance to Higher Education providers](#).

26 [BSB Policy Statement on Bar Training 23/03/17](#).

27 [Outcome 5 of Legal Services Board: Guidance on regulatory arrangements for education and training](#) (March 2014)



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This has consequences in terms of the socio-economic diversity of those entering the profession bearing in mind that affordability is a broader concept than simply reducing the cost of training. Affordability needs to be understood in the context of reducing the level of risk associated with pupils' and students' investment in Bar training. This encompasses not only the pupil's and student's prospects of qualifying at the Bar, but also the provision of transferable knowledge, skills and attributes for those who do not complete their Bar training or do not enter practice so that they can secure alternative professional careers.

28.1. Affordability is, therefore, improved by re-balancing and improving the risk/benefit ratio for students and pupils. Risks include financial cost, time, lost opportunity and an individual's reputation in the event of not completing their education and training for the Bar. Re-balancing can be achieved by -

- reducing the financial cost of Bar training;
- providing best value for money, ie "the most advantageous combination of cost, quality and sustainability to meet customer requirements"<sup>28</sup>;
- enhancing benefits, eg incorporating recognised academic awards such as master's degrees and/or professional

qualifications;

- increasing the explicit transferability of skills that may be recognised within and outside the legal profession;
- providing clear and accessible information so that students and pupils understand the risks and benefits of Bar training as they apply to their own personal circumstances.

28.2. Affordability may be enhanced by providing financial support including (though not limited to)<sup>29</sup>:

- scholarships and bursaries – financial awards paid by HEIs, charities, Inns of Court, professional bodies and others to students and pupils who meet certain criteria;
- fee waivers – a reduction in fees, subscriptions and other charges;
- "in-kind support" – eg credit that students and pupils can spend on in-campus facilities, provision of court dress and/or accommodation<sup>30</sup>.

28 [Definition from the Department of Finance for Northern Ireland](#), accessed 03/12/18.

29 [Student funding, finance and value for money](#), Office for Students

30 This should be considered in close conjunction with the accessibility pillar and consideration of those who would most benefit from it.

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### High Standards

29. Our stated aim is “Sustaining high standards – to ensure that any new training pathway enhances current standards”<sup>31</sup>. The standards expected of the profession depend upon a high level of intellectual ability, a firm foundation of knowledge, skills and attributes and the confidence to use them in challenging circumstances. We are committed to ensuring that every barrister meets the standards required.

29.1. To accomplish this, we comply with the LSB statutory guidance which states -

- “Education and training requirements focus on what an individual must know, understand and be able to do at the point of authorisation”;
- “Standards are set that find the right balance between what is required at the point of authorisation and what can be fulfilled through ongoing competency requirements”<sup>32</sup>.

29.2. The Authorisation Framework aims to ensure that AETOs provide students and pupils with the opportunity to fulfil their potential to develop and demonstrate the Competences as set out in the Professional Statement to at least the

Threshold Standard<sup>33</sup>. AETOs will be expected to do this through a combination of strategic commitment to high quality education and training, provision of appropriate assessment and appraisal opportunities, and appropriate resources (including human resources), policies and procedures.

29.3. We will assure the maintenance of high standards by continuing to require Bar training to adhere to the BSB Curriculum and Assessment Strategy and quality assurance processes, which we will prescribe from time to time.

### The four principles - what the BSB wants to see - indicators

30. To demonstrate that they have satisfied the four principles and meet our standards, AETOs will need to provide evidence in accordance with the indicators set out below. Some of the evidence requirements apply to all prospective AETOs, others are relevant only to AETOs proposing to offer the academic and vocational (integrated) or vocational component or the work-based component.

30.1. Evidence requirements are also split according to

31 [BSB Policy Statement on Bar Training 23/03/17](#)

32 Outcomes 1 and 3 of the [Legal Services Board: Guidance on regulatory arrangements for education and training](#) (March 2014)

33 [The Professional Statement for Barristers. Incorporating the Threshold standard and Competences](#), September 2016

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whether the provision of evidence is mandatory or not. In some instances where the provision of evidence is mandatory the decision whether the requirement has been met will be straightforward: for example, whether an AETO seeking to offer the academic and vocational (integrated) or vocational component is registered with the Office for Students or with HEFCW. In other cases, whether sufficient evidence has been provided to satisfy a mandatory requirement will involve an element of judgement with due regard to the nature of the application, the integrity of the four key principles, and the need to regulate in a proportionate manner.

30.2. Where the provision of evidence is not mandated by this framework we have adopted a “comply or explain” approach, whereby we expect prospective AETOs to provide evidence about the indicator in question. However, if the AETO feels that the requirement is one that is not appropriate for them or one that they cannot meet, they should provide an explanation as to why this is the case, reflecting the need to ensure that all four key principles are addressed in their submission. How the indicators apply will depend on the type of AETO seeking authorisation and which component(s) and/or pathway(s) it intends to provide.

## Flexibility

### 31. All prospective AETOs – evidence *must* be provided of:

31.1. A strategic approach to the planning and delivery of the component(s) and/or the training pathways provided that will enhance flexibility for students and pupils. While not all AETOs will be able to provide all-round flexibility for students and pupils, we expect each AETO to provide a degree of flexibility in proportion to the scale and nature of its activities in order to contribute to this principle.

### 32. All prospective AETOs – *either* provide evidence for the following indicators or explain why they are not applicable:

32.1. The use of technology to support education and training whether learning takes place on campus, at home, in the work-place or elsewhere.

### 33. AETOs offering the academic and vocational (integrated) or vocational component – evidence must be provided of:

33.1. How the proposed fee supports the principle of Flexibility.

33.2. Education and training modes (for example full-time or part-time) and pace of delivery that are suitable to the needs of students and matched to the education and training programme. Learning, teaching and training methods, practices and approaches that are appropriate for the mode and pace of delivery, support the

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student to develop and demonstrate the Professional Statement Competences and allow for varied learning styles, and that support equality and diversity.

33.3. Flexibility within the academic and vocational (integrated) or vocational components that delivers practice and employment opportunities for students including legal work experience.

**34. AETOs offering the academic and vocational (integrated) or vocational component – either provide evidence for the following indicators or explain why they are not applicable:**

34.1. The provision of joint education and training that meets the requirements of other legal and non-legal professions which enables students to learn and work alongside others<sup>34</sup>;

34.2. Structural innovation in the design of the vocational element that meets the needs of students, such as:

- combining the academic and vocational components;
- splitting the vocational component into two parts; or
- offering a modular or apprenticeship model.

**35. AETOs offering the pupillage/work-based component – evidence *must* be provided of:**

35.1. Flexibility within the pupillage or work-based component

that takes into account pupils' personal circumstances, promotes a more diverse legal profession, and supports the pupil to develop and demonstrate the Professional Statement Competences.

**36. AETOs offering the pupillage/work-based component – either provide evidence for the following indicator or explain why it is not applicable:**

36.1. Structural innovation in the design of the pupillage/work-based learning component that supports the principle of Flexibility.

36.2. Flexibility within the design of the programme enabling pupils to demonstrate the Professional Statement Competences that might otherwise not be acquired.

**Accessibility**

**37. All prospective AETOs – evidence *must* be provided of:**

37.1. Commitment to equality and diversity at organisational level, including a specific strategic commitment to:

- increasing diversity at the Bar;
- taking active steps to improve accessibility – so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves and

<sup>34</sup> Joint education and training may be more cost effective and may increase transferability of the qualification.

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- compliance with obligations arising under relevant legislation including the Equality Act 2010<sup>35</sup> and the BSB Handbook.

37.2. A clear strategy for making the component(s) and/or pathway accessible and enabling students and pupils to achieve the best outcomes they are capable of in their education and training, as well as to demonstrating the Professional Statement Competences to at least the Threshold Standard.

37.3. Policies and procedures demonstrating an AETO's commitment to promoting open and fair recruitment (including where appropriate flexible approaches to prior learning and experience).

37.4. Timely provision of clear, accessible information for students and pupils indicating what Professional Statement Competences they will have achieved during and on completion of their training, enabling them to navigate their own route to qualification, and the next steps available to them.

37.5. Policies and procedures demonstrating an AETO's commitment to providing forms of assessment and appraisal that are accessible to all, reflecting the reasonable adjustment duty as set out in the Equality Act 2010 and the requirements set in the Equality Rules in the BSB Handbook, where relevant.

37.6. Provision and maintenance of learning environments (whether physical, virtual or social) that are supportive, safe and

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accessible for every pupil or student, promoting dignity, courtesy and respect in their use.

**38. All Prospective AETOs – either provide evidence for the following indicators or explain why they are not applicable:**

38.1. Engagement with the wider community to encourage those who are currently under-represented at the Bar to consider it as a career.

**39. AETOs offering the academic and vocational (integrated) or vocational component – evidence must be provided of:**

39.1. How the proposed fee supports the principle of Accessibility.

39.2. Clear and accessible information for students to enable them to understand the application of any policies and procedures that relate to them as regards recognition of prior learning and experience and the support available throughout the process of obtaining such recognition.

**40. AETOs offering the pupillage/work-based component – evidence *must* be provided of:**

40.1. Clear and accessible information for pupils to enable them to understand the application of any policies and procedures about progression from pupillage and other forms of work-based learning into practice or employment and the support available.

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## Affordability

### 41. All Prospective AETOs – evidence *must* be provided of:

41.1. Education and training that enhances employability and transferability to and from legal and other professions.

### 42. All Prospective AETOs – *either* provide evidence for the following indicators or explain why they are not applicable:

42.1. Policies and procedures relating to financial support.

42.2. The provision of joint education and training that may meet the requirements of other legal and non-legal professions which enables students and pupils to learn and work alongside others.

### 43. AETOs offering the academic and vocational (integrated) or vocational component – evidence *must* be provided of:

43.1. How the proposed fee supports the principle of Affordability.

43.2. Education and training that allows students to spread the cost of their Bar training and/or earn while they learn or limit the cost in the event that they do not complete their Bar training.

43.3. The provision and communication of clear, accessible and meaningful information and data that enables students to make informed decisions<sup>36</sup> about the potential risks and benefits of

investing in training. Information to be provided should include:

- the correlation between degree classifications and passing of the vocational component;
- first attempt passing rates;
- first attempt passing rates and success in obtaining pupillage or work-based training;
- annual overall level of success in obtaining pupillage or work-based training.

We will adopt a data strategy that is consistent with the approach to be taken by the Office for Students and HEFCW, to enable students to access reliable and valid information to inform their decisions.

43.4. The provision of education and training leading to academic awards (including early exit awards) at postgraduate level that are recognised outside the legal profession and are of benefit to those who decide not to complete their Bar training or to practise as a barrister<sup>37</sup>.

### 44. AETOs offering the academic and vocational (integrated) or vocational component – *either* provide evidence for the following indicators or explain why they are not applicable:

44.1. The provision of flexible and where applicable cost-effective

<sup>36</sup> See [Office for Students Regulatory Framework](https://www.hefcw.ac.uk/about_he_in_wales/statistics/statistics.aspx) paragraphs 28-32a and in Wales, [https://www.hefcw.ac.uk/about\\_he\\_in\\_wales/statistics/statistics.aspx](https://www.hefcw.ac.uk/about_he_in_wales/statistics/statistics.aspx)

<sup>37</sup> The Law Degree is widely recognised but the BPTC is not. A vocational component at Masters' level may increase financial cost but provide enhanced benefit. Evidence of enhanced benefit would be required. 22

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assessment opportunities (both initial assessment and re-sits).

44.2. The provision of elements of Bar training that may be transferable in terms of meeting the requirements of other professional statutory and regulatory bodies.

### 45. AETOs offering the pupillage/work-based component – evidence *must* be provided of:

45.1. The communication of clear, accessible and meaningful information and data as to the affordability of pupillage or work-based learning, the likelihood of being retained post-qualification, and earnings potential.

45.2. Meeting BSB minimum funding requirements (self-employed) or National Minimum or National Living Wage (employed).

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### 46. All Prospective AETOs – evidence *must* be provided of:

46.1. Adherence to the Curriculum and Assessment Strategy for Bar Training, as prescribed from time to time.

46.2. Consistent application of policies and procedures relating to the assessment and appraisal of the Professional Statement Competences.

46.3. Effective quality assurance policies and procedures (covering, where appropriate, design, development, approval, monitoring, review and improvement, and closure of components and/or education and training programmes) that seek to ensure that students and pupils can develop and demonstrate the Competences as set out in the Professional Statement and implemented in the BSB's Curriculum and Assessment Strategy.

46.4. Sufficient and appropriate human, physical and technological resources to provide every pupil and student with an equal and effective opportunity to develop and demonstrate the Competences as set out in the Professional Statement and implemented in the BSB's Curriculum and Assessment Strategy.

46.5. Recruitment and admission policies and procedures that:

- meet the requirements of the components of, and pathways through, Bar training, as approved from time to time (see section 12);
- in imposing any requirements, strike an appropriate balance between the key principles of High Standards and Accessibility as developed in this Authorisation Framework.

46.6. How credentials checking is carried out and policies and procedures for reporting fraudulent and/or dishonest activity to the BSB and the Inns of Court as appropriate.

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46.7. How the AETO plans to monitor misconduct, (including, where appropriate, academic misconduct) and the mechanisms for reporting such cases to the BSB and the Inns of Court, as appropriate.

46.8. Provision of appeals, complaints, and, where appropriate, grievance policies and procedures.

46.9. A variety of fair and objective evaluation, assessment and appraisal methods that support the development and demonstration of the Professional Statement Competences and are appropriately timed.

46.10. Opportunities for students and pupils to give feedback to the AETO about their experience of training at the AETO in order to shape their and others' learning experience.

46.11. The promotion of self-reflection that fosters the profession's approach to Continuing Professional Development from an early stage.<sup>38</sup>

46.12. How the AETO encourages a culture of high standards of performance and professionalism on the part of students and pupils.

**47. All Prospective AETOs – either provide evidence for the following indicators or explain why they are not applicable:**

47.1. Governance arrangements reflecting an AETO's responsibility for any components of the approved training pathways delivered in collaboration or association with other organisations.

**48. AETOs offering the academic and vocational (integrated) or vocational component – evidence *must* be provided of:**

48.1. How the proposed fee supports the principle of High Standards.

48.2. Registration with the Office for Students<sup>39</sup>; recognition as having Degree Awarding Powers (DAP<sup>40</sup>) (or validation by a

38 The BSB's requirements for continuing professional development (CPD) for established practitioners are [described online](#).

39 The Office for Students prescribes conditions of registration including clear threshold requirements for quality and standards (conditions B1-5). The Office for Students may also ask the Designated Quality Body (The Quality Assurance Agency) to assess quality and standards of registered providers, and to publish their findings. It requires the QAA to assure institutions on a random sampling basis and also on a risk-basis following trigger events or on receipt of information about one or more lead indicators. HEFCW has similar arrangements in Wales and also draws on the QAA for quality assurance and enhancement.

40 Degree Awarding Powers: All valid UK degrees are awarded by a university or other legally approved degree-awarding body that has overall responsibility for the academic standards and quality of the qualification. Decisions to grant degree awarding powers in the UK are made by the Privy Council based on advice from the QAA but this process in England is now in transition to a new one following [HERA 2017](#). Authorised Education and Training Organisations will have the type(s) of degree awarding powers (DAPS; Foundation degree awarding powers (FDAP), Taught degree awarding powers (TDAP) and Research degree awarding powers (RDAP)) appropriate to the education and training provided. Any prospective AETO seeking to provide academic and vocational (integrated) or vocational components which does not currently have TDAPs or is not validated by a body with TDAPs must seek BSB advice before applying for authorisation.



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body with DAP); and subscription to the Office of the Independent Adjudicator (OIA).<sup>41</sup>

### 49. AETOs offering the pupillage/work-based component – evidence must be provided of:

49.1. Compliance with appropriate standards, requirements and quality assurance processes as relevant and proportionate to the nature of the organisation and prescribed by the BSB.

<sup>41</sup> [Office of the Independent Adjudicator](#) is an independent body that runs a student complaints scheme in England and Wales. OIA membership includes FE colleges providing higher education, alternative providers and providers of School-Centred Initial Teacher Training, as well as universities.

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