

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Candidate Brief

External Examiners

2022-23

About the Bar Standards Board

The Bar Standards Board (“BSB”) is responsible for:

- setting the education and training requirements for becoming a barrister;
- setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
- setting standards of conduct for barristers;
- authorising organisations that focus on advocacy, litigation, and specialist legal advice;
- monitoring the service provided by barristers and the organisations we authorise to assure quality; and
- considering reported concerns about barristers and the organisations we authorise and taking enforcement or other action where appropriate.

The work that we do is governed by The Legal Services Act 2007 as well as a number of other statutes.

You can read more about the work that we do and how we do it on our [website](#).

Bar Training

Barristers play a vital role in the administration of justice. They must demonstrate a high standard of professional practice to justify the trust placed in them by the public and other professionals. The Bar Standards Board is responsible for setting the education and training requirements for becoming a barrister. There are three components to training to become a barrister. These are the academic, the vocational and the pupillage or work-based learning components. Our focus in relation to education and training is on setting and maintaining standards at the point of authorisation (i.e. the award of a first practising certificate).

The vocational component of Bar training is delivered by organisations that we authorise (called Authorised Education and Training Organisations or “AETOs”). All are universities or in partnership with a university and all are registered with the Office for Students. A current list of AETOs is available on our [website](#). They provide training and certain assessments in accordance with our [Curriculum and Assessment Strategy](#) .

You can read more about the vocational component of Bar training on our [website](#).

Why we are recruiting

We are recruiting three people to join our current teams of External Examiners. In addition, we hope to create a pool of reserve External Examiners who can step in should anyone from the current teams become unavailable.

Role of the External Examiners

The system of External Examiners operates broadly in accordance with the [QAA Quality Code](#) and in particular with the [QAA's Advice and Guidance Monitoring and Evaluation theme](#). External Examiners provide us with specialist advice on the consistency of standards of the assessments set by the AETOs. Our External Examiners are responsible for confirming whether or not:

- the assessment process measures student achievement rigorously and fairly in line with the [Curriculum and Assessment Strategy](#); and
- the standards and the achievements of students are consistent between AETOs.

Subject Specialist External Examiners

Subject Specialist External Examiners act on behalf of the BSB in monitoring the consistency of standards of assessments set by AETOs in their specialist subject area. These are:

1. Advocacy
2. Professional Ethics
3. Opinion Writing and Legal Research
4. Drafting
5. Conference Skills

External Examiners:

- Approve the form and content of proposed summative assessments set by AETOs (i.e. examination papers, oral and other assessments) before implementation. In doing so, they ensure the types of assessment are appropriate for the subject, the students and whether the expected outcomes are in line with the [Curriculum and Assessment Strategy](#);
- Decide whether assessment processes are carried out in accordance with the AETO's assessment regulations and with the BSB's requirements which must take precedence. In doing so, they assess whether the marking scheme has been properly and consistently applied, and internal marking is therefore of fair, reliable and of an appropriate standard. They do this by:
 - scrutinising the work completed by a representative sample of students;
 - reviewing samples of referred work to ensure the equivalence of standards of marking so that re-sits are not graded more leniently; and
 - moderating cohort marks awarded by internal examiners, requesting review or remarking of the whole cohort if there are concerns that the marking guidance has not been adhered to. (Subject Specialists moderate the scripts, they do not re-mark; they must not act as a third marker under any circumstances, and hence should not adjust individual grades but rather ensure that, where marking is too strict or too generous, the AETO reviews the whole cohort and makes adjustments accordingly).
- Decide whether procedures governing mitigating/extenuating circumstances, academic integrity/misconduct and borderline performances have been considered fairly and equitably applying institutional regulations. They do this by:
 - attending the meetings of the Assessment Boards on behalf of the BSB, ensuring that recommendations have been reached according to BSB requirements, which may include reviewing mitigating circumstances.
 - considering and having the final ruling in consultation with the BSB on any case where a "Fatal Flaw" is committed, in line with the [Curriculum and Assessment Strategy](#).
- Write the assessment reports to the AETO course leaders and to the BSB on the effectiveness of the assessments and lessons to be drawn from them.
- Escalate to the Subject Lead any matters of serious concern arising from the assessments which might put at risk the standards of Bar training.
- Attend, either remotely or in person, BSB meetings to discuss external examiner issues and any relevant training events.

We are recruiting the following roles commencing in February 2023, to join our current teams of External Examiners:

- 1 Subject Specialist External Examiner in Professional Ethics
- 1 Subject Specialist External Examiner in Legal Research and Opinion Writing,
- 1 Subject Lead External Examiner in Professional Ethics, and
- 5 to form a 'reserve' pool across all subject areas.

Subject Specialist External Examiners will be required to work independently and with other Subject Specialists and Subject Leads to produce approval and quality assurance reports. All work can be done remotely. External Examiners are no longer required to visit AETOs to assess student experience. Some travel may be required to attend Extenuating Circumstance and Final Boards, although remote attendance is permissible.

Subject Lead External Examiners

We are recruiting one Subject Lead External Examiner for Advocacy. In addition to acting as a Subject Specialist External Examiner, the Subject Lead will:

- be responsible for taking an overview of assessments in their subject area across all AETOs to ensure consistency of assessment on behalf of the BSB;
- oversee the work of the team of Subject Specialist External Examiners for their subject area across all AETOs;
- co-ordinate the work of the relevant Subject Specialist External Examiners to provide an annual written report to the Bar Standards Board's Supervision Team and the AETO course leaders and report immediately any matters of serious concern which might put at risk the standards of Bar training;
- assist the BSB in identifying training needs for Subject Specialist External Examiners and contribute to training.

Eligibility criteria

Candidates will be asked to confirm their eligibility at the time of appointment and throughout the duration of their appointment.

The BSB is required to keep its regulatory activities separate from any representative activities in relation to barristers and, specifically, we must remain independent of the Bar Council. We therefore require that External Examiners do not have any close relationship with the Bar Council, e.g. as a member of a Bar Council representative committee, working group or as an advisor to the Bar Council, at the same time as appointment as an External Examiner. If a person wishes to be appointed as an External Examiner, they will be required to give up their membership of relevant bodies.

We also ask members to declare any close association with any other body that represents or is strongly affiliated to the Bar, for example the Inns of Court or Specialist Bar Associations.

External Examiners must declare any conflict of interest with the AETOs delivering Bar training (i.e. they must say if they are or have recently been a member of staff at any AETOs or have any other material connection such as a child studying at an AETO).

Examiners must not hold more than one other external examiner role in another Higher Education Institution.

We ask that all candidates notify us of:

- any previous or pending supervisory action, complaint, investigation, disciplinary proceedings or disciplinary findings against them under any applicable disciplinary system;
- any other conduct which calls into question their honesty, integrity, financial position or respect for the law. Such conduct includes, but is not limited to, both personal and professional activities and media comment (including social media comment), which may or may not have given rise to adverse publicity; and
- any other matter, which if it was in the public domain, might risk diminishing public confidence in the regulator.

The associations and declarations listed above do not necessarily make a candidate ineligible to be appointed as an External Examiner. We will consider any information provided on its individual facts and we may ask for more information before progressing an application further or we may explore with the candidate at interview. However, the BSB reserves the right to deem a candidate as ineligible if we consider the nature of any associations and/or declarations make the candidate unsuitable for selection.

The BSB reserves the right to make its own enquiries and checks to verify the declarations made.

Essential skills and competences

Subject Specialist External Examiners will:

- Have previous experience of teaching, learning and assessments and/or have professional expertise in the relevant subject area.
- Have current knowledge of the relevant subject area.
- Be familiar with the [quality assurance](#) practices established in UK Higher Education.
- Have an appropriate understanding of equality and discrimination law, and unconscious bias, in so far as it is relevant to the role.
- Be able to communicate clearly, effectively and persuasively.
- Demonstrate a high degree of professional integrity, impartiality and independence.
- Be able to listen, observe and draw objective conclusions.
- Be able to work as part of a team in a professional and collegiate manner.
- Be able to respond positively to developmental feedback and develop within the role.

Subject Lead External Examiners will, in addition to the above:

- Have previous experience as an External Examiner.
- Have team leadership experience.

Time commitment

As an External Examiner, you will be required to plan your responsibilities around other commitments and workloads so that you are able to manage the role in a timely manner. We receive an assessment calendar from each AETO on an annual basis to help you with this. The time commitment from you will depend upon your allocated AETO(s)' specific Bar training course assessment plan. In general, your time will be spent:

- Reviewing assessment instruments and AETO marking.
- Meeting with other relevant Subject Specialist External Examiners to consider consistency across AETOs.
- Preparing written reports.
- Attending Assessment Board meetings.

External Examiners will also be required to participate in induction, any applicable training and other meetings.

For a limited transition period, some additional work will be needed in relation to the BPTC resit assessments for a diminishing number of students who have still to complete their vocational training under the previous curriculum. This will be agreed with External Examiners on an as-needed basis. You can read more about the transitional arrangements for vocational Bar Training on our [website](#).

Fees

External Examiners will enter into a consultancy agreement for services with the BSB and will not be employed by the BSB.

External Examiners will be remunerated at the rates shown in Annex 1, plus expenses as permitted by our expenses policy.

External Examiners will be paid at the rates specified in Annex 1 as a gross figure and will be responsible for their own tax and national insurance. Responsibility for obtaining and funding any necessary insurance will lie with the External Examiners.

The consultancy agreement will be renewed annually for up to 3 years, with voluntary break clauses where the External Examiner or the BSB would prefer to terminate the agreement. Annual reviews of individual member performance will be conducted as part of this process.

BSB policies

All External Examiners are expected to adhere to the BSB's policies, including health and safety, dignity at work, confidentiality and data security, declarations of interest (including dealing with conflicts of interest), gifts and hospitality, and equality and diversity.

Application Process

Applications should be made to EErecruitment@barstandardsboard.org.uk including:

- **A full CV** detailing your qualifications, employment, skills and experience;
- **A covering letter** (of no more than three pages) stating why the position you are applying for interests you, how you meet the selection criteria detailed in this candidate brief;

You may apply for more than one position, as your expertise permits.

If you wish to seek a reasonable adjustment to the recruitment process for any reason, please tell us when making your application.

The BSB aims to recruit talented candidates and values diversity in background, skills and experience. We are committed to providing equality of opportunity for all applicants.

Please note that we will retain your application information for a period of one year after receipt.

Timetable

Closing date for applications: 13 January 2023

Interviews: Week commencing 30 January 2023

Induction training: Week commencing 6 February 2023

Start date: on completion of induction training (by 17 February 2023)

Annex 1

External Examiner Subject Specialist fee

Assessments	Assuring consistency of assessments across all AETOs by reviewing all assessments for relevant subject area	£150 (Drafting, Conference Skills, Advocacy, Professional Ethics) £200 Opinion Writing/Legal Research)
	Coordinating with each AETO to ensure they are briefed about any issues noted in the review of assessments (subject to approval from Supervision Manager)	£100 (all subjects)
	Coordinating with other External Examiners when approving 'linked' assessments (subject to approval from Supervision Manager)	£100 (all subjects)
Marking	Sample final marking	£21 per script and/or performance
Boards	Attending Final Boards and/or Extenuating Circumstances Boards	£150 per meeting (all subjects)
Reporting	Writing assessment approval reports Writing quality assurance approval reports.	£150 per report
Training	Attending team meetings	£50 per team meeting, no more than three times per year
	Attending mandatory training when required	
	Attending quality networking events or similar as required	£150 for each half day of training or event attendance

External Examiner Subject Lead fees

Assessments	Subject Lead Fee
Opinion Writing/Legal Research	£308
Drafting	£308
Conference Skills	£308
Advocacy	£616
Professional Ethics	£308
Writing subject oversight report (all subjects)	£150