

BSB Differential Outcomes Research – Ongoing and proposed work addressing the issues found

The BSB has published [research](#) on the gap in outcomes between different demographic groups undertaking the Bar Professional Training Course (BPTC). This course presented for the final time in Academic Year 2019-20. The research focussed on the centralised assessments (Civil Litigation, Criminal Litigation and Professional Ethics). The first sittings of each exam between 2014-2020 were included in the data set for the research. The research focussed only on assessment and did not interrogate the many other aspects of students' interaction with their course which would also have a bearing on outcomes; the findings of this research therefore need to be understood within the limitations of this context.

The most notable finding from this research was the gap relating to ethnicity, which was consistently apparent over this period. This was true for both the centralised assessments (those set and marked by the BSB) and the assessments for other modules that were set and marked by the training providers. However, as the centrally assessed modules were on average more difficult to pass, the impact there was greatest, and higher proportions of students from minority ethnic backgrounds failed to pass the centralised examinations than other modules on the course. It is worth noting, that gaps in outcomes relating to ethnicity are not unique to Bar training and are a common theme from early years education onwards. There are opportunities therefore to learn from other legal regulators when looking at our response to this research, but it should be noted that no sector has found easy or straightforward answers to the problem of differential outcomes.

As part of its reforms to Bar training, the BPTC has now been replaced. Nevertheless, this research highlights some important issues that we will include when evaluating the introduction of the new Bar Course and in our wider work on equality and diversity. The BSB is committed to ensuring that Bar training is accessible, encourages diversity and promotes high standards within the profession. We have several strands of work that seek to achieve these objectives and for which this research will provide valuable evidence. For example:

1. As part of our equality and diversity and research functions, we have already committed to reviewing the approach to equality and diversity and its application by BSB authorised training providers;
2. As part of our supervisory function, we will seek to understand how training providers analyse student performance, how they use that analysis and what interventions they put in place to deal with any attainment gaps that emerge;
3. We will use the understanding in 2 above to look at what might sit behind variable passing rates across training providers;
4. As part of our assessment and research functions, we have undertaken analysis of the language used in the centralised assessments to compare differences between the performance of groups on questions. This allowed us to review questions which appeared to disadvantage one group compared to another within the context of the overall test. The analysis showed that overall, the questions on the centralised exams did not lead to discrimination against any particular group¹. The findings from the analysis continue to inform our question writing processes.

¹ The analysis showed that overall, the questions on the centralised exams did not lead to discrimination against any particular group. Instances where candidates from an ethnic minority performed less well than white candidates were balanced out by instances where those candidates performed better than white candidates.

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5. As part of our supervisory function, we will carry out a thematic review of the admissions arrangements of authorised training providers and how they ensure that standards are maintained once a student is admitted, and what systems are in place to ensure that a student develops to their full potential, whatever their starting point.

More generally, the research has been used to inform both the BSB's three-year strategy and the development of a new Equality strategy.

As we develop projects and actions that respond to the issues highlighted in the differential outcomes research, we will share our thinking and provide opportunities for engagement.