

Appendix D to the BTT Consultation Document

Equality Analysis (EA)

Date of Assessment	May 2012, revised June 2012
Assessor Name & Job Title	Dr Valerie Shrimplin Head of Education, BSB
Name of Policy/Function to be Assessed	The Bar Transfer Test ('BTT') Some revisions and amendments are proposed for the Bar Transfer Test for transferring qualified lawyers. Amendments are minimal and largely a matter of clarification which will be beneficial to those involved (candidates, assessors, and generally the public and others involved).
Aim/Purpose of Policy	The aim is to ensure that the requirements are made clear to prospective candidates, and also that additional guidance and advice is provided as necessary.

1. Evidence

What evidence will you use to assess impact on equality?
<p>The evidence used for this assessment has been based on statistical information and other material which relates to the BTT and to the Bar Professional Training Course (BPTC) with which the BTT is analogous.</p> <p>Following further consultation June-August 2012, the findings will be adjusted or updated further, as appropriate.</p>

2. Impact on Equality

<p>There is no evidence or information obtained that shows potential for differential impact, either adverse or positive, for different groups. The BTT is an outcomes focussed test that assesses whether the standards of the Vocational Stage of Training for practice at the Bar of England and Wales and must apply to all candidates regardless of their background or circumstances, in order to ensure the correct level of skills and knowledge in the interests of clients and consumers.</p>

Race	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike. The only issue that might be raised in this context is the proposed change to require all candidates to undertake the required Inns Qualifying Sessions before they are Called to the Bar. This may be logistically difficult for those returning to overseas jurisdictions but as a requirement for those Called to the Bar following the BPTC it is not only an essential requirement but also vital to ensure the requirement is met. Even if adjustments are made so that sessions may be undertaken at different times, they must still be completed before Call to the Bar.
Gender	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike.
Disability	Applicants with physical or other disabilities are to be catered for by the existing (or future) Provider of the BTT by means of reasonable adjustments. Candidates with a disability or condition which might require special arrangements are asked to discuss the matter with their test centre as soon as possible. Cases are considered individually and candidates will need to provide medical certification. Test centres may need a period of time to put arrangements into place. Measures would include such adjustments as enhancement in font size for those with visual impairments, extra time for those with difficulties such as dyslexia, wheel chair access and so on. The clarification of the BTT guidelines is likely to have a positive impact on those with difficulties.
Age	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike. There is no lower or upper age limit to take the Test, as long as the requirements have been met.
Sexual Orientation	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike.
Religion/Belief	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike. The Test will be available on different days during two sittings each year and on a range of different days of the week so as not to conflict with religious festivals. The dates of the Centralised Examinations (that will be taken by BTT candidates) are set years in advance and specially screened for this purpose.
Gender Reassignment	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike.
Pregnancy/ Maternity	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike.
Marriage and Civil Partnership	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike.

Other Identified Groups	No impact has been identified (adverse or otherwise) since this outcomes focussed test is required for all candidates alike. The costs of the various elements of the Test that are required to be undertaken are the same for all candidates. Only qualified lawyers are eligible to take the Test, so a level of income can be assumed. No bursaries will be available.
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How does the policy advance equality of opportunity?
<p>The revisions will promote equality of opportunity since no category will be disadvantaged in the single system which is the same for all those wishing to transfer to the Bar of England and Wales. The BTT will not have any impact on race or gender equality, as the Test applies to all applicants in exactly the same way. Reasonable adjustments will be made for those with disabilities. There is no identifiable impact in relation to the age of candidates. The availability of the Test is already and will continue to be well publicised in order to reach all those likely to wish to undertake the test. There will not be any specific publicity targeted at groups currently underrepresented at the Bar, but information will be made clear on the website.</p>

How does the policy promote good relations between different groups?
<p>The policy will promote good relations between groups inasmuch as it is the same Test for all and thus fair to all. The clarification of the BTT requirements will reduce the chance of any perceived unfairness.</p>

3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark 'X' next to one option and give a reason for your decision)		
a. No change to the policy (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups.	X
b. Continue the policy (impacts identified)	You will continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.	
c. Adjust the policy and continue	You will take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	

d. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.	
<p>Reason for decision:</p> <p>The revisions to the BTT are largely a matter of presentation with no substantive changes from the system that has been in place since 2001 (and before). The only possible issue identified is the proposal to require all candidates to undertake the required Inns Qualifying Sessions before they are Called to the Bar. This may be logistically difficult for those returning to overseas jurisdictions but as a requirement for those Called to the Bar following the BPTC it is not only an essential requirement but also vital to ensure the requirement is met.</p>		

4. Action Plan for Improvement

<p>Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.</p>		
Action Required	Person responsible	Timescale
No barriers have been identified but the BSB undertakes regularly to review the BTT to ensure it operates effectively to ensure standards.	BSB Head of Education Standards together with the Officer for the BTT	2014
Ensure that appropriate reasonable adjustments are made for candidates taking the test, where needed	BSB Head of Education Standards and Education team in conjunction with the BTT Provider	2013 (as part of the accreditation process of the provider of the BTT)
Publicise the revisions (once approved) to prospective candidates. BSB website.	BSB Head of Education Standards and Education team in conjunction with Inns and BTT Provider	From January 2013
Publicise the process for requesting reasonable adjustments for prospective candidates and emphasise timescales.	BSB Head of Education Standards and Education team in conjunction with Inns and Provider	From January 2013