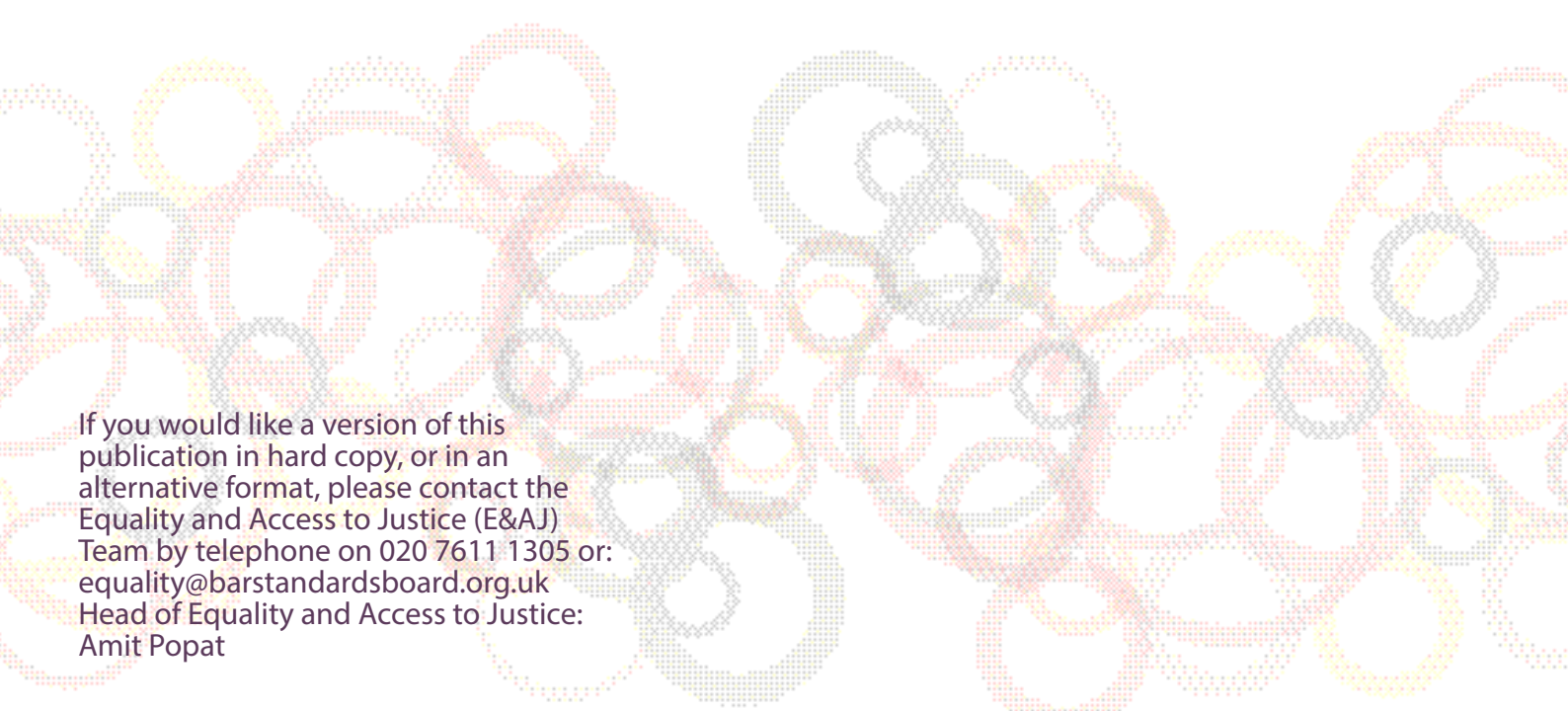


# Bar Professional Training Course Handbook 2019/20



If you would like a version of this publication in hard copy, or in an alternative format, please contact the Equality and Access to Justice (E&AJ) Team by telephone on 020 7611 1305 or: [equality@barstandardsboard.org.uk](mailto:equality@barstandardsboard.org.uk)  
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# 1 What this Handbook is about and who it is for

This document sets out the requirements for the Bar Professional Training Course (BPTC) in the academic year 2019-20. It is intended for use by students, training providers, the regulatory body, and any consumers who are interested to know how barristers are trained.

The future of Bar training has recently been the subject of a major review under the Future Bar Training consultation. BPTC will continue in its current form for the academic year 2019/20 for full-time students and 2020/21 for part-time students. From September 2020, new approved training pathways will replace the BPTC and new arrangements will be put in place.

However, the vocational training requirements set out here stand for those enrolling on the BPTC in the Academic Year 2019-20 and will continue, notwithstanding any minor annual adjustments, until Spring 2022. It is important to note that any student who has not yet completed the BPTC by Spring 2021 will be subject to transitional arrangements for centralised assessments. A statement about transitional arrangements can be found at the end of this handbook. More information about future changes to training for the Bar can be found on the BSB's website.

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.

The vocational training provided on the BPTC prepares students for a career at the Bar of England and Wales. This training may also provide knowledge and skills that are transferable to other jurisdictions or to other career paths, in the legal sector and more widely.

The Bar Standards Board (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. This Handbook sets out how the current BPTC relates to the Professional Statement and indicates which competences are addressed, and to what extent, during the vocational stage as it currently stands. The Professional Statement will remain fundamental to any future training arrangements.

Only training providers who have been accredited by the BSB may deliver the BPTC. This Handbook describes what requirements they must fulfil and how the BSB monitors the standards of course delivery. There are currently eight [providers](#) on 14 sites in England and Wales.

Accredited providers must deliver the course in accordance with the specifications in this Handbook. The BPTC will usually be delivered as a discrete course; providers will need to provide justification to the BSB for students being co-taught any element(s) of the BPTC with others on different programmes, such as the Legal Practice Course.

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 BPTC 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](#) (rQ27-rQ29).

When a provider delivers the course, or a student enrolls on the course, it implies acceptance of these rules by provider or student.

This BPTC Handbook is not intended as a complete guide for students, as each provider will issue their own more comprehensive student guidance. That guidance will, however, be derived from the requirements set out here, including reference to the Professional Statement. From September 2017, no student commencing the BPTC should complete it without being enabled to understand how their learning has contributed to their professional development as defined in the Professional Statement.

## 2 What the course is about: an outline

### The Professional Statement

The [Professional Statement](#) describes the knowledge, skills and attributes that all barristers will have on “day one” of practice. The BPTC is a programme of vocational training

that enables prospective barristers to develop many of the competences outlined in the Professional Statement (“the Competences”) through learning the practical application of legal knowledge and an understanding of what it means to be a reflective and responsible practitioner with respect for professional ethics. Some of the Competences will have been demonstrated prior to the BPTC, for example during the Academic Stage of training, and other competences will not be covered until the professional stage of work-based learning known as pupillage.

The Threshold Standard describes the minimum level or standard to which the Competences should be performed on “day one” of practice. A successful graduate of the BPTC will be able to demonstrate a number of the Competences to the level of the Threshold Standard.

The BPTC will also lay the foundation for students to be able to demonstrate Competences that will be further developed during their professional training. Though students will not be expected to demonstrate all of these Competences to the level of the Threshold Standard, they will still have the opportunity to practise and develop these Competences and they will be assessed at an appropriate level.

The references and descriptions of competences below are taken directly from the Professional Statement.



Students who successfully complete the BPTC will be able to demonstrate the following Competences:

### Legal knowledge, skills and attributes

Barristers will:

**1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.**

They will be able to choose the appropriate medium of communication, taking into account the message and the audience. They will be aware of and responsive to what others are communicating to them, whether in writing, verbally or non-verbally. They will be able to write with clarity and precision. They will be articulate and able to speak with fluency. They will be able to adapt their language and communication to suit their audience, which may be clients, colleagues and others, from any background.

Barristers should:

a) Identify the audience and respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances [3.3].

b) Select the appropriate medium of communication taking into account the message and the audience.

c) Adapt language and non-verbal communication taking into account the message and the audience. d) Use appropriate listening and questioning techniques when obtaining information.

e) Analyse written information.

f) Request and provide clarification of meaning when appropriate.

g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).

h) Exercise good English language skills [1.8].

i) Write with clarity, accuracy and precision.

j) Speak articulately and fluently.

k) Present arguments cogently and succinctly.

l) Exercise these skills appropriately in all engagements with others, including meetings, conferences and in court (whether conducted face-to-face or remotely).

**1.11 Ensure they are fully prepared.**

They will be familiar with the facts and law applicable to any matter on which they are working, as well as their client's circumstances and goals, so as to be able to supply their client with a good standard of work.

Barristers should:

a) Ensure that they are fully prepared in order to act in the best interests of the client [3.1] and provide a competent standard of work and service to the client [CD7].

### 1.12 Employ effective research skills.

Using either paper or electronic media, they will be able to recognise and identify relevant legal issues as well as recognise the need to research areas beyond the law that are relevant to their work. They will undertake any research accurately and efficiently. This will involve assessing the quality and relevance of sources, interpreting and evaluating the results of the research and presenting those results clearly and accurately.

Barristers should:

- a) Accurately identify the legal and non-legal issues.
- b) Recognise when legal and non-legal research is required.
- c) Use appropriate methods and resources (paper, electronic or other media and/or relevant experts) and ensure that legal sources are up-to-date.
- d) Assess the quality and relevance of all sources.
- e) Interpret and evaluate the results of all research.
- f) Apply effective analytical and evaluative skills to their work [1.5].
- g) Apply the research to the issues identified in order to draw conclusions.
- h) Evaluate and present the results clearly and accurately.

## Professional Standards

### 1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.

They will clearly understand a barrister's Core Duties and apply them in all aspects of their work.

Barristers should:

- a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
- b) Recognise potential ethical situations and identify ethical issues.
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

## 2 Personal Values and Standards

Barristers will:

### 2.2 Be honest in their dealings with others.

They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.

Barristers should:

- a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications and professional status.
- c) Ensure that to the best of their knowledge and belief any information they give is accurate, true and not likely to mislead.

The BPTC will lay the foundation for students to be able to demonstrate the following Competences:

### 1 Barristers' Distinctive Characteristics

Barristers will:

1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice. They will recognise and abide by their paramount duty in this regard including where this may require them to act against their own or their client's best interests.

Barristers should:

- a) Thoroughly recall and comprehend the Core Duties and their interrelationship.
- b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by:
  - i) applying the Core Duties and in particular the paramount duty to the court in the administration of justice;
  - ii) complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]; and
  - iii) demonstrating a thorough comprehension of the Professional Statement for Barristers

### 1.3 Have knowledge and understanding of the law and procedure relevant to their area(s) of practice.

They will have a good understanding of, and be up-to-date with recent cases and developments in, the area(s) of law in which they practise. They will have a good understanding of the rules of practice and procedure operating in courts relevant to their area(s) of practice. For example, the rules relating to jurisdiction, evidence, disposals, financial orders and costs. They will understand the processes by which disputes can be resolved outside court, such as arbitration and mediation.

Barristers should:

- a) Be able to recall and comprehend the core law and rules of procedure and practice relevant to their area of practice.
- b) Know the legal texts, journals, materials, documents and research tools relevant to their area of practice.
- c) Accurately apply to the matters they are dealing with the law and rules of procedure and practice relevant to their area of practice.
- d) Keep their knowledge and skills in their specific area of practice up-to-date.
- e) Comprehend and be able to identify and advise clients of situations where alternative forms of dispute resolution may be appropriate to their given circumstances.

### 1.5 Apply effective analytical and evaluative skills to their work.

They will identify the relevant facts of a matter and apply their legal and procedural knowledge to those facts to analyse the issues. They will acquire an understanding of their client's circumstances, needs, objectives, priorities and constraints. They will use that analysis and understanding to evaluate the available options and communicate them to their client.

Barristers should:

- a) Identify all necessary information and seek clarification of instructions using appropriate communication skills.
- b) Rigorously assess facts and evaluate key issues and risks.
- c) Exercise appropriate numeracy skills.
- d) Ensure that the analysis of financial and other statistical information has been competently carried out.
- e) Analyse other relevant information, including expert and medical reports.
- f) Identify inconsistencies and gaps in information.
- g) Methodically evaluate the quality and reliability of the information.
- h) Use reliable sources of information to make effective judgements.
- i) Employ effective research skills [1.12].
- j) Identify relevant legal principles.
- k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.
- l) Reach reasoned decisions supported by relevant evidence.
- m) Be able to explain and justify their analysis and evaluation.

### 1.6 Provide clear, concise and accurate advice in writing and orally and take responsibility for it.

Advice in writing will include written opinions and advising by email. Oral advice will include conducting conferences and advising by telephone. This will also include advising on the need and preparation for trial where an earlier disposal of the case does not occur, and the ability to convey unpalatable advice where necessary.

Barristers should:

- a) When giving advice take into account the client's circumstances and objectives.
- b) Ensure that advice is informed by appropriate analysis, synthesis and evaluation and where appropriate identifies and evaluates the consequences of different options.
- c) Address and present all relevant legal and factual issues in communicating their advice.
- d) Exercise good communication skills [1.9].

### 1.7 Negotiate effectively.

They will be able to recognise the strengths and weaknesses of the client's case and that of all other parties and to seek an outcome by negotiation which is in the best interests of the client.

Barristers should:

- a) Identify in so far as possible all parties' interests, objectives and limits.
- b) Develop and formulate best options for meeting the client's objectives.
- c) Present options for resolution cogently.
- d) Recognise, evaluate and respond to options presented by the other side.
- e) Develop appropriate compromises consistent with the client's instructions.
- f) Bring the negotiation to an appropriate conclusion.

## Practical knowledge, skills and attributes

### 1.10 Make sound judgements in their work.

They will ensure their judgements are independent, based on a good understanding of the relevant law and evaluation of relevant facts and information, and that any advice they give or decisions they make are reasoned and supported by evidence.

Barristers should:

- a) Apply effective analytical and evaluative skills to their work [1.5].
- b) Ensure that they act independently so that their judgements are not influenced by external pressures.
- c) Take responsibility for their decisions.

## Advocacy

### 1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.

They will be able to draft standard court documents. For example, claim forms, statements of case, witness statements, applications, indictments, orders and appeal documents. They will be able to draft these documents in clear language which focuses on the issues relevant to the case.

Barristers should:

- a) Draft accurate and legally effective documents (whether contentious or non-contentious).
- b) Utilise precedents where appropriate and also be able to draft without them.
- c) Address all relevant legal and factual issues.
- d) Comply with appropriate formalities.
- e) Exercise good English language skills [1.8].
- f) Exercise good communication skills [1.9].

### 1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.

They will be able to draft skeleton arguments that have clarity of purpose, are of an appropriate length and which comply with any applicable rules. Their arguments will identify the issues and will cite authorities and external materials in an appropriate manner.

Barristers should:

- a) Have a thorough knowledge of the Rules and Practice Directions and other protocols relevant to their area of practice which relate to the drafting of skeleton arguments.
- b) Draft skeleton arguments which comply with those Rules and Practice Directions and protocols.

### 1.15 Have persuasive oral advocacy skills.

They will be able to communicate their client's case effectively. They will be able to deliver coherent, well-structured and concise submissions and cite legal authorities and materials appropriately. They will be able to engage appropriately with and maintain an awareness of others in any forum where they represent clients.

When delivering submissions and questioning witnesses, they will be able to communicate audibly, using both pace and language that are appropriate to the tribunal. They will be able to handle witnesses in accordance with the rules of the court. They will ask questions which assist the court, focus on the real issues in the case and avoid the irrelevant. They will listen to the answers and demonstrate appropriate conduct towards the witness.

Barristers should:

- a) Thoroughly recall and comprehend and accurately apply to the matters they are dealing with the law and procedure relevant to advocacy.
- b) Apply effective analytical and evaluative skills to their work [1.5].
- c) Identify strengths and weaknesses from different parties' perspectives.
- d) Prepare how they will effectively communicate the argument.
- e) Manage facts to support the argument or position.
- f) Present orally a reasoned argument in a clear, logical, succinct and persuasive way.
- g) Use and cite legal authority appropriately.
- h) Comply with all relevant formalities.
- i) Recognise the role of different types of witness and use appropriate techniques for witness handling having particular regard to vulnerable witnesses.
- j) Listen and respond effectively to questions and opposing arguments.
- k) Deploy advocacy skills efficiently and effectively, in compliance with the Core Duties, so far as possible, notwithstanding that they may be required to act at short notice or under other legitimate pressure.

## Professional standards

### 1.17 Know how to conduct themselves appropriately in court.

They will know and use the required dress, accepted forms of address, formalities of proceedings and established conventions and customs in each forum where they represent clients.

Barristers should:

a) Use the required dress, accepted forms of address, observe formalities of proceedings and follow established conventions and customs in each forum where they represent clients

### 1.18 Only accept work which they believe they are competent to undertake.

They will be able to assess the level of their own knowledge, skills and attributes, to enable them to make an informed judgement on the acceptance of work and have the resilience to decline to act where necessary.

Barristers should:

a) Recognise and operate within the limits of their competence.

b) Explain clearly the limits of their competence and knowledge to relevant others.

c) Consult relevant others, where appropriate.

d) Make an informed judgement on the level of knowledge, skills and attributes required in a particular case.

e) Decline to act where the Code of Conduct requires them to do so.

## 2 Personal Values and Standards

Barristers will:

### 2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.

They will be aware of and recognise the explicit and implicit pressures to behave in any other way and resist those pressures even where to do so may be against their personal interests.

Barristers should:

a) Identify situations where their integrity and/or independence may be put at risk.

b) Act with integrity including: i Identifying and avoiding personal bias; ii Maintaining their independence from external pressures; and iii Identifying potential conflicts of interest, being open about conflicts of interest, declaring conflicts of interest formally and being prepared to exclude themselves from acting.

c) Uphold the reputation of the Bar and observe their duty to the court in the administration of justice [1.1].

d) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].

e) Take responsibility for their actions and decisions.



### 2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.

They will understand the law on equality and the need to value differences between members of society and apply that understanding in the workplace through taking positive steps to confront and tackle discrimination, whether in themselves, in others or in the structures of that workplace.

Barristers should:

- a) Actively observe and uphold the law on equality, diversity and discrimination.
- b) Be alert to the potential for unconscious bias.
- c) Take active steps to act fairly and inclusively and show respect to others.
- d) Identify situations where there is a risk of breach of the law on equality and diversity.
- e) Promote diversity in the workplace and where appropriate challenge others if their behaviour does not comply with the spirit of the law relating to equality, diversity and discrimination

### 2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.

They will continually assess their weaknesses, limitations or knowledge gaps, analysing them accurately and honestly. They will acknowledge these to others if appropriate, and learn from the reflective process.

Barristers should:

- a) Recognise limitations of personal knowledge and skills and act to resolve the situation.
- b) Take appropriate action when experiencing difficulties with work that is beyond their professional competence and disclose as appropriate.
- c) Identify their errors of judgement, omissions and mistakes and take appropriate action.
- d) Ask for and make effective use of feedback, guidance, advice and support.
- e) Take appropriate action to manage personal difficulties that might otherwise affect their work.

### 2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.

They will be able to plan and develop their career by identifying their strengths and preferences and the risks and opportunities of the environment in which they work. They will be able to assess their legal knowledge and skills and their working environment regularly, then eliminate any perceived knowledge or skills shortfall, ensuring their abilities remain relevant for the work they wish to undertake.

Barristers should: a) Take responsibility for planning and undertaking personal development and learning.

- b) Identify strengths and areas for development and take positive steps to address them.
- c) Reflect on and learn from their own and others performance and achievements.
- d) Maintain and develop relevant knowledge and skills.
- e) Regularly take part in activities that maintain and develop their competence and performance.



## Working with others

### At work

#### Barristers will:

3.1 Understand and exercise their duty to act in the best interests of their client.

They will apply this core barrister's duty in every case except where it conflicts with their duty to the court in the administration of justice.

#### Barristers should:

- a) Provide a competent standard of work and service to each client [CD7].
- b) Identify the client's best interests in accordance with the client's lawful instructions.
- c) Recognise and evaluate any conflict between the client's best interests and their duty to the court, their obligation to act with honesty and integrity and to maintain their independence.
- d) Ensure that subject to c) above they do not act contrary to the client's lawful instructions.
- e) Act in accordance with the Code of Conduct and other applicable rules and regulations.

### 3.2 Understand and apply principles of team working where appropriate.

They will have an understanding of how teams work and the benefits of team working and be able to use their individual knowledge and skills to work collaboratively with others towards a common goal. They will be able to play an active role in supporting a team-working ethos, work cooperatively with others and willingly give help and support to colleagues, know when to offer assistance and advice and do so when required.

#### Barristers should:

- a) Work collaboratively with others, respecting their skills and contributions.
- b) Comprehend how their behaviour may affect others within and outside teams.
- c) Reflect on own strengths and weaknesses as a team member.
- d) Understand the division of responsibilities within the team.
- e) Understand the relationships between counsel, pupil, clerk and solicitor.
- f) Delegate to and supervise others effectively.
- g) Establish and maintain effective professional relations with others.

### 3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.

They will be aware of the potentially differing needs of people from a range of backgrounds, life experiences, or those who have characteristics which are protected under the Equality Act 2010. They will be receptive and responsive to how those needs might be met through making adjustments to their own practices.

Barristers should:

- a) Be aware and active in the pursuit of equality and respect for diversity [2.3].
- b) Provide information in a way that others can understand taking into account their personal circumstances and any particular vulnerability.
- c) Recognise and respond effectively to others' particular needs, objectives, priorities and constraints.
- d) Recognise and take reasonable steps to meet the particular needs of clients including those who are disabled or vulnerable.

### 3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.

They will be aware of the diversity of people they may encounter and use that awareness to modify their behaviour where necessary so as to demonstrate respect and convey courtesy to all. They will know how and where to demonstrate empathy, and act accordingly. In their own workplace, they will treat senior, junior and support colleagues with respect and courtesy,

recognising where an adversarial approach is not suitable.

Barristers should:

- a) Demonstrate suitable professional practice, politeness and respect in communications and personal interactions with others.
- b) Recognise people's differences and modify their behaviour where appropriate to take account of those differences.

### 3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.

They will be able to identify situations where keeping the client informed is their responsibility and in those circumstances they will be able to establish with their clients a suitable structure, including timescales, for communicating significant developments in their case and communicate those effectively. This will include telling the client about options as their case develops, possible outcomes and associated risks.

Barristers should:

- a) Identify the level of their responsibility to consult with and to communicate case progress to a particular client.
- b) Inform clients in a timely manner of key facts and issues including key dates, risks, progress towards objectives and costs.
- c) Identify and evaluate possible courses of action and their consequences and assist clients in reaching a decision.
- d) Manage clients' expectations including in relation to options, the range of possible outcomes, risks and timescales.
- e) Respond appropriately to clients' concerns and complaints.

### Lay individuals

#### 3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.

They will understand and apply the relevant elements of the Code of Conduct for barristers in this regard and the need to maintain a balance between their duty not to take unfair advantage and their duty to the court. They will recognise and appreciate the potential lack of understanding where clients or opponents have an inadequate knowledge of the law and procedure compared with those whose cases are conducted through qualified legal advisors and the effect this may have on the handling of a matter.

Barristers should:

- a) Adapt their communication and handling of the matter to ensure that public access clients are fully informed of the actions which are being taken on their behalf and the purpose and possible consequences of those actions.
- b) Recognise and appreciate the position of opponents not represented by qualified legal advisors (litigants in person).
- c) Understand the professional duties to the litigant in person, the court and their own client, which arise when appearing against the litigant in person, and the potential effect on the handling of the matter.
- d) Act in accordance with the Code of Conduct and other rules and regulations applicable to public access clients or litigants in person.

## Course Curriculum

The course curriculum is made up of the following main elements:

### Knowledge areas

- Civil litigation and evidence
- Criminal litigation, evidence and sentencing
- Professional Ethics

### Skills areas

- Advocacy
- Opinion Writing
- Drafting
- Conference Skills
- Resolution of Disputes Out of Court (including Negotiation, Mediation and Arbitration)

### Options

- A range of elective subject(s) run by each provider in specialist practice areas.

The curriculum also incorporates writing skills, casework skills, fact management, legal research, basic management, and interpersonal skills.

The current detailed curriculum and syllabus can be found [on the BSB website](#).

## Structure of the course

The BPTC must commence in September and be of at least 30 weeks duration, excluding vacations.

The course may be delivered in any of the three following modes:

- Full-time over one academic year
- Part-time over two academic years
- As an MLaw (Exempting), which combines a qualifying law degree and the BPTC.

Providers must make academic credit arrangements<sup>1</sup> clear to prospective and current students, as well as details of any associated academic award.

Providers should ensure that students are fully aware of the study time required and the level of commitment and dedication that the course demands.

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<sup>1</sup> For more information about academic credit in higher education, see [the Quality Assurance Agency for Higher Education \(QAA\)'s website](#).

The exact structure of the course is not prescribed, though in practice the pattern of assessments will play a large part in determining delivery. The course should be designed to ensure that students cover components at a logical point in their learning, and are enabled to understand how knowledge, procedure, professional ethics and skills integrate. The design of the course should have regard to the importance of private study time as well as structured activities.

## 3 Admission to the course

There is an online application system called [BarSAS](#) for those wishing to study the BPTC. This is run by the consortium of BPTC training providers. Applications to enrol on the course can only be made through this system. The BSB cannot answer queries relating to BarSAS; all queries relating to BarSAS should be directed to [technical@barsas.com](mailto:technical@barsas.com).

Providers must operate an admissions policy that is transparent, reliable, valid, and inclusive.<sup>2</sup> Applicants must meet certain entry requirements, regardless of where they wish to study.

These requirements are:

- completion of the Academic Stage (Qualifying Law Degree (QLD) or non-law degree plus Graduate Diploma in Law (GDL))
- membership of an Inn of Court
- proficiency in the English Language, and
- a pass in the Bar Course Aptitude Test (BCAT).

Providers may also have their own additional admissions requirements which must also follow the principles of transparency, reliability, validity and inclusivity.

Inns of Court may also have additional admissions requirements which are not determined by the BSB.

It is not a requirement to secure pupillage before undertaking the BPTC.

Note that the last entry to the BPTC will be September 2019. From September 2020, new approved training pathways will replace the BPTC.

### Completion of academic stage

In order to complete academic requirements through a Qualifying Law Degree (QLD) for the purpose of qualifying as a barrister, a student must:

- hold an honours degree that is recognised as a QLD by the [Joint Statement](#) between the Solicitors Regulation Authority and BSB
- have been awarded an honours degree at or above the minimum standard, ie a lower second class (2:2)
- have passed all of the foundation subjects at the required level
- not have exceeded the maximum number of attempts at any one foundation subject, and
- not have reached the time after which a qualification is considered to be “stale”.

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<sup>2</sup> For more information on good practice in recruitment, selection and admission, see the [QAA's UK Quality Code for Higher Education \(Chapter B2\)](#)

In order to complete the Academic Stage through the CPE or GDL, a student must:

- be eligible to undertake the CPE/GDL in accordance with the rules and regulations of the BSB
- complete a CPE/GDL course that has been validated by the Joint Statement between the SRA and BSB
- pass all foundation subjects plus one other area of legal study, except where exemptions have been granted
- not exceed the maximum number of attempts at any one foundation subject, and
- not have reached the time after which the CPE/GDL is considered to be “stale”.

By completing the Academic Stage, students have demonstrated the following Competence from the Professional Statement:

### 1 Barristers’ distinctive characteristics Legal knowledge, skills and attributes

Barristers will:

#### 1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.

They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, including the implications of EU law, and be able to apply this as necessary.

Barristers should:

- a) Be able to recall and comprehend and accurately apply to factual situations the principles of law and rules of procedure and practice specified by the Bar Standards Board.
- b) Be able to keep up to date with significant changes to these principles and rules.

Further details of each of these requirements and the most recent regulations relating to the Academic Stage can be found in the [Academic Stage Book](#).

## Membership of an Inn of Court

Before commencing the BPTC, a student must have been admitted to an Inn of Court. Applications must normally be made by 31 May each year. Information about [joining an Inn of Court](#) can be found on our website.

Where a candidate has reason to believe that their application for Inn membership may not be straightforward (eg where they have a criminal conviction that they must declare), the candidate is strongly advised to allow for the extra time that consideration of their case may take, and apply to the Inn well in advance of the deadline. The Inns of Court rely on self-declaration as there is currently no requirement for a Disclosure and Barring Service check for applicants to the BPTC.

Where membership of an Inn is withdrawn for disciplinary or other reasons then the student must withdraw from the BPTC with immediate effect.

The Professional Statement describes the following Competence regarding English language, which should be demonstrated by students before they enrol on the BPTC:

### 1 Barristers' distinctive characteristics Practical knowledge, skills and attributes

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.

Students must be able to demonstrate that their English language ability<sup>3</sup> 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).

Applicants with any doubt about their English skills are strongly advised to undertake one of the above tests before enrolling on the course. On entry to the course providers will require students to sign a statement that they are aware of the standard of English Language required, and that they consider that they have met it. If the course provider considers that any aspect of a student's language ability is not at the required level after they have commenced the course, the provider must, as soon as the issue is identified, require the student to:

- take one of the language tests above, and
- provide a test certificate certifying that they have achieved the required scores within 28 days.

Certificates issued by an English language test provider verifying the score achieved by a candidate in one of the above tests must be current and valid by reference to the rules of that English language test provider.

If the student fails to provide evidence that they have achieved the required scores within 28 days of being asked to do so, the provider must require the student to:

- withdraw from the course, or
- intermit and improve their score prior to being re-admitted to the course in a subsequent year.

Providers must have clear systems in place for identifying students who do not have language skills of the required level, and for ensuring that those students are required to

<sup>3</sup> Per 1.8, Professional Statement (see [The Professional Statement](#)).



undertake testing.

### Bar Course Aptitude Test

All BPTC applicants must take and pass the Bar Course Aptitude Test (BCAT). This is test of aptitude for critical thinking and does not require any legal knowledge. The test result may give an intending student a helpful indication of their likely chance of success on the course. The BCAT result is valid for five years from the date of receiving the results. The BCAT is administered by Pearson VUE for the BSB; full details can be found [here](#).

### Completion of admissions requirements

Where any of the specified entry requirements have not been completed and evidenced in full, the offer letter from the provider must clearly indicate that the offer is conditional

upon the requirements being completed prior to the commencement of the course. Where undergraduate re-sit results are awaited, the academic requirements must be met by the first working day in October of the year of entry to the course. If a student chooses to commence the course in September while awaiting results, they should understand that they risk being asked to withdraw if they are unsuccessful.

### Authentication of entry qualifications

Students are required to provide proof of all entry qualifications. This documentation must be verified by providers.

A student is liable for exclusion from the course if:

- they do not comply with any reasonable request to provide such proof
- they make a false claim in respect of application for admission
- they present false or fraudulent evidence of qualifications
- they engage another person to impersonate them, or
- they impersonate another person in connection with an application for admission or in providing evidence of qualifications.

The provider must report any such behaviour to the relevant Inn of Court in order for the Inn to assess whether the candidate is a fit and proper person to be called to the Bar.

### Exemptions from the BPTC

The BPTC must be undertaken in its entirety. There are no partial waivers for prior learning or

experience. However, exemption from the BPTC may be granted to those who have qualified in other jurisdictions or as solicitors. Such exemption will usually be conditional on passing the [Bar Transfer Test](#) (See Bar Training Rules rQ79-rQ97 in the [BSB Handbook](#)).

### Changing mode of study or changing course provider

Students may, at the provider's discretion, be allowed to change the mode of study from full-time to part-time in the light of their changing academic, personal or professional circumstances if their provider is able to offer the alternative study mode for that course, and if the proposed change is consistent with the aims and outcomes of the BPTC being met in full.

Students may, at the discretion of the provider, transfer to another provider subject to:

- the availability of a place on the proposed course
- the agreement of the Course Directors of both current and future/proposed courses
- the change being proposed at an appropriate stage in the new course to enable the student to meet the aims and outcomes of the BPTC in full, and
- successful resolution of financial matters.

When such a transfer is agreed, the original course director must inform the Education Officer of the relevant Inn.

### Attendance

Students are expected to attend all classes and timetabled activities, and must attend a minimum of 80% of sessions to achieve a pass on the BPTC. A student who falls below 80% attendance shall fail the BPTC and/or may be required to withdraw from the course. This requirement may be relaxed or adjusted by the provider in an individual case where this is necessary in order to comply with the Equality Act 2010 (or any replacement of that Act).

Providers are responsible for managing their own policies regarding attendance, which should cover punctuality, preparedness, participation and reasons for absence.

Providers have discretion to allow attendance at rescheduled or alternative classes, but only where this will not materially adversely affect the learning environment or learning outcomes of any student.

### Maximum registration period

When a full-time candidate commences the BPTC in September of a specific academic year

their anticipated completion date is within that academic year. For a part-time candidate, their anticipated completion date is the following academic year. For these purposes an academic year comprises the cycle of first sit assessments and referred or deferred assessments immediately following the first sit assessments. For both full-time and part-time students,

the course must normally be completed within a maximum of three years of the expected completion date. The maximum time limit exists to avoid BPTC graduates proceeding to pupillage with “stale” knowledge.

For either full-time or part-time students who have documented extenuating circumstances that have been accepted through their provider’s usual extenuating circumstances procedures, and who are still within the maximum number of sits permitted by the BSB, the maximum time limit may be exceeded at the discretion of the BSB to the next available sit only. Application to extend the maximum time limit should be made by the course provider submitting evidence to the BSB of the extenuating circumstances process and decision as soon as that process is complete.

Opportunities to complete the BPTC under current centralised examination board arrangements for assessment of Civil Litigation and Professional Ethics will be subject to transitional arrangements concluding with the Spring sit of 2022. After that (ie from the Summer sit of 2022 onwards) new arrangements will apply. The centralised examination in Criminal Litigation is not affected. For more information on the transitional arrangements for centralised assessments, see the statement at the end of this handbook.

# 4 How the course is assessed

## Part 1: Overview

The purpose of assessment is to allow students to demonstrate that they have fulfilled the course objectives and achieved the required standards for the BPTC.

The course contains two types of assessment: formative and summative.

- Formative assessment does not count towards the final mark, but is vital for student development. Course providers are responsible for setting and marking formative assessments and giving feedback that enables students to understand what they need to do to improve.
- Summative assessments all count towards the overall grade of the BPTC. The BSB sets and marks the assessments for the knowledge areas and the providers set and mark the assessments for the skills areas (including Resolution of Disputes Out of Court) and options. Providers must not give students any indication as to the content of assessments beyond the stated syllabus and curriculum.

The BSB will provide mock exams in the three centralised modules for providers to use for formative purposes.

Each summative assessment must be preceded by at least one formative assessment on which students must receive individual tutor feedback. It must be made clear to students which assessments are formative and which are summative.

## Formative assessment

Students must be provided with the following minimum opportunities to practise and to receive feedback:

**Advocacy:** the equivalent of twelve 15-minute practice exercises (of which three are summative assessments)

**Conferencing:** 4 complete, tutor-observed conferences (of which one is a summative assessment)

**Opinion Writing:** 6 assignments (of which one is a summative assessment)

**Drafting:** 6 assignments (of which one is a summative assessment)

It is good practice to:

- always relate feedback to the learning outcomes of the session and enable students to understand what they need to do to improve
- use a range of scenarios for skills practice that reflect the learning outcomes and ensure an appropriate mix of civil and criminal work

- record skills assessments to enable students to review performances and to facilitate feedback and discussion (recordings may also be reviewed by external examiners)
- rotate groups and/or tutors to ensure that oral skills are not always practised in the same groups
- encourage students to develop skills in peer review, self-evaluation and reflective learning.

### Summative assessment

The assessment requirements and weighting of each component of the course is set out in the table below. Providers must conform to these requirements in their delivery of the course.

Candidates must pass each assessment subject to the rules governing the opportunity to re-sit ([see Re-sits](#)).

Subject	Assessment Requirements	Who sets the exam?	% of course
Advocacy	One assessment with oral plus written components. 9% of total BPTC grade. The two components may be aggregated.  Two further oral assessments (examination-in-chief; cross-examination). 8% each of total BPTC grade. Both assessments must be passed.	Provider	25
Civil Litigation and 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.	BSB	10
Criminal Litigation, Evidence and 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.	BSB	10
Professional Ethics	One closed book examination of two hours, centrally set and marked (manually). The examination is comprised of six short answer questions.	BSB	5
Opinion Writing	One formal time-constrained examination (materials may be used) (100%).	Provider	10
Drafting	One formal time-constrained examination (materials may be used) (100%).	Provider	10
Conference Skills	One oral assessment (100%).	Provider	5

Table continues overleaf

Resolution of Disputes Out of Court	One formal examination consisting of multiple choice questions and short answer questions (100%).	Provider	5
Option one	One assessment (can be written or oral) (100%).	Provider	10
Option two One assessment (can be written or oral) (100%). Provider 10	One assessment (can be written or oral) (100%).	Provider	10
Legal Research Methods	Not assessed	n/a	n/a
Basic Management Skills	Not assessed	n/a	n/a
Pro Bono	Not assessed	n/a	n/a
Court Visits	Not assessed	n/a	n/a
<b>Totals</b>		<b>100</b>	

The level of study for the BPTC is broadly in line with that prescribed by the Quality Assurance Agency for Higher Education (QAA) for postgraduate study at [Level 7](#). It is a matter for providers whether or not to offer an associated academic award of a Postgraduate Diploma, or an associated route to a masters degree. The BSB takes no regulatory interest in these matters and there will be no BSB involvement in the validation of an academic award. Information about associated academic awards should be included in general course information for students.

Students at all BPTC providers will attempt the examinations in the knowledge subjects on the same day at the same time on the dates published by the BSB before the start of the academic year, subject to any change due to extreme unforeseen circumstances.

Providers must set dates for skills assessments and options and advertise these well in advance to students. Providers are strongly advised to ensure that assessment dates are timetabled at even intervals where possible, and not bunched together.

The language of assessment is English. Written assessments may be provided in Welsh if requested. The requirements of the Welsh Language Act 1993 are recognised, but candidates who can only satisfy the assessment requirements in Welsh will not be competent to practise at the Bar of England and Wales.

## Assessment outcomes and standards

The table below describes the characteristics of the grades that may be awarded for individual assessments.

Grading	Descriptor	% scale	Code
Outstanding	Additionally to Very Competent, demonstrates very high level knowledge and skills – with imagination, originality or flair, based on proficiency in all the learning outcomes, and providing realistic professional advice or performance. Work is comprehensively and very well researched, and argued.	85-100%	O
Very Competent	Additionally to Competent, demonstrates high level awareness and understanding of the knowledge and skills required, such as the ability to identify and debate critical issues or problems, ability to solve non-routine problems, ability to adapt and apply ideas to new situations, and ability to invent and evaluate new ideas to a standard of competence such that a client could reasonably expect to rely on.	70-84%	VC
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 of the course (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.	60-69%	C
Not Competent	Does not satisfy the minimum criteria for the assessment. Work is inarticulate and of poor standard, faulty and badly expressed. The candidate is assessed as not capable of producing work on which a prospective client could rely.	0-59%	NC

The table below indicates the range of possible overall outcomes on completion of the course:

Overall Course Grade	Requirements
Outstanding	<ul style="list-style-type: none"> <li>o Pass all assessments on first attempt <b>AND</b></li> <li>o Achieve an overall mark of at least 85% <b>OR</b></li> <li>o Achieve six or more grades in the Outstanding category</li> </ul>
Very Competent	<ul style="list-style-type: none"> <li>o Pass all assessments* (One pass in one subject may be at the second or third attempt; however, all other subjects must be passed at the first attempt) <b>AND EITHER</b></li> <li>o Achieve an overall mark of at least 70% <b>OR</b></li> <li>o Achieve eight or more grades in the Very Competent or Outstanding categories.</li> </ul>
Competent	Pass each assessment subject to the rules governing the opportunity to re-sit
Fail	Intended learning outcomes of the course have not been met and the maximum number of re-sit opportunities have been exhausted. The specified knowledge, skills and competences of a successful BPTC student have not been acquired.

\*The term assessment refers to a sit in a subject. A student failing the same assessment more than twice will not be able to attain an overall grade of Very Competent.



# 5 How the course is assessed

## Part 2: Specific assessment requirements

Assessment regulations at accredited BPTC providers must conform to the assessment framework set out in Part 1. All assessment must be conducted in accordance with the guidance in the [QAA UK Quality Code for Higher Education \(Chapter B6\)](#).

### Administration of assessments

Providers' assessment processes must be clear, precise, valid and reliable. Detailed protocols must be in place for the operation of assessments including:

- scheduling
  - o a calendar of examinations must be published to students well in advance
  - o assessment dates must not be indirectly discriminatory by clashing with religious holidays
- record keeping
  - o maintaining an accurate register of students eligible to take examinations
  - o monitoring of student progress throughout the course
  - o results data
- security
  - o examination materials and results
  - o examination halls and invigilation
- assessment of disabled students
  - o with reasonable adjustments made for disabled students
- first and second marking, including protocols for determining samples for second marking
- moderation
- late submission of work
- consideration of extenuating 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.

Provider academic staff involved in assessment must be competent to make fair and sound judgments about the performance of individual students in relation to the cohort, and to ensure that standards on the course are maintained. 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 student records or other systems where relevant.

Students must be provided on enrolment with details of assessment including:

- the nature of assessment and relationship to the over-arching aims and intended outcomes of the course
- the specific requirements for individual assessments (with clear criteria for how they will be assessed)
- information about which assessments are formative and which are summative so that it is clear which elements contribute to the overall grade for the course
- a clear statement that no compensation for failure in assessment is permitted (ie marks gained in one part of the course may not be count in place of a section that has been failed)
- information about re-sits and about procedures for applying for extenuating 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 Students

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

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

## Assessment of disabled students

Disabled students must be given the opportunity to demonstrate the Competences described in the Professional Statement to the appropriate level. If a student is unable to be taught and/ or assessed in the usual way, then the provider should negotiate and agree to any necessary reasonable adjustments. 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 student'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 student 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 student and their provider.

## Assessments set by providers

- Providers 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

Providers must have their own policies and procedures for dealing with academic misconduct and these must be clearly visible to students. Proven offences must be reported to the relevant Inn of Court.

### The Red Light Rule

The “Red Light Rule” may be applied in skills assessments. Even if a student gains an average overall pass, they may fail an assessment if their legal or case analysis is so clearly incorrect that it would

- put the interests of the client(s) at risk, and/or
- put the barrister at risk of liability for negligence or a disciplinary finding.

A student may also be failed if it is found that they have committed a “fatal flaw”. A “fatal flaw” is normally defined, for these purposes, as a significant and grave error of law or procedure.

However, an Ethics issue in a skills assessment may also be regarded for consideration as a “fatal flaw”.

Examples of where the Red Light Rule should be applied are as follows:

- A personal injury claim where counsel advises that the claim is statute barred because the three years since the date of the accident have expired (has failed to consider the date of knowledge and or an application under section 33).
- A contract claim where counsel fails to advise that the claim cannot be brought because the breach of contract was over six years from the date of the advice.
- Giving inaccurate advice in conference, for example advising a client to settle a civil claim where they have a perfectly good defence, eg on limitation.

## Student progress

Systems should be in place to monitor student progress throughout the course and to flag at an early stage when students are at risk of failing through poor performance or attendance.

Examination Boards must determine the action to be taken where a student fails to complete some or the entire course, or where extenuating circumstances have affected a student's performance.

## Examination Boards

Each BPTC 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 students. The Board is responsible for confirming final marks and overall grade awarded.

Provider practices will vary, but the Board must comprise:

- a Chair who is a senior academic who is not involved with the BPTC or responsible for delivery of the course
- the BPTC course leader/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 grades and awards.

## Central Examination Board (CEB)

Centralised assessments were introduced to ensure consistency across course providers, 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.

Questions and solutions for Civil Litigation and Criminal Litigation are devised by suitably qualified individuals (including academics working at 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 student'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" students 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 student'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 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' extenuating circumstances.

## Meetings of Provider Examination Boards

External examiners must be notified of the date of the examination board meeting as early as is practicable. Documentation should be provided in advance to include:

- BSB and provider assessment regulations
- examination papers and project titles or briefs
- marking schemes used
- the full draft mark sheet showing marks for the course, individual assessments and individual profiles of each student
- information about how double marking and moderating was carried out, and
- any analysis of the cohort performance that the provider considers helpful to the board.

Board agendas should include:

- consideration of minutes of the last meeting
- consideration of extenuating circumstances, as appropriate
- consideration of invigilation irregularities or examination conduct issues, as appropriate
- consideration of any applications of the Red Light Rule or the Attendance Rule
- approval of results with discussion of borderlines
- oral reports of external examiners on standards and any issues identified
- a reminder about obligations to preserve confidentiality, and
- the date of the next meeting.

## Board decisions and confirmation of results

The BSB gives no discretion to examiners or Examination Boards to amend the grades of students in the light of circumstances affecting performance. Marks may not be raised as a result of special circumstances or for any other reason. In these instances, the only discretion is for marks to be set aside and a re-sit without penalty awarded. See Extenuating Circumstances.

The BSB gives no discretion to Examination Boards to round up grades of individual assessments.

The BSB does give discretion to Examination Boards to round up borderline aggregate grades where the overall grade for the course is marginal to within 0.05 of a grade boundary, eg a final mark of between 69.95 – 69.99 may be raised to 70.

If an individual candidate assessment is mislaid, marks cannot be awarded or interpolated, whether on the basis of the candidate academic profile or otherwise.

Results are not deemed to be finalised until they have been confirmed at a final Examination Board attended (in person or remotely) by a BSB external examiner.

The Chair of the Examination Board must sign off the results finalised by the Board. The minutes of the meeting must record all decisions and actions (including those relating to re-sits and deferrals), as well as the time and date of the meeting, and the names of those in attendance. The provider must then provide the BSB with the list of results.

Overall course results must not be released to students under any circumstances until the Examination Board has confirmed them. Results must be communicated to students, normally within one week of the examination board meeting.

If Chair's action is required on any matter after the meeting of the Board, the prior approval of the external examiner must be obtained. The external examiner must make a decision on whether the matter needs to be referred to the BSB and will note in their report to the BSB the number and type of instances of Chair's action on which they are consulted.

### Extenuating Circumstances

Providers must have and operate their own policies and procedures for considering extenuating circumstances and ensure that these are clearly visible to students.

When a student's application to have extenuating circumstances taken into account is accepted by the provider, the Examination Board has the discretion to disregard the assessment result and offer the student the opportunity to sit the assessment(s) as a first attempt of that sitting, ie 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 students in such circumstances.

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

Providers must ensure that their external examiners are made aware of the extenuating circumstances policy and procedure in operation in their institution.



## Re-sits

Re-sits provide students with the opportunity to make good the initial failure in assessment. The provider's Examination Board will specify and confirm which assessment(s) a student is required to re-sit, and when the re-sit(s) will take place.

If an assessment is failed at the first attempt it may be taken again on two further occasions. A maximum of a total of three attempts is permitted for any single assessment, excepting where documented and accepted extenuating circumstances have caused an attempt to be disregarded (ie not counted towards the maximum number of attempts). Where extenuating circumstances have been allowed then the number of attempts will be calculated accordingly. No more than three attempts (not counting those affected by extenuating circumstances) will be allowed.

Opportunities for re-sits should be provided during the summer following the spring assessments. Re-sit dates for centrally set subjects are in August and are specified at the start of each academic year.

Marks for re-sits not affected by extenuating circumstances must be capped at the minimum pass mark. Students may not retake assessments for the sole purpose of improving a mark which is already at or above the pass level, unless there is a substantiated case of extenuating circumstances. All attempts must appear on the student's transcript and the final mark must be clearly recorded.

Re-sits will normally be undertaken at the provider location. Providers may, exceptionally, arrange re-sits for students at overseas locations under the auspices of the British Council. Providers must notify the BSB at least six weeks prior to the scheduled re-sit date in these circumstances. Students must meet additional expenses for re-sits.

Providers must inform students whether support (with or without additional cost to the student) will be provided to those undertaking re-sits.

## Failing the course

Where an assessment has been failed on three occasions, then the candidate must be recorded as having failed the course.

A candidate who exhausts all re-sit opportunities and fails the course in its entirety is permitted subsequently to apply to take a vocational Bar training course at the same or at a different provider. This is subject to acceptance on a course by a provider and the student having met the entry requirements in place at that time. Credit for previously successfully completing any element of the course cannot be carried forward onto the BPTC.

## Compensation for failure

Under no circumstances may a student's overall performance on the course compensate for partial failure in an assessment for the BPTC. All components of the course must be taken and passed.

## Provider appeals policy

Providers must have a transparent, published appeals procedure, which facilitates the timely investigation and resolution of students' appeals. Providers must deal openly and fairly with students who wish to appeal against assessment decisions, in accordance with the [QAA Quality Code](#). They must not penalise students for making an appeal, nor note this on the student's transcript.

## Appeals against centralised examination decisions

The [Centralised Assessments Regulations for Student Review \[pdf\]](#) have been designed for students who wish to clarify the arithmetical transcription of their marks for one of the three knowledge 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 students 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:

- Students may wish to request a clerical error check and this must be completed with the relevant provider.
- Students 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.
- Students 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](mailto: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.

# 6 Course resource requirements

## Class sizes

The size of groups must be appropriate to the session being taught and the type of activity involved. As a general guide: small groups must be used where interaction with every student in the group is fundamental to the delivery, and individual feedback is part of the session (this applies to skills subjects); large groups are better suited for delivery of knowledge and demonstrations where interaction is more limited. Virtual learning environments may be appropriate for delivery where interaction is less critical to the learning experience.

Advocacy must be taught in groups no larger than six. The recommended size of other small group classes is 12, and must be no larger than 18 at any time.

## Staffing

Providers must comply with the following Staff to Student Ratio (SSR) at every site in which the course is delivered for the duration of the course. Where a provider delivers the course in both full-time and part-time modes, the SSR applies to the global figure, and, for the purposes of this rule, the word "cohort" refers to this global figure.

- The recommended SSR is 1:12 for cohorts of up to 120 students, ie one full-time equivalent (FTE) member of staff appointed for every 12 enrolled students.
- For cohorts exceeding 120 enrolled students, the recommended SSR for the additional students is 1:16.
- These ratios are the minimum recommended and expected level for the adequate delivery of the BPTC programme.
- Providers must provide justification for any proposed variation to the SSR, including arrangements to monitor the impact of the variation and a contingency plan to address any potential issues.
- The minimum number of staff at any site that delivers the BPTC must be 4 FTE with no exceptions.
- For the purposes of calculating the SSR a part-time student should be counted as 0.5 of a full-time student.
- The BSB recognises the valuable contribution that fractional staff, freelance staff and visiting lecturers make to the delivery of the course. Accordingly, such staff may be counted towards the SSR. However, the use of a significant number or proportion (i.e. more than 20%) of freelance staff or visiting lecturers will require justification.

- Where a member of staff teaches the course at more than one location and/or teaches on other courses, her/his employment may be included in the relevant SSR calculation, provided that the time attributable to the BPTC in the particular location is recorded accurately and there is no double-counting.

### Staff development

All staff must be qualified to perform their role and should keep up to date with areas of professional development relevant to their role, in line with the staff development policy of their provider.

### Support staff

Each provider must, in addition to the course team, have:

- a dedicated course administrator
- technical IT/AV support
- a professionally qualified law librarian
- sufficient library staff trained to support the BPTC. Providers' law librarians are responsible for maintaining the BPTC book stock and services in line with the current syllabus and curriculum.

### Accommodation requirements

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

- Institutions must make all reasonable adjustments to accommodate disabled students.
- The teaching environment should use up-to-date technology that facilitates an interactive approach.
- 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 for students to practice oral skills regularly in an environment analogous to a court room.
- Recording equipment must be available for skills sessions and made available to students outside of classroom sessions.
- Core practitioner works must be readily available for reference during teaching sessions.
- It is good practice to offer students on professional courses a social or base room to provide a space for study and discussion.

## 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 students enrolled on the course, and including any continuing students who are re-sitting. The collection of the law library should be held in a format that best serves the needs of the students and teaching requirements. The format of materials should reflect what a student 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. Access to the law library must reflect the needs of students on a professional course, particularly in relation to access at evenings and weekends. User surveys should be employed to keep library provision under review, including levels of provision of study spaces, printing and photocopying facilities. Each provider must have a statement of resources that outlines how library requirements are met for BPTC students.

## IT resource requirements

Providers must ensure that students have reasonable access to computer, printing, wireless and networked Internet facilities, power sockets and student study spaces. Provision of these facilities must be kept under review, and decisions should take into account user surveys and/ or consultation with students.

Staff and students must have access to the following digital resources:

- a word processing package
- a spreadsheet package
- a presentation package
- an email service
- a means of storing digital files securely
- a range of legal research databases providing access to statutes, law reports, law encyclopaedias and practitioner works
- a Virtual Learning Environment
- off-site access to all of the above
- on-site access to the Internet via an appropriate browser.

Providers must make available IT skills support for students.

Reasonable adjustments should be made for IT skills support for disabled students.

# 7 Student information and support

## Marketing material

Providers must ensure that their marketing materials are clear and truthful, and that prospective students are not misled at any time. The basis on which any claims are made must be able to be fully substantiated and should be made explicit where necessary.

## Information for students

Prior to admission to the BPTC, providers should ensure that applicants are clear about what will be expected of them on the course and how they should prepare. This should include information about formal admissions requirements, the attendance requirement and the standard of English language required.

On enrolment, every student must be provided with the course handbook. This should contain information about:

- staff and how to contact them
- teaching spaces and learning resources
- course structure
- course timetable
- assessment timetable
- course regulations
- assessment regulations
- equality and diversity policy
- academic misconduct policy, and
- appeals procedure.

Each student must be made aware of and agree to abide by the BSB's attendance requirements.

The BPTC is a course that involves a great deal of interaction and participation by students. This must be made clear to students from the outset, as well as the impact on their peers of lack of preparation, and the consequences in relation to attendance requirements. The underpinning rationale for developing a professional ethos should be clearly understood.

It should also be made clear to students that the standard of behaviour expected of them during training must be consistent with upholding the good name and reputation of the Bar.

Information for students should ensure that they know what to expect and should set out:

- the number of contact hours, including the number of sessions for each subject area
- learning outcomes for all learning/assessment sessions
- the nature of the pre-session preparation required of students and any post-session activities required, and
- the nature of any learning activities to be conducted in the session.

### Pastoral support

Students must be allocated a designated personal tutor to provide academic advice on issues including:

- study skills
- examinations technique
- contacting staff
- withdrawal and deferral, and
- appeals.

Counselling services and information about how to access them must be available to each student. There should be a clear referral process.

### Student conduct

Providers must have a student code of conduct together with clear disciplinary procedures to deal with infringement of this code. The code should make clear what would constitute behaving in a way that could be deemed to bring the provider, the BSB or the Bar into disrepute.

The Inns must be informed of any instances where disciplinary findings are upheld.

### 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.

### Support for disabled students

There must be clear and readily available procedures to identify and evaluate support requirements for any student with a disability.

The provider must agree a learning contract with any student who may require additional support or adjustment prior to enrolment. This learning contract must set out the obligations of both student and provider.

### Careers advice, pro bono and destinations data

A careers service, including guidance on pursuing a career at the Bar must be provided to students. This should offer Bar-specific expertise such as preparation for pupillage interviews and advice on progressing to the Bar. It should also offer advice on alternative pathways and help students to recognise the transferability of skills acquired on the BPTC.

Information about opportunities for undertaking Pro Bono activities must be made available to students, and providers should ensure that students understand the value of these activities in enhancing their vocational development and employability.

Providers should use reasonable endeavours to collect meaningful destinations data from their graduates for up to five years after graduation

### Withdrawal from the course

A student who withdraws, for example in the event of long-term illness or disability, or is required to withdraw from the course may incur financial loss, but this is a matter between the provider and the student. It is for the provider to decide whether the student may intermit and be re-admitted to the course in a subsequent year.

### 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 students and staff are aware of their institutional policy on equality and diversity. The principles of equality and diversity should be embedded in course 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 student 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.

## 8 How course providers are accredited

The BSB accredits and monitors BPTC providers to ensure that students have a high quality educational and academic experience which allows them to demonstrate the Competences in the Professional Statement as outlined in this Handbook to the appropriate standard. The approval process stimulates development by requiring providers to evaluate their proposed courses in the context of the current market for legal training.

### Accreditation

The process below outlines how all current training providers have been accredited. New processes will be developed alongside the changes that take place through the BSB's Future Bar Training Programme and these will be advertised in due course.

A proposed course may be advertised prior to accreditation, provided that it is clearly stated as "subject to accreditation".

Costs of accreditation visits will be met by the provider. The criteria for accreditation are as follows:

- the provider's specification and supporting documentation defines the proposed course clearly, and is consistent with the requirements as set out by the BSB in this Handbook, including references to the Professional Statement
- the outcome standards for the proposed professional qualification are appropriate in terms of the specified descriptors
- the staff and physical resources available, and the environment within which the course is offered, are satisfactory, and
- the quality of teaching and standards of assessment in the subject are maintained and, where possible, will be enhanced.

The process of accreditation is based on consideration of a proposal including the rationale, ability to meet the aims and objectives of the course, 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. The panel report recommends a decision to the BSB, and makes recommendations to the provider about areas for potential improvement, as well as any conditions that would need to be met in the event of accreditation.

The panel will normally give feedback to the course management team orally at the end of the accreditation event. Final decisions may be dependent on further information or discussions.

Courses will normally be accredited for three years in the first instance, after which review and/ or reaccreditation must take place.

Continued approval will always be subject to satisfactory monitoring of the course. A shorter period of approval or limit to the number of intakes may be imposed if concerns are identified.

### Conditional approval

Course approval may be subject to certain conditions being met. All conditions must be fulfilled, and confirmed by the BSB as having been fulfilled satisfactorily, before delivery of the course can commence.

### Changes to the course

All individual new units/modules or components of courses leading to the BPTC qualification must be approved internally by the university/provider in accordance with internal approval processes. Minor modifications, such as updating of bibliographies, timing of provider-set assessments or other changes not affecting the aims and outcomes of the course may be made without reference to the BSB.

### Course closure

Accreditation may be withdrawn if there is evidence that the course no longer meets minimum standards required or is no longer viable (eg if it no longer forms part of the strategic or business plan of the provider). Withdrawal/termination of a course may also be instigated by a provider that decides to close a course for similar reasons. In no case will approval be withdrawn without discussion with the provider and those concerned.

Providers must have a strategy, including staffing policy, covering the event of course closure, in order to protect the students' interests. This strategy must be stated at the time of accreditation.

Where a course closes, special care must be taken of students on the course and support provided so they can finish their studies. This may mean assistance with arrangements to complete the course elsewhere, or possibly financial compensation by the provider. The care and support of any students on the course should always be the primary consideration.

Where a provider has withdrawn from offering the BPTC, but students from previous courses remain enrolled (eg because they have interrupted their studies or are required to re-sit assessments), the BSB may impose specific staffing (and other) requirements in order to ensure that the students are able to complete their studies as seamlessly as reasonably possible and with appropriate academic and other support.



# 9 How we assure the quality of the course

## General Quality Assurance

Quality assurance of the BPTC 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 BPTC.
- Each provider bears responsibility for ensuring that all BPTC requirements are met in the delivery of the course.
- The BSB will seek to ensure continuous enhancement of the BPTC, 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](#).

Students must be involved in quality assurance processes where possible, for example:

- representation on committees
- opportunities to provide formal and informal feedback on the course and/or aspects of it to the teaching team, management, external examiners and the BSB
- use of student questionnaires.

## Annual review and data requirements

Training providers are expected to engage in a cyclical review process of their training 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.

The BSB requests enrolment data from providers, and this data is shared with the Inns of Court for the purpose of ensuring that the Inns' membership requirement has been met by all students. Providers will be informed of the protocol for submitting this data, and submission will be due by 15 October or the next working day. The relevant Inn of Court (Education Officer) and the BSB (Training Supervision Officer) must be notified of any student who leaves the BPTC after the October list has been issued.

Comprehensive monitoring data for all completing and continuing students is requested from providers annually by the BSB to feed into the BSB's Key Statistics Report, which is published in spring. The protocol and template for submission is provided by the BSB.

### Annual monitoring visits

The BSB monitors performance of training providers for quality assurance purposes. The monitoring process is based on self-evaluation and focuses on objectivity, peer review and an external perspective.

The monitoring process provides the opportunity:

- to ensure that the BPTC is being delivered to the agreed specifications as laid down by the BSB, and to provide assurance that appropriate standards are being set and maintained so that students are able to demonstrate the Competences in the Professional Statement, as outlined in this Handbook, to the appropriate level.
- to evaluate the study experience of students, through feedback from the students
- to ensure that the human and physical resources available and the environment within which the course is offered are satisfactory
- to ensure that the quality of teaching and standards of assessment in the subject are maintained
- to ensure that appropriate support is provided for students, and the quality of the student experience is appropriate for the achievement of the aims and outcomes of the course
- to ensure that policies are in place that promote equality and diversity
- to encourage the enhancement of the quality of the course and share good practice amongst the providers of the BPTC as a whole
- to identify areas of concern, including any themes across providers, and
- to make information about course provision available to the public by means of reports published on the BSB website.

## Monitoring Timetable

Time	Action
Prior to the visit	<p>The BSB liaises with the provider to arrange a convenient date for the visit, usually in January-March.</p> <p>A panel of 3-6 people is appointed for the visit, which normally consists of any of the following: at least one BSB staff member as Chair of the panel, a representative from a different BPTC provider, a practitioner, a legal academic, an external examiner and a lay person.</p> <p>Usually in November/December each year, providers supply the BSB with an annual reflective review including key data about the cohort.</p> <p>Shortly before the visit, the monitoring panel is provided with copies of documentation including a draft agenda for the visit, the annual reflective review, the previous year's monitoring report, and any other relevant information.</p>
The visit	<p>Proceeds according to the agenda. This usually includes meeting with management staff, teaching staff and students, and some classroom observations, as well as a tour of the facilities.</p>
After the visit	<p>A report based on the visit is written and circulated to the panel. The report might include a number of recommendations for improvement or enhancement of the course, as well as commendations for notably good practice. In the case of serious failings being identified, appropriate and proportionate remedial actions will be determined and an increased level of scrutiny may be required for a specified period.</p> <p>Once agreed by the panel, the report is sent to the provider for a written response. The report is then published on the <a href="#">BSB's website</a>.</p> <p>The BSB monitors any actions taken by providers in response to the report.</p> <p>Findings from monitoring visits across providers may inform the development of BSB policy in relation to training requirements.</p>



## Triggered monitoring process

Where serious concerns arise outside the normal monitoring schedule, the BSB may invoke a triggered monitoring process. The sorts of circumstances that may bring this about include:

- concern that standards are at risk
- unacceptable operation of Examination Boards
- infringement of conditions of accreditation (eg exceeding validated student numbers)
- serious under-recruitment that may affect the student experience
- financial issues
- receipt of serious complaints about the provider that cannot be resolved by any other means.

As above, in the case of serious failings being identified, appropriate and proportionate remedial actions will be determined and an increased level of scrutiny may be required for a specified period.

The outcome of a triggered monitoring process may have an effect on any subsequent reaccreditation exercise and there may be specific conditions attached to the continuation of the course.

Costs associated with a triggered monitoring process are to be met by the provider.

## External examiners

The BSB appoints (and pays for) external examiners who are key to monitoring the quality and standards of the BPTC 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 \(Chapter B7\)](#).

The exact role of an external examiner will vary depending on the subject area(s) covered and the size of the provider where they are allocated. The contract between the BSB and each examiner specifies the subject(s) for which he/she is to be responsible, associated fees, reporting obligations, and dates by which reports are due.

External examiner appointments normally commence at the beginning of the academic year. Information on current or forthcoming vacancies and the application process can be obtained from [bptcqa@barstandardsboard.org.uk](mailto:bptcqa@barstandardsboard.org.uk).

All examiners who cover Advocacy must be accredited by the Inns of Court College of Advocacy (formerly the Advocacy Training Council).

The BSB aims to allocate external examiners in such a way that the coverage across providers promotes the examiners' ability to make informed judgments about equivalence of standards for the BPTC nationally. The examining team is also structured in such a way that new examiners have the support of more experienced colleagues. The BSB provides an annual programme of training for examiners. The work of the examining team feeds into the BSB's wider annual monitoring activities.

### External examiners for the BPTC must:

- have current relevant knowledge and experience of the area of the course for which he/she is appointed as examiner
- have previous experience of teaching, learning and assessments, and/or have professional expertise in the subject area for which they are examiner
- maintain their independence from the provider and course team
- not hold more than one other external examiner role in another Higher Education Institution
- be familiar with the quality assurance practices established in UK higher education
- understand the effects that unconscious bias may have on any non-anonymised exams
- have appropriate practitioner experience, and
- be impartial in judgment and not have previous close involvement with the provider.

External examiners who teach on the BPTC at another provider must demonstrate a high degree of professional integrity, impartiality and independence. If any examiner feels that this may be compromised for whatever reason, they must contact the BSB. To ensure independence of external examiners, there should not be:

- more than one examiner from the same institution in the team of examiner for any provider
- reciprocal external examining between BPTC courses, or
- replacement of a retiring examiner by another from the same institution.

Where an external examiner is appointed who is employed in professional practice but is not directly familiar with higher education, then the BSB will aim to ensure that such experience is present amongst the external examining team as a whole, with arrangements for mentoring where necessary.

In order to maintain their independence, external examiners should not concurrently act as consultants to the course team at their allocated provider, or be members of a panel established to review the course they examine. External examiners should not have had any significant connection within the last five years with the institution where they are to examine.

Responsibilities of external examiners may include:

- verifying that the standards of the BPTC, as indicated by students' attainment in assessment
- moderation of assessment samples

- ensuring that the appropriate assessment regulations are correctly followed
- ensuring that all students are treated equitably
- ensuring that quality assurance processes are adhered to
- approving assessments set by providers
- acting as members of provider Examination Boards to ensure that recommendations are reached in accordance with BSB requirements.

External examiners are encouraged to support course teams by identifying areas for enhancement and improvement, and also identifying areas of good practice.

Examiners must be competent in the allocated subject area and in assessing students' knowledge and skills at higher education level, and be able to exercise impartial judgment. They must declare an interest if they have any current or previous connection with the provider where they are allocated that may cause any conflict of interest.

The course director at each provider must make arrangements for new external examiners to be briefed and provided with relevant supporting materials (such as teaching materials, student handbooks and assessment regulations) as well as a schedule clearly detailing the dates of assessments, dates when scripts will be available for scrutiny, when examiners will be expected to respond, and dates of Examination Boards (provisional or confirmed). External examiners should also be provided with previous external examiner reports and statistical material on the performance of relevant cohorts.

All summative assessment questions must be sent to external examiners in advance for approval. This includes formal examinations (with the exception of the centrally set examinations), course work and details of oral assessments.

Where there is disagreement between the provider's internal markers, external examiners may be consulted but they must not be treated as third markers and will not re-mark individual scripts. They may request review or re-marking of the whole cohort if there are concerns that marking guidance has not been followed.

External examiners are responsible for considering and having the final ruling in consultation with the BSB, if needed, on any case where the "Red Light Rule" is put into practice ([see The Red Light Rule](#)).

External examiners are responsible for considering and having the final ruling in consultation with the BSB, if needed, on any case where the "Attendance Rule" is put into practice ([see Attendance](#)).

External examiners are normally required to submit two reports annually by 28 February and 31 August respectively (apart from Options subjects, for which only the August report is required), to the Training Supervision team of the BSB on a template provided. The BSB will forward reports to the providers, who will prepare a response.

Reports may cover:

- the conduct of the assessments
- the overall performance of the students
- the strengths and weaknesses of students
- the quality of knowledge and skills (both general and subject specific) demonstrated by the students
- the structure, organisation, design and marking of all assessments;
- the quality of teaching and course materials
- any implications which the experience of conducting the assessments may have for the curriculum, syllabus, teaching methods and resources of the course
- any other recommendations arising from the assessments
- any areas of good practice that the examiner wishes to note.

The purpose of the report is to enable the BSB to be assured that the course is meeting its stated objectives and to satisfy itself that any necessary improvements are made at the earliest appropriate opportunity.

External examiners should use their judgment and discretion to determine when they have concerns that are sufficiently serious in nature to merit raising them immediately with either the provider or the BSB rather than stating them in the report. Any concerns that standards of the course are at risk must be reported to the BSB immediately.

Providers must respond in full to each external examiner's report, copied to the BSB, within four weeks of receipt, indicating how any points raised will be addressed; these issues should also be followed up in the provider's Annual Reflective Review

# 10 Arrangements for the transitional period between the Bar Professional Training Course (BPTC) and the introduction of new Bar training pathways

If you are currently on the BPTC and have yet to complete the course then you will have the opportunity to complete the course as normal, with three attempts at each assessment as set out in the BPTC Handbook. However, if after Spring 2021 you have extenuating circumstances which means you have to defer sitting one of the centralised assessments, then you may be affected by the transitional arrangements which we have put in place for centralised assessments.

This statement sets out what the transitional arrangements will be for centralised assessments. All current and prospective BPTC students should read this to find out how they may be affected.

For students who intend to start vocational training on one of the new approved pathways which will replace the BPTC from September 2020, more information will be published on the BSB website in due course. The process of authorising education and training organisations to deliver the new pathways will commence in April 2019 and courses will be advertised as “subject to authorisation” during this process.

The Bar Standards Board has undertaken a major review of training for the Bar through its Future Bar Training programme which commenced in 2014. The changes resulting from the review will start to be implemented from Spring 2019, following approval by the Legal Services Board in February 2019 of the new rules that enable change.

Existing providers of the Bar Professional Training Course will take enrolments for the last time in September 2019 for full-time and, where offered, part-time courses and MLaw courses commencing in academic year 2019-20.

From Spring 2019, any organisation wishing to deliver Bar training after the last BPTC enrolments will be able to apply to become an Authorised Education and Training Organisation to offer one of the new approved pathways to Bar qualification which will replace the BPTC.

This statement sets out how all students will be affected - those already enrolled on a BPTC,

those applying for a place on a BPTC to commence in September 2019, and those who intend to apply to train for the Bar on one of the new approved pathways that will replace the BPTC.

It is very important that all students read this and understand how they are affected. We have asked all current BPTC providers to include this information with offer letters to all students that they make an offer to, and to include it on their websites. We have also asked all BPTC providers to write to all students who are currently enrolled but who have not yet completed, or who are exams-only students. It is the responsibility of all students to read and understand what the changes may mean for them.

Students who enrolled on a BPTC (full-time, part-time, or MLaw) commencing in or before September 2019 but who have not yet completed, or who have enrolled in previous years and are exams-only students

Opportunities to complete your BPTC under current centralised examination board arrangements for assessment of Civil Litigation and Professional Ethics (as set out in the current BPTC Handbook) will be subject to transitional arrangements concluding with the Spring sit of 2022. After that (ie from the Summer sit of 2022 onwards) new arrangements will apply.

The centralised examination in Criminal Litigation is not affected.

### Assessments between Spring 2020 and Spring 2022

- Civil Litigation

Assessments under the current centralised examination board arrangements will be set in:

- o Spring 2020
- o Summer 2020
- o Spring 2021
- o Summer 2021
- o Spring 2022

- Professional Ethics

Assessments under the current centralised examination board arrangements will be set in:

- o Spring 2020
- o Summer 2020
- o Spring 2021

Assessments set by course providers will be set in:

- o Summer 2021
- o Spring 2022

## BPTC students with assessments still to pass after Spring 2022

From Summer 2022 if you have not successfully completed the relevant components for whatever reason, including where mitigating circumstances apply as determined by your course provider, you will be affected in the following ways:

- you will need to take the new format of centralised assessment for Civil Litigation which will incorporate dispute resolution (formerly a subject area examined by providers) ie it will contain two new syllabus areas: Alternative Dispute Resolution: Adjudicative options, and Alternative Dispute Resolution: Non-Adjudicative Options. There will be no exemption possible if you have already taken and passed a provider-set assessment in Resolution of Disputes out of Court;
- you will need to take the new form of vocational component Professional Ethics examination which will be set by your provider. This will assess the knowledge and understanding of Professional Ethics required for Call to the Bar;
- should you go on to pupillage/work-based learning you will need to take the new centralised examination in Professional Ethics during pupillage. This will build upon the knowledge and understanding of Professional Ethics covered during the vocational component and will benefit from the assessment taking place in the context of real-life practice;
- the form of the centralised examination in Criminal Litigation will not change.

Students who intend to apply to train for the Bar on one of the new approved pathways that will replace the BPTC from September 2020

- You will undertake the forms of assessment designed specifically for the new pathways.
- The time of year which you sit your exams will be determined by which pathway your Authorised Education and Training Organisation offers.
- You will have five years from the date of enrolment in which to complete all assessments successfully. The BSB does not place a cap on the number of resits you can take, but your Authorised Education and Training Organisation may stipulate a maximum number of attempts for any academic award associated with the Bar training qualification, in accordance with their institutional regulations. No extension of time is possible after five years have elapsed, under any circumstances.
- If you go on to pupillage/work-based learning you will need to take a centralised assessment in Professional Ethics during pupillage which will build on a foundation assessment set by your Authorised Education and Training Organisation during the vocational component.





## Contact us

We are committed to providing a high standard of service and dealing with everyone in a way that is fair, transparent and proportionate. We welcome feedback on our services, particularly where the level of service has exceeded or fallen below expectations. Comments and suggestions are important to us as they will help us to meet our obligations and improve our performance.

### Write to us:

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