



AlphaPlus

Bar Standards Board Future Bar Training reforms.

Process evaluation – interim report

January 2023

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1. Executive summary

1.1. Introduction

The Bar Standards Board's (BSB) Future Bar Training (FBT) programme of reforms was designed to provide candidates embarking on a career at the Bar with:

- **greater flexibility** – so that the training system enables innovation in how education and training is delivered
- **improved accessibility** - so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves
- **improved affordability** - to bring down the cost and improve the value for money of studying
- **sustaining high standards** - to ensure that any new training pathway maintains or enhances current standards expected of barristers

Key aspects of the reforms include changes to the authorisation of education and training organisations (AETOs), the curriculum and assessment, qualifying sessions¹, recruitment for the work-based component (pupillage), minimum payments to pupils during their work-based component, and pupil supervision. Reforms have been introduced incrementally from 2019.

New training pathways are available. From autumn 2020 onwards, the traditional three components of training have been retained: academic, vocational and work-based learning/pupillage but these can be satisfied by means of one of four different pathways authorised by the BSB. AETOs have changed their approach to delivering Bar training, and have been through an authorisation process with the BSB in order to become an approved provider of training. The following three pathways are currently available for students:

Three-step pathway – the academic component (for example law degree, Graduate Diploma in Law - GDL), followed by the vocational component, followed by the work-based learning component (pupillage).

Four-step pathway – the academic component (for example, law degree, GDL), followed by the vocational component **in two parts**, followed by the work-based learning component (pupillage).

Integrated academic and vocational pathway – combined academic component and vocational component, followed by the work-based learning component (pupillage)

A further option for an **Apprenticeship pathway**² had not been offered by any AETO during the timeframe covered by this report.

The **Professional Statement for barristers** was introduced in 2015 and from 2016 included the threshold standards for competence on 'day one' of practice. The Professional Statement outlines the knowledge, skills and attributes that all barristers should have on day one of practice. The various components of Bar training are designed to ensure that anyone who starts practising has proved that they meet the standards outlined in the Professional Statement. From 2019 the

¹ All trainee barristers are a member of one of the four Inns of Court and have to complete a series of 'qualifying sessions' offered by their Inn, before being called to the Bar.

² combined academic, vocational and work-based components

Professional Statement has been used as a tool to assess pupils in the work-based learning/pupillage component and in the vocational component from 2020.

In 2019, AlphaPlus Consultancy Ltd. was commissioned by the Bar Standards Board (BSB) to evaluate the FBT reforms. This report presents findings from the initial process evaluation phase from summer 2019 – spring 2022. This will be followed by a further evaluation report covering the impact of the reforms. The overarching questions for the process evaluation are:

- How are the reforms being implemented and delivered in practice?
- How are the modes of delivery for the vocational and work-based components within the different pathways, working from the perspectives of trainees and AETOs?
- What are the AETOs' (vocational and work-based) perceptions of the regulatory tools and frameworks established to support implementation: the Professional Statement, the Authorisation Framework, the Curriculum and Assessment Strategy?

The generic term 'trainees' is used as an abbreviation for 'trainee barristers' where survey or interview responses include students (on vocational component), pupils (on work-based/pupillage component) and those who have completed the vocational component but not yet secured a pupillage.

The process evaluation, so far, has involved the following activities (Summer 2019 – April 2022):

- Online surveys of both trainee barristers (trainees) and AETOs
- Telephone interviews with representatives from a sample of AETOs
- Telephone interviews with trainees (interviews were with volunteers who had previously completed an online survey)
- Telephone interviews with Inns of Court.

Appendix 3 includes full details of the evaluation activities completed.

The low response rate for some surveys and to requests for interviews, especially from some stakeholder groups, means that findings need to be treated with caution.

1.2. Overview of findings from the process evaluation

The impact of the Covid-19 situation on the development and delivery of training for the vocational and work-based/pupillage components of training to become a barrister remains substantial. It has been difficult in some cases to determine the extent to which some changes to the delivery of training were made in direct response to the reforms, or in response to the impact of the pandemic. Further data collection and analysis for the 2022 – 2023 vocational cohort and pupils who have started their work-based/pupillage component following graduation from a new Bar course, will offer a more complete picture of how the reforms are being implemented in practice moving forward.

1.2.1. Design of the vocational component

- Vocational AETOs welcomed the opportunity the reforms afforded to offer greater flexibility and reduce costs to students. It was considered a valuable process. The majority of vocational AETOs mentioned the reforms increased choice for students, with a range of training options available.
- While some innovation was considered possible with the 'lighter-touch' curriculum documents from the BSB for the vocational component, some AETOs felt that the

assessments for Civil Litigation and Crime Litigation still dominated the design of the Bar course.

- Some vocational AETOs had already planned to make greater use of online options in their new courses prior to the Covid-19 situation. The move online for both teaching and learning and assessment due to the pandemic has influenced the mode of delivery moving forward for some AETOs, with greater use of blended approaches to increase flexibility.
- There is variation in the fees charged by vocational providers, for example, the fees for Part 1 of the two-part vocational component range from £1575 to approximately £5000 depending on provider, location and mode of delivery.

1.2.2. Implementation of the new pathways

- Following the reforms, the three-step pathway is the pathway offered by the most AETOs and undertaken by the majority of students. Although, some students reported wanting to do the two-part vocational course but found it was not available, or no longer available, with their chosen provider. The part-time course continued to be the option chosen by approximately 10% of the three-step pathway cohort.
- The two-part vocational component, as part of a four-step pathway, was originally offered by five providers in autumn 2020, including part-time options. However, two of the five AETOs had withdrawn their two-part course by Autumn 2022, with only three providers offering this option for the 2023/24 academic year.³
- The proportion of students undertaking the vocational training part-time has remained fairly consistent pre- and post-reforms with approximately one in ten opting for the part-time mode of study.
- Students indicated that their choice of course and provider was more complex than wanting to follow a specific pathway (indeed, many interviewees were unaware of the different pathways available), but among those who were following the three-step pathway, this was considered the quickest or most direct route through this stage of their training.
- The priorities cited by students following the four-step pathway indicated that flexibility and affordability were behind their choices of provider (two of the underpinning principles of the reforms), and among the three-step pathway students interviewed, many had opted to follow a Bar training programme which was embedded in a Master's academic award which would enable them to secure postgraduate funding, suggesting that affordability had played a part in their decisions.

1.2.3. Vocational and work-based/pupillage trainees' learning experience

- The restrictions necessitated by the Covid-19 pandemic were a major influence on the learning experiences of students on the vocational component, especially the 2020 – 2021 cohort. Training and assessment on the vocational component moved online, as did the qualifying sessions. For some AETOs, the pandemic hastened the introduction of online delivery that had been planned anyway and meant that it was more widely adopted than it might otherwise have been. Students were considered to have missed out on opportunities to interact with the wider barrister community and with one another.

³There have been mixed levels of success for students choosing this option. Some providers reported a low level of demand from students or low numbers of students passing Part 1 assessments. One provider offering an online, knowledge-based Part 1 reported strong recruitment and a high proportion of students doing well in their Part 1 assessments.

- Outside of the adaptations required due to the pandemic, key challenges for students in terms of the learning experience on their vocational component included the high workload (particularly in the context of the amount of content to be covered in a relatively short space of time) and some students voiced some general dissatisfaction with their course. It should be noted that there appeared to be some variation in the level of satisfaction, with students on some courses appearing very satisfied with their learning experience. Findings should be treated with some caution given the self-selecting nature of survey and interview participation and low response rates.
- Work-based/pupillage AETOs reported changes to interview and induction processes, training and support during the pandemic as these moved online. Many pupils were considered to have missed out on the interaction in the workplace, for example, lacking access to the wider barrister community and in-person court attendance. However, the Professional Statement was considered suitably flexible to support and evidence these new ways of working and allow pupils to complete their training.

1.2.4. AETOs' perceptions of the regulatory tools and frameworks

- AETOs (vocational and work-based/pupillage) interviewed during the evaluation generally welcomed the introduction of the Professional Statement. Work-based/pupillage providers who referred to the Professional Statement in their survey responses indicated that they had made adaptations to the pupillage programme on the basis of the Professional Statement, for example, using it in conjunction with checklists to assess pupils.
- Approximately three-quarters of the work-based/pupillage AETOs that completed a survey judged the Authorisation Framework to be helpful. There were a small number of concerns that the Authorisation Framework was not always relevant or applicable in specific training contexts. (Please note numbers responding to the survey were very low).
- The authorisation process itself was considered by both vocational and work-based/pupillage AETOs to be overly time consuming and repetitive. Vocational AETOs often commented how the same information and evidence was requested across several sections of the application. Many also had difficulties uploading the large number of documents required to the BSB portal.
- Both Inns of Court interviewees welcomed the themed approach outlined in the Framework for qualifying sessions, mentioning the mandatory inclusion of EDI sessions as positive and welcomed the requirement for students to engage in at least two of the interactive sessions.

2. Introduction

There are three components to training to become a barrister:

- the academic component
- the vocational component
- the pupillage or work-based learning component.

As the regulator of the Bar in England and Wales, the Bar Standards Board (BSB) is responsible for setting the requirements of the following aspects of Bar training: the academic qualifications required, the terms of entry and the content of the vocational component (the Bar training course), and the provision in the final stage of training – the work-based learning component (pupillage⁴).

In March 2017, the BSB agreed a broad framework for future training for the Bar. The new framework offered the opportunity for a limited number of different training pathways to operate in the market and provide flexible access to the profession, whilst maintaining high standards. The aim of the reforms was to encourage an independent, strong, diverse and effective legal profession, so new barristers can meet the needs of consumers in a fast-changing market for legal services, promote access to justice and compliance with the rule of law.

The Future Bar Training (FBT) programme of reforms was designed to provide candidates embarking on a career at the Bar with:

- **greater flexibility** – so that the training system enables innovation in how education and training is delivered
- **improved accessibility** - so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves
- **improved affordability** - to bring down the cost and improve value for money of studying
- **sustaining high standards** - to ensure that any new training pathway maintains or enhances current standards expected of barristers

A full overview of all the reforms and the timeline for implementation can be found in Appendix 1. Key aspects of the reforms include changes to the authorisation of education and training organisations (AETOs), the curriculum and assessment requirements, qualifying sessions⁵, recruitment for the work-based component (pupillage), minimum payments to pupils during their work-based component, and pupil supervision. Reforms already implemented for this reporting phase are included in Table 1 below.

⁴ Pupillage is the work-based learning component of barrister training with either the self-employed Bar (Chambers) or the employed Bar (with organisations, such as the Crown Prosecution Service, Government Legal Department or private companies).

⁵ All trainee barristers are a member of one of the four Inns of Court and have to complete a series of 'qualifying sessions' offered by their Inn, before being called to the Bar.

Table 1: Overview of FBT reforms implemented by end 2022

Component	Policy area	Reform
Vocational/ work-based	Authorisation Framework	All providers of training need to (re)apply to become an AETO and evidence how their training will meet the four FBT aims.
Vocational	Curriculum and assessment	<ul style="list-style-type: none"> • Removing the requirement to offer additional Option subjects. • Including Legal Research within existing Opinion Writing component • Removal of current prescriptions for delivery of the vocational component • Increasing number of sittings each year for the BSB centralised assessments (Civil Litigation and Criminal Litigation) from two to three (April, August, December) • Rule change to permit an unlimited number of attempts at each assessment within a maximum period of five years • Removing 'Very competent' and 'Outstanding' grade boundaries from centralised assessments – focus on meeting the threshold standard • Change to assessment of Civil Litigation (one assessment split across two papers: one open book and one closed book)
Vocational/work-based		<p>Assessment of Professional Ethics:</p> <ul style="list-style-type: none"> • Two assessments: one set and marked centrally by the BSB during pupillage and the other set and marked by the vocational AETO • BSB set high-level outcomes for assessment of Ethics during the vocational component, with AETOs devising own outcomes and grading as 'competent' or 'not competent' • Centralised assessment now an open-book assessment during pupillage/work-based training to better reflect real-life application of ethics • Only candidates who have been in pupillage/work-based training for a minimum period may sit the Ethics exam <p>Removal of the requirement to take a course in:</p> <ul style="list-style-type: none"> • Forensic Accountancy during/after work-based learning component. • Practice Management during work-based learning component. <p>Use of the Professional Statement (work-based/pupillage from 2019/ vocational component from autumn 2020)</p>
Vocational	MoU with Inns	The MoU with the Inns of Court clarifies the pre-Call to the Bar roles and responsibilities between the Inns and BSB. It includes: <ul style="list-style-type: none"> • Student membership; • Student conduct (including the Guidelines for determining if a person is fit and proper to become a practising barrister); • A framework for delivering Qualifying Sessions (aligned with Professional Statement); • A data sharing protocol; and • An Assurance framework
Work-based	Funding	Increase in minimum (12-month) pupillage funding (from January 2022: £19,144 pa in London, £17,152 pa outside London), based on Living Wage Foundation rates, with annual increments)

Component	Policy area	Reform
Work-based	Supervisor ratios and training	Change in supervisor/pupil ratio allowed. BSB set mandatory training outcomes Flexible length of pupillage Written agreements Mandatory recruitment timetable

Training providers have needed to reapply to the BSB to be an Authorised Education and Training Organisation (AETO). This is a one-off application for work-based/pupillage AETOs and renewed every five years for vocational AETOs. All vocational AETOs have completed this process, as have 45 percent⁶ of work-based/pupillage providers, subject to the new Authorisation Framework and Guidance developed by the BSB.

New training pathways are available. The traditional three components of training have been retained: academic, vocational and work-based learning but these can be satisfied by means of one of four different pathways authorised by the BSB. The following three pathways are currently available for students:

Three-step pathway – the academic component (for example law degree, Graduate Diploma in Law - GDL), followed by the vocational component, followed by the work-based learning component (pupillage).

Four-step pathway – the academic component (for example, law degree, GDL), followed by the vocational component **in two parts**, followed by the work-based learning component (pupillage).

Integrated academic and vocational pathway – combined academic component and vocational component, followed by the work-based learning component (pupillage)

The four-step pathway has only been available since the FBT reforms, but there have also been changes made to the curriculum and assessment of the vocational and work-based components in the other two pathways. The three-step pathway of academic component, vocational component and pupillage (work-based component) most closely follows the traditional structure of barrister training. The vocational component was previously delivered via the Bar Professional Training Course (BPTC). A further option for an **Apprenticeship pathway**⁷ had not been offered by any AETO during the timeframe covered by this report.

The **Professional Statement for barristers** describes the knowledge, skills and attributes that a pupil will be expected to have accumulated on completion of the three components of training and before they will be allowed to practise as a barrister.

2.1. Purpose of the report

In 2019, AlphaPlus Consultancy Ltd. was commissioned by the Bar Standards Board (BSB) to evaluate the FBT reforms. This report presents findings from the initial process evaluation phase from summer 2019 – spring 2022.

The process evaluation determines whether the FBT programme activities have been implemented as intended and resulted in the expected outputs. The overarching questions for the process evaluation are:

1. How are the reforms being implemented and delivered in practice?
2. How are the modes of delivery for the vocational and work-based components within the different pathways, working from the perspectives of students, pupils and AETOs?

⁶ Completed by July 2022

⁷ combined academic, vocational and work-based components

3. What are the AETOs' (vocational and work-based) perceptions of the regulatory tools and frameworks established to support implementation: the Professional Statement, the Authorisation Framework, the Curriculum and Assessment Strategy?

A report on the outcomes and impact of the reforms (the impact evaluation) is planned, and will be published at a later date. The impact evaluation will assess the extent to which the overall FBT reform programme has met its intended outcomes and impact. The focus of the impact evaluation will be:

To what extent do the reforms to the barrister training system -

1. improve *accessibility*, so that the best candidates can train as barristers, and the subsequent cohort/s of newly authorised barristers better reflect the diversity of the communities they will serve?
2. encourage greater *flexibility* in the barrister training system?
3. improve the *affordability* of studying to prospective barristers?
4. sustain *high standards*, ensuring that all training pathways enable candidates to evidence the required standards by the end of their training, as set out in the Professional Statement?

A 'theory-of-change' logic model is included as Appendix 2, which outlines the intended outcomes and impact of the FBT reforms.

2.2. Report structure

The rest of the report is presented as follows:

The **Methodology section** gives an overview of the approach and data collection methods used for the evaluation, and the process for data analysis and interpretation. It also considers the limitations of the data and the implications for the findings.

Process evaluation findings are presented in relation to the three process evaluation questions: a description of how the reforms are being implemented, then trainee and AETO perspectives on how these are being implemented in practice, followed by AETO's perceptions of the regulatory tools and frameworks. Each question is considered separately for the vocational component and the work-based/pupillage component.

Please note: The generic term 'trainees' is used as an abbreviation for 'trainee barristers' where survey or interview responses include students (on vocational component), pupils (on work-based/pupillage component) and those who have completed the vocational component but not yet secured a pupillage.

The **Conclusions section** summarises the key messages and conclusions from the process evaluation activities to date.

3. Evaluation methodology

The methodology is briefly described in this section, together with some of the challenges and limitations of the data collection, and the implications for the findings and conclusions are also discussed.

3.1. Evaluation activities

The process evaluation, so far, has involved the following activities (Summer 2019 –April 2022):

- Online surveys of both trainee barristers (trainees) and AETOs
- Telephone interviews with representatives from a sample of AETOs
- Telephone interviews with trainees (interviews were with volunteers who had previously completed an online survey)
- Telephone interviews with Inns of Court.

Appendix 3 includes full details of the evaluation activities so far. It highlights the data used for this report and also lists wider data collection, which will be reported on in the impact evaluation phase, and will include statistical analysis of, for example, student and pupil background demographics and assessment outcomes.

This report includes an overview of key messages and presents the findings from the process evaluation. It draws upon the data collected from trainees, and representatives of the vocational and work-based/pupillage AETOs and Inns of Court. Since the focus of this report is on the process evaluation and not the impact evaluation, the data collected from trainees relates only to those who commenced the vocational component of their training since the reforms have been implemented, that is, enrolled on their Bar training course (started the vocational component of training) in autumn 2020 or later. Surveys and interviews were also conducted among earlier cohorts of trainees, but these provided 'baseline' data which will contribute to the impact evaluation and therefore are not presented in this report.

In summary, the data collection activities from which the findings presented in this report are in Table 2 below (with the number of participants denoted as 'n'):

Table 2: Data collection activity for this report

Trainees, 2020 cohort:
<ul style="list-style-type: none"> ■ Spring 2021 – online survey of trainees (n=366, response rate 19%). ■ Autumn 2021 – follow-up survey (n=121, response rate 6%). ■ Telephone interviews in spring 2021 (n=19) and in summer / autumn 2021 (n=17)
Trainees, 2021 cohort:
<ul style="list-style-type: none"> ■ Spring 2022 – online survey of trainees (n=122, response rate 7%). ■ Telephone interviews in spring 2022 (n=21).
AETOs:
<ul style="list-style-type: none"> ■ Summer 2019 – 6 telephone interviews: 1 with vocational provider, 5 with work-based/pupillage providers ■ Winter 2019/20 – online survey of vocational and pupillage providers, n=1 (11%) for vocational providers and n=7 (3%) for work-based/pupillage providers ■ Summer 2020 – 10 telephone interviews: 7 with vocational provider, 3 with work-based/pupillage providers. ■ Spring 2021 – online survey of work-based/pupillage providers, n=19 (6%) ■ Summer 2021 – 6 telephone interviews: 5 with vocational providers, 1 with work-based/pupillage provider. ■ Spring 2022 – online survey of vocational providers, n=5 (50%)
Inns of Court:
<ul style="list-style-type: none"> ■ Spring 2022 – telephone interviews with 2 Inns of Court.

Survey response rates (quoted in brackets) for the trainees' surveys and the pupillage providers' surveys are based on the number of emails sent minus the number that were returned as undeliverable, the maximum number of undeliverable emails for any survey covered in this report was 12. Response rates for the vocational providers surveys are based on the number of providers eligible to complete the survey.

3.2. Challenges and limitations in the methodology and data collected

There were some challenges and limitations which affected the data that could be collected and has some implications for the interpretation of the findings, these are briefly discussed below.

3.2.1. The impact of the Covid-19 pandemic

A challenge for the evaluation during this period has been to consider the impact on accessibility, affordability and flexibility of training, and maintaining standards – that may be an unintended result of Covid-19 rather than the FBT reforms.

The pandemic may also have affected participants' perceptions of their barrister training, this is perhaps evident in the fact that the spring 2021 survey of trainees achieved a substantially higher response rate than any of the previous or subsequent surveys; this survey involved the cohort who commenced their training in autumn 2020 and were among those most affected by Covid-19 related restrictions.

3.2.2. Low levels of participation

Levels of participation in the surveys and interviews constitute something of a limitation and must be borne in mind when considering and interpreting the findings presented in this report. The online surveys of trainees, for example, received responses from between 6% and 19% (representing between 121 and 366 trainees) of those who were eligible to complete it. While 6% and 7% were achieved for two of the three surveys drawn upon in this report - and most of the other surveys of trainees undertaken during this evaluation have achieved similar response rates - the 19% response rate for the spring 2021 survey was particularly high, perhaps because of the strength of feeling among participants about the impact of the Covid-19 pandemic on their barrister training. Trainees were sent two reminders to complete the survey during the completion period to try and improve response rates and this did have some effect on the number of completed surveys, but it was felt that any further reminders might not have any substantial impact on responses and might serve to deter trainees from completing future surveys if they felt they were being pressured with repeated emails.

Similarly, with AETOs it was often challenging to engage potential participants in both the surveys and the interviews therefore there is not as much data from AETOs as hoped. However, across the entire evaluation period to date, eight of the nine vocational AETOs have taken part in at least one data collection activity at some point between 2019 and 2022.

3.2.3. The self-selecting nature of the achieved samples

Since participation in the evaluation activities was entirely voluntary, each potential participant had the right to take part or not, therefore the achieved sample of participants can be said to be self-selecting. This, coupled with the relatively low response rates achieved in most of the data collection activities, might mean that our achieved sample is somehow skewed and may not therefore represent the true situation across all of the populations of interest. However, in the case of the trainee surveys, the background characteristics of respondents were assessed against those of all trainees in each cohort, and these were found to be broadly representative in terms of characteristics such as provider, gender, ethnicity, age, which helps to minimise the potential for any skew in the sample. In addition, the spread of vocational providers that took part in at least one survey or interview, also suggests that there is broad coverage and a potential for skewing findings has been minimised in the vocational providers data.

The telephone interviews with trainees were, by design, conducted with trainees who had already completed an online survey, since the survey was used as the means by which trainees could volunteer for an interview. The interviews therefore represent a subset of survey respondents who were self-selecting in that they volunteered to be interviewed but, as far as possible, interviewees were selected from the pool of volunteers so that they represented a range of different course providers and pathways. However, it was not always possible to achieve a good cross section particularly in the case of which pathway, since there were few survey respondents who volunteered for an interview from the four-step or the integrated pathways. This has limited the extent to which differences in trainees' opinions and experiences based on pathway can be explored, and where these are presented in this report, these must be interpreted with the understanding that only a small number of participants were on either of these pathways.

4. How the reforms are being implemented

This section of the report gives an overview of how the reforms are being implemented by AETOs, the training options that have been made available for trainees, the cost of the vocational component, and changes to policies and processes as a result of the reforms.

4.1. Vocational component

Changes to the curriculum, its assessment, models of delivery and the qualifying sessions are part of the reforms to the vocational component of barrister training. Since 2020, the vocational component can be delivered in two parts (Part 1 and Part 2 – the four-step pathway). AETOs offering this pathway have opted for different approaches to the learning design and delivery mode for their courses.

- Vocational AETOs welcomed the opportunity the reforms afforded to offer greater flexibility and reduce costs to students. It was considered a valuable process. The majority of vocational AETOs mentioned the reforms increased choice for students, with a range of training options available.

It should be noted that the Covid-19 pandemic had an impact on training for both the 2019 – 2020 cohort (prior to the new pathways) and the first students on the vocational components of the new pathways (the 2020 – 2021 cohort), as teaching and learning needed to move online. While some 2020 – 2021 cohort students had already opted for an e-learning or online element as part of their new pathway option, others were learning in an online environment as a result of restrictions in place due to the Covid-19 situation. For the 2021 – 2022 cohort there was some ongoing, minimal, disruption to learning reported.

4.1.1. Implementation of pathways

For the first two cohorts on the new pathways, there were nine AETOs offering the vocational component, with two operating from multiple sites. One further vocational AETO has offered the vocational component since autumn 2022.

- Following the reforms, the three-step pathway is the pathway offered by the most AETOs and undertaken by the majority of students. The proportion of students undertaking the vocational training part-time has remained fairly consistent pre- and post-reforms with approximately one in ten opting for the part-time mode of study.

Table 3 shows the numbers and percentages of students enrolled on each pathway in the two years since these pathways were implemented.

Table 3: Number and percentage of students enrolled on courses associated with each pathway by academic year (BSB student enrolment data)

Pathway	2020		2021	
	Number of trainees enrolled	% trainees enrolled	Number of trainees enrolled	% trainees enrolled
Three-step pathway	1921	91%	2027	93%
Four-step pathway	154	7%	133	6%
Integrated academic and vocational pathway	41	2%	18	1%
Total	2116	100%	2178	100%

The proportions of students studying full-time or part-time are very similar prior to (i.e. from 2017 to 2019), and after autumn 2020, with approximately one in ten of all students opting for a part-time route for their vocational component. Table 4 shows the breakdown of all students in each cohort (based on the year in which they commenced their vocational component) according to whether they are studying / studied full-time or part-time.

Table 4: Number of students who enrolled on the vocational component by academic year and mode of study (full-time or part-time) - BSB student enrolment data

	Year	Full-time		Part-time		Total	
		n	%	n	%	n	%
Pre-reforms	2017	1443	89%	176	11%	1619	100%
	2018	1590	91%	160	9%	1750	100%
	2019	1560	93%	125	7%	1685	100%
Total pre-reforms (2017-19)		4593	91%	461	9%	5054	100%
Post-reforms	2020	1920	91%	196	9%	2116	100%
	2021	1993	92%	185	8%	2178	100%
Total post-reforms (2020-21)		3913	91%	381	9%	4294	100%
Total all students 2017-21		8506	91%	842	9%	9348	100%

In summer 2020, five of the vocational AETOs, including one with multiple sites, were planning to offer the two-part vocational component (the four-step pathway) with two AETOs offering the opportunity to take this pathway as a part-time option. The structure of the four-step pathway varied between AETOs. Options included knowledge-only and knowledge- and skills-based models for Part 1, with the latter embedding required knowledge into skills development. Two of the AETOs were offering Part 1 as an online model – see Table 5.

Table 5: Number of providers offering different delivery models for vocational component of four-step pathway.

Delivery model	Part 1	Part 2
Online	2	0
Face-to-face ⁸	3	5
Full-time only	2	3
Part-time only	1	1
Full- and part-time	1	1

Part 1 course content was planned to align with the timing of external assessments (Civil Litigation and Criminal Litigation), and both synchronous and asynchronous learning models⁹ were available for Part 1. The two online models included opportunities for some student interaction online, and although intended as asynchronous models, when necessary there was some interactive, synchronous teaching and learning made available. Generally, AETOs either developed approaches to allow students to work at their own pace or aimed to deliver Part 1 in the same way that the vocational component for the three-step pathway is offered within that provider. There was the option to stop training at the end of Part 1 or have a break in training before committing to move onto Part 2. For the majority of the AETOs there was no requirement to have passed Part 1 before starting Part 2.

There has been a change to the availability of the two-part vocational component (the four-step pathway) since initial planning. Two of the five AETOs did not run their two-part vocational course in autumn 2020 as planned due to low demand. By Autumn 2022, two of the five AETOs had withdrawn their two-part altogether, with only three providers offering this option for the 2023/24 academic year.

The ability and potential ease of moving between AETOs following the completion of Part 1 of the vocational component was discussed by several AETO interviewees. Given that the split in content and assessment between the two parts is not determined by BSB, the range of approaches by AETOs potentially makes it harder for students to take Part 2 of their course with a different AETO. This was considered less problematic where the focus in Part 1 was knowledge-based for the Civil Litigation and Criminal Litigation external assessments set by BSB. Where skills development was also included in Part 1 of the vocational component, students wanting to transfer from a knowledge-only Part 1 from another AETO would be likely to need a 'bridging-style course' to address any skills gaps before starting Part 2.

Other flexible options have been developed, such as Bar course subjects available as separate units, so the equivalent of the Part 1 vocational component could be achieved by taking units in Civil

⁸ This was the planned delivery model - there was some disruption to face-to-face delivery of barrister training during the Covid-19 situation, as training was moved online.

⁹ Synchronous learning takes place in real time and can be either a physical or virtual shared space. Asynchronous learning is not at a shared time or place. There is access to resources to work at own pace, for example, pre-recorded webinars.

Litigation and Criminal Litigation. With the 'options' modules¹⁰ that were included as part of the BPTC no longer a mandatory part of the course, these can be offered as part of further qualification award options, with a range of exit points, such as a Master's degree.

4.1.2. Designing learning for the vocational component

The new course requirements removed much of the close prescription for the structure and syllabus of the BPTC and replaced it with a more flexible approach (whilst retaining a level of prescription for course outcomes and the centrally assessed subjects). This meant that AETOs had more freedom to be innovative in their learning design, and the way that knowledge and skills are taught. The Professional Statement is used to identify the competency outcomes required.

Blended-learning on the vocational component, was already a planned delivery approach (before the Covid-19 pandemic) for the vocational component of the three-step pathway for some of the AETOs interviewed. Several included a 'flipped-classroom', with students engaging with course material independently before using this in synchronous learning sessions.

Different learning design models developed by AETOs were often reported as being influenced by decisions about the extent to which knowledge and skills learning should be taught together, using integrated or contextualised models. One AETO interviewee explained how changes to assessment had driven changes to teaching and learning on the Bar course. This included, for example, teaching Civil Litigation differently to prepare them for the two assessments, and a change to how ethics is taught as this is no longer a centralised assessment during the vocational component.

The Covid-19 situation during 2020 and beyond, meant that vocational AETOs had to consider how to put aspects of their training and assessments online, whether this had been part of their original delivery plan for the new courses or not. Given the ongoing situation at the time of the summer 2020 AETO interviews, decisions had already been made to delay the start to some courses and those going ahead were more likely to have some learning online. This sometimes had an impact on how AETOs planned teaching and learning for autumn 2020, for example one AETO reported focusing on knowledge early on, with limited skills development, in preparation for needing to move the new course online due to Covid-19.

A range of platforms were used by AETOs to offer synchronous and asynchronous learning when the Covid-19 situation required learning to move online. The use of, for example, pre-recorded sessions, live webinars including the use of 'break-out rooms' for small group work such as advocacy sessions, and podcasts, were reported as being used to deliver the Bar course.

Among the 2020 – 2021 trainees, 94% of survey respondents reported that they had experienced some online / virtual learning. Among the 2021 – 2022 trainee cohort, 79% of respondents indicated that they had experienced some online learning¹¹, although the survey comments and interviews indicated that online learning was more occasional for this cohort, for example, being utilised only when staff or the trainees themselves were self-isolating or for specific sessions only rather than representing a long-term or default learning format.

¹⁰ The 'options' modules were not a core part of the BPTC but enabled students to choose two modules from a number of options.

¹¹ These figures exclude those students who were on courses designed to be delivered online regardless of the Covid-19 pandemic

The move to additional online learning as part of the course design was also sometimes due to the success of aspects of online learning during summer 2020, such as podcasts, rather than just a response to the Covid-19 pandemic. These were considered likely to be long-term changes by several of the AETOs.

In the summer 2021 AETO interviews, the focus was on ensuring flexibility for students to enable face-to-face and online options due to the ongoing Covid-19 situation and reviewing approaches to online delivery for the 2021 – 2022 cohort. Several of the vocational AETOs who responded to the spring 2022 survey mentioned they were continuing to have some online support, such as workshops, to increase flexibility for students. One AETO survey participant reported on the changes necessitated by the pandemic which were likely to be adopted permanently to some extent as follows:

“The pandemic has indeed hastened [our] move to online assessment and online assessments are now offered for all assessments. [...] As to online learning, having experienced it, we are considering whether and how we could use it in the future.” (Vocational provider survey response – spring 2022 survey)

4.1.3. Qualifying sessions

Qualifying sessions are delivered by the Inns of Court for their student members. Students must complete a mandatory 10 sessions over no more than a five-year period, ending on the date the trainee is called to the Bar. The sessions now need to cover the following five themes:

- Ethics, Standards and Values
- Advocacy Skills
- Legal Knowledge, Justice and the Rule of Law
- Equality, Diversity and Inclusion (EDI)
- Preparation for Pupillage, Career Development and Wellbeing.

It is now a requirement that all trainees complete at least one session from each of the themes. Students need to complete at least two interactive qualifying sessions from the themed sessions. Not all sessions are interactive, for example, lectures.

Interview participants from two of the Inns of Court had revisited their qualifying sessions – some of the work had started prior to the reform requirements, with one participant reporting an increase in online sessions prior to Covid-19. There had been a long lead-in time for the development of the new sessions. One interviewee reported that Covid-19 had disrupted the initial roll-out of face-to-face sessions developed and piloted to increase the number of qualifying session available outside London for Circuit students.¹²

The planned new qualifying sessions use a range of delivery modes, including online for some lecture-based sessions, and new approaches such as the development of a one-day programme to allow students to attend two interactive sessions, and holding regular regional events.

¹² The Memorandum of Understanding between the Inns of Court and the BSB (agreed in 2019) required the Inns to increase provision of Qualifying Sessions outside of London to increase flexibility and accessibility for students.

4.1.4. Cost of training

AETOs interviewed reported being able to reduce the fees for the Bar course for students by removing the option modules, which were no longer mandatory. This meant the course had less teaching time, therefore saving costs. A slight increase in whole-class and advocacy group sizes was also reported as another way of reducing fees, without disadvantaging students. Online options for Part 1 of the vocational component, meant fees for students could be reduced as there was very little teaching staff time required.

The four-step pathway offers the opportunity for students to only commit to Part 1 of the course initially, which in all AETO models is the less expensive of the two parts. The cost of completing Part 1 varied across providers, with fees ranging from £1575 (online Part 1) to approximately £5000 (London-based in-person) for the 2021 – 2022 academic year. There continues to be a variation in fees charged across the AETOs, which was also the case prior to the introduction of the reforms¹³.

All vocational AETOs interviewed in summer 2020 mentioned the high cost of developing and implementing the reforms. This included changes to infrastructure such as the development of online capacity but also reviewing existing learning design and materials and developing new resources was costly, with some AETOs reporting needing to source and fund external support for this work.

There were also other ways to reduce costs or make fees more manageable for students mentioned by some of the vocational AETOs taking part in the spring 2022 survey. Two AETOs indicated that they provide more scholarships or bursaries than previously, alumni discounts were mentioned for returning students by two university AETOs, while payment plans / instalments were mentioned by one respondent. Pricing structures were also linked to the design of the Bar courses, with options to spread costs depending on which vocational component training has been chosen, for example two-part course, online Part 1, choosing individual unit approach, full-time or part-time options.

When compared to the cost of the BPTC, all providers who continued to offer the Bar course after the reforms reduced the cost of the course (based on costs adjusted for inflation) for the first year of implementation (2020/21). The cost of the Bar course increased between 2020/21 and 2021/22 for all but one provider, but then reduced again based on proposed costs for 2022/23 for all but three providers (and for one of these, it was just the non-London course that rose in cost). Comparing the BPTC costs with the Bar course costs for 2022/23, the inflation adjusted costs for the new bar courses are lower than those charged for the previous BPTC, with the exception of fees advertised by one AETO for 2022 – 2023.¹⁴

The interviewees from two Inns of Court reported a similar number of scholarships were awarded each year. A review of the process and criteria for awarding scholarships had been undertaken prior to the reforms looking at, for example, making sure criteria language was accessible. All four Inns websites state that scholarship awards for the vocational component is based on 'merit' with level of funding being means tested.

¹³ [2021-AETO-Factsheet-for-Vocational-Component-updated-Feb-2022.pdf \(barstandardsboard.org.uk\)](https://www.barstandardsboard.org.uk/uploads/assets/adeb685a-26f7-434d-9c0ccb33c05de50f/BAR-TRAINING-2022-STATISTICS-BY-COURSE-PROVIDER.pdf)

¹⁴ <https://www.barstandardsboard.org.uk/uploads/assets/adeb685a-26f7-434d-9c0ccb33c05de50f/BAR-TRAINING-2022-STATISTICS-BY-COURSE-PROVIDER.pdf>

The trainee surveys asked whether respondents had applied for additional funding such as scholarships or bursaries for their vocational and work-based / pupillage components, and if they had successfully applied, whether they would have delayed or abandoned their plans to undertake the vocational component if their application had been unsuccessful.

Figure 1 and Figure 2 below show the responses to these survey questions. Of the 41% of survey participants who were successful, only 26% said they would have gone ahead as planned if they had not received financial support, others would either have not gone ahead with the training or delayed their start – Figure 2.

Figure 1: Whether trainees applied for additional funding for their vocational component

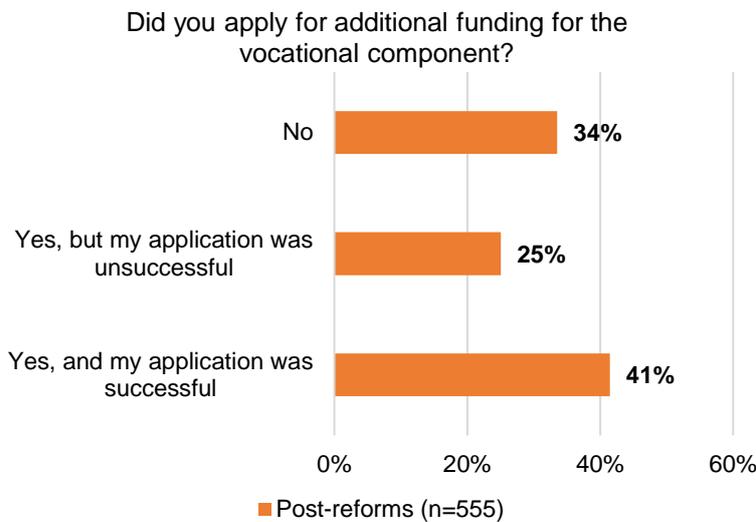
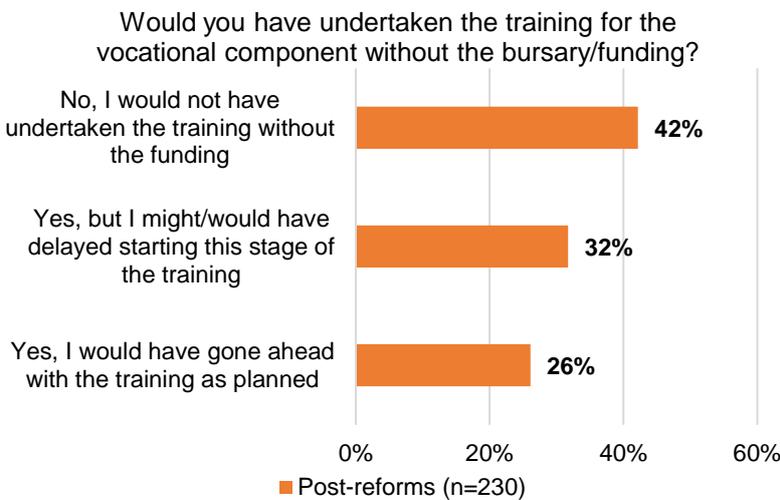


Figure 2: Whether trainees who received additional funding would have undertaken the vocational component of the training if they had not secured additional funding



4.1.5. Changes to AETO policy and processes for the reforms

Changes to recruitment and admissions *processes*

Following the reforms, **applications for the vocational component are now made directly to the institution** rather than through BARSAS. BARSAS was a shared application portal used by all providers until 2019.

Practical changes to the recruitment and admissions processes detailed by vocational providers that responded to the 2022 AETOs survey and during interviews were as follows:

- The range of start dates facilitated by the reforms means there are **year-round recruitment** windows available
- **Application and selection processes have been made available online** – this has sometimes been through necessity due to Covid-19 restrictions, but one provider had already planned this change as part of the reforms
- **Programme teams often reported that they are not part of the selection process** – this is done by an admissions team

Changes to recruitment and admissions *policies*

There was little evidence from vocational provider survey respondents of major changes in recruitment and admissions policies as a result of the reforms. In the second (2022) survey of AETOs, two vocational providers (both authorised since the reforms) emphasised that recruitment decisions were made on the basis of **academic merit and potential to succeed at the Bar** and one of these explained that their policies were in line with the Bar Council's Fair Recruitment Guide and involved a 'blind sift' of applications; this, they felt, had helped them to recruit a diverse cohort of students who are academically able and high achieving. Another AETO was working with relevant organisations to **secure widening participation and promote social mobility**, however, this provider indicated that they would have taken this action regardless of the FBT Reforms.

Two of the AETOs interviewed were asking for a 2:1 degree outcome or above, rather than the 2:2 BSB minimum requirement.

Changes to the management information data collected and monitored

Few vocational providers who completed the 2022 survey commented specifically on any changes to management information data collected and monitored, but two providers indicated that there were some issues in coordinating this with BSB: one felt that the format they are required to provide monitoring data to BSB was not compatible with their existing systems and that they were asked for data not routinely collected during the admissions and recruitment processes, while another commented that they were awaiting information from BSB about which data was required.

4.2. Work-based component

Five work-based / pupillage providers who completed the Autumn 2019 AETO survey and 12 of those who responded to the Summer 2021 AETO survey listed the most important changes their organisation had or was planning to implement following the reforms. Table A4.1 in Appendix 4 lists these changes and details how many survey respondents mentioned each one. To summarise, the most frequently cited changes were:

- Pupillage policy / plans / agreements implemented or updated
- Changes to recruitment / application processes
- Changes to pupillage duration / introduced flexible pupillage
- Increased or improved assessments / exercises
- Adapting the pupillage programme to the Professional Statement
- Increased or improved reviews / feedback to pupils during the pupillage
- Increased the number of supervisors and/or the number 'seats' each pupil has with different supervisors

Among the changes made by work-based / pupillage providers listed in the 2019 and 2021 surveys, **just over half would not have been made were it not for the reforms.**

The survey of worked-based / pupillage providers in 2021 provided some evidence of the **number of pupilages being offered by their organisations declining**, with the most notable decrease being between 2019 – 20 and 2020- 21 (six of the 19 AETOs represented in the survey had reduced the number of pupilages on offer). The main reason given for the change in pupillage numbers was the Covid-19 pandemic, some indicated that this was due to the impact of the pandemic on their finances while one provider reported that their concerns over the potential usefulness of remote pupilages had led them to reduce the pupilages available. Further data from the BSB report Diversity at the Bar 2021¹⁵ suggests the number of pupilages has recovered post-Covid, with 511 in the practising or non-practising stage of pupillage as of December 2021 – an increase of 157 more than in December 2020 (BSB 2022).

Across both surveys of pupillage providers, only one respondent to the 2021 survey mentioned a change that had been implemented which related to financial awards. This respondent reported that the AETO had increased funding awards and other associated resources such as relocation grants, and they reported that this change would not have been made were it not for the FBT reforms.

¹⁵ [BSB-Report-on-Diversity-at-the-Bar-2021.pdf \(barstandardsboard.org.uk\)](https://www.barstandardsboard.org.uk/wp-content/uploads/2022/03/BSB-Report-on-Diversity-at-the-Bar-2021.pdf)

5. Trainee and AETO perspectives on how the reforms are working in practice

This section presents the findings in relation to the perspectives of the trainees and AETOs on how the reforms are working in practice. This includes students' choice of pathway and provider, their perceptions of affordability, the learning on their vocational component and the qualifying sessions. AETOs perspectives on how the reforms are working are also presented.

5.1. Vocational component

5.1.1. Trainee choice of pathway and provider

- Trainees indicated that their choice of course and provider was more complex than wanting to follow a specific pathway (indeed, many interviewees were unaware of the different pathways available), but among those who were following the three-step pathway, this was considered the quickest or most direct route through this stage of their training.
- The priorities cited by trainees following the four-step pathway indicated that flexibility and affordability were behind their choices of provider (two of the underpinning principles of the reforms), and among the three-step pathway trainees we interviewed, many had opted to follow a Bar training programme that was embedded in a Master's academic award and this was usually to assist them in securing funding, suggesting that affordability had played a part in their decisions.
- The most frequently cited influences on the choice of provider for the vocational component were the reputation of the provider (which the interviewees revealed often related to factors such as the links teaching staff had to the profession and the pupillage success rates) and the cost of the course.

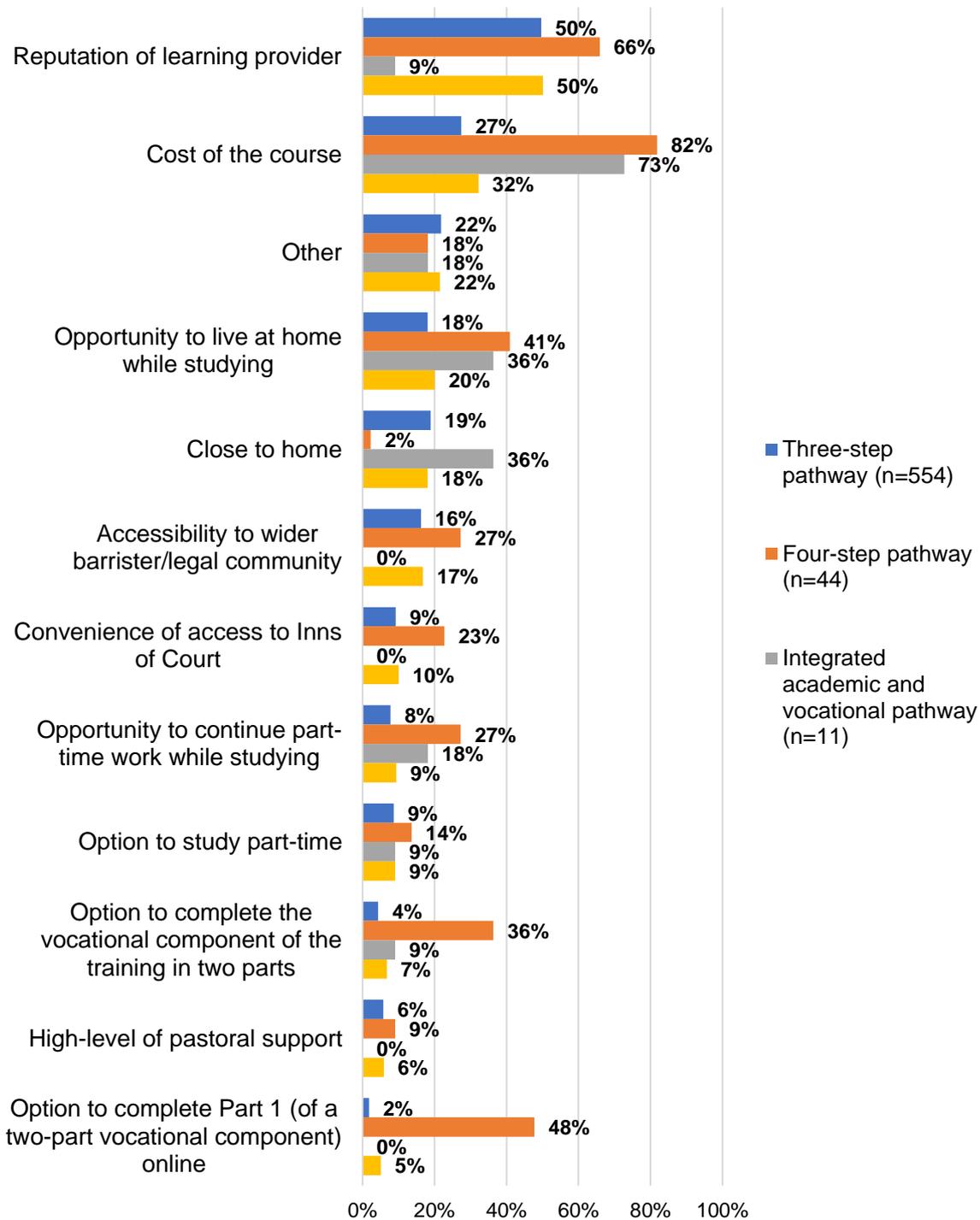
Interviews with trainees revealed a fairly widespread perception that careers advice from schools and universities on becoming a barrister was rarely offered and it was common for those with a law degree to feel steered towards a career as a solicitor rather than a barrister. Interviewees described a range of different influences on their decision to become a barrister, often the result of personal experiences of, or work in, the legal system or speaking to people with an understanding of the role. Generally, interview participants reported that finding out about becoming a barrister required them to be proactive. They also recognised how competitive it could be to gain a pupillage. Several of the 2021 - 2022 trainees interviewed in March 2022, explained that they had wanted a role that was intellectually challenging.

Looking across all trainees who completed the surveys, the relative influences of different factors in their choice of vocational provider remained fairly consistent. The most frequently cited influences on provider choice were the **reputation of the provider** (approximately half of survey respondents indicated that this was influential) and **cost of the course** which was an important influence for approximately a third of respondents (Appendix 5, Figure A5.1).

When the influences on the choice of vocational provider cited by trainees are viewed by pathway, those following the four-step and integrated pathways (although note that there were just 11 respondents following the integrated pathway) tended to indicate slightly different priorities than

those on the three-step pathway, and these often pointed to the need for **flexibility** and **affordability** in their study choices (two of the underpinning principles of the reforms). For example, trainees on the four-step or integrated pathways were notably more likely than those on the three-step pathway to report that the **cost of the course** and the **opportunity to live at home while studying** were influential in their choice. Also among the four-step pathway respondents, specific aspects of this pathway were evidently influential for many who opted for this type of delivery, for example nearly half of four-step pathway trainees indicated that the **option to complete Part 1 online** was an influence on their choice or provider and just over a third indicated that the **option to complete the vocational component in two parts** was an important factor in their decision (see Figure 3).

Figure 3: Influences on trainees' choice of provider for the vocational component by pathway



Interview participants on the three-step pathway had often chosen to follow a bar training programme embedded in a Master's academic award. The majority had taken this option to gain additional funding, rather than because they wanted to undertake further learning. Only a few interviewees mentioned they had chosen this route to enhance their CVs with a higher degree.

The most recent survey of trainees (those who commenced their vocational component in Autumn 2021) asked why they chose the pathway they did. Table A5.1, Appendix 5, presents all reasons given by those who responded to this question, grouped according to which pathway they were on. Note that the majority of respondents to the 2022 trainees' survey had opted for the three-step pathway (89% of respondents (n=109) were on the three-step pathway, while 10% were on the four-step pathway (n=12), and just one respondent was following the integrated academic and vocational pathway). Just over half of respondents (56%) reported that they chose the pathway they did (in all instances, this was the three-step pathway) because it was the **quickest or most direct route** through this phase of their training and several also stated that the three-step pathway was perceived to be the 'standard' or 'traditional' route.

Notably, seven of the 107 trainees who answered the survey question on their choice of pathway indicated that the provider they had chosen was not offering the four-step pathway, and while some who mentioned this stated that they might not have chosen the four-step pathway anyway, others had decided on a provider and were restricted to the pathways they offered even though they might have chosen a different one. Two respondents described the situation as follows:

"I wanted to choose the four-step pathway but most universities discontinued or did not provide the two-part Bar course."

(Three-step pathway trainee, 2021 cohort, survey response – spring 2022 survey)

"I was intending to do the four-step pathway, but my intended institution cancelled the course for this year due to lack of uptake."

(Three-step pathway trainee, 2021 cohort, survey response – spring 2022 survey)

The integrated pathway with its combined academic and vocational components was not a viable option for those who had already completed their academic component (for example, law degree or GDL), as one trainee survey respondent explained:

"Integrated academic and vocational pathway was not available when I went to university, and anyway I wasn't interested in being a barrister at that point."

(Three-step pathway trainee, 2021 cohort, survey response – spring 2022 survey)

When describing why they chose the pathway they did, 16% of respondents to the spring 2022 survey (all autumn 2021 – 2022 cohort following the three-step pathway) commented that they were **not aware that there were different pathways** available to them. Indeed, when the first cohort to undertake their training under the implemented reforms (those who started their vocational component in autumn 2020) were surveyed, they were asked to self-report which pathway they were on. When matched to BSB enrolment data, 16% of respondents had indicated that they were on a different pathway. This further supports the possibility that there is **not**

widespread awareness among trainees about the pathways available and what they mean.

In the interviews, a few trainees mentioned they did not choose the four-step pathway because either they did not want to complete Part 1 online, or because they had concerns about the newness of the pathway and courses.¹⁶

Several survey respondents from the 2021 – 2022 cohort, commented that the nature of their decision making was more complex than just looking for a course that aligns with a specific pathway. For example, some were keen to study the vocational component with a specific provider, therefore they looked only at what was offered by that provider, rather than looking for which providers offered which pathways. Other trainees indicated that certain pathways were not an option for them, this was most frequently the case for the integrated vocational and academic pathway which was not an option where the trainee already had their academic component (for example, their law degree or GDL).

Among the 2021 – 2022 cohort respondents to the spring 2022 trainee survey who were following the **four-step pathway**, the most frequently given reasons for following this route were the **flexibility** it offered (for example, to study Part 1 while working or to keep their options open after completing Part 1), and the **affordability** of the four-step pathway. Likewise, the trainees following the **integrated** pathway also stated that **affordability** had been key to their decision to follow that pathway. Also, on the topic of affordability and its influence on choice of pathway, three survey respondents indicated that they chose the three-step pathway because certain sources of funding or financial support were only available to those following that pathway.

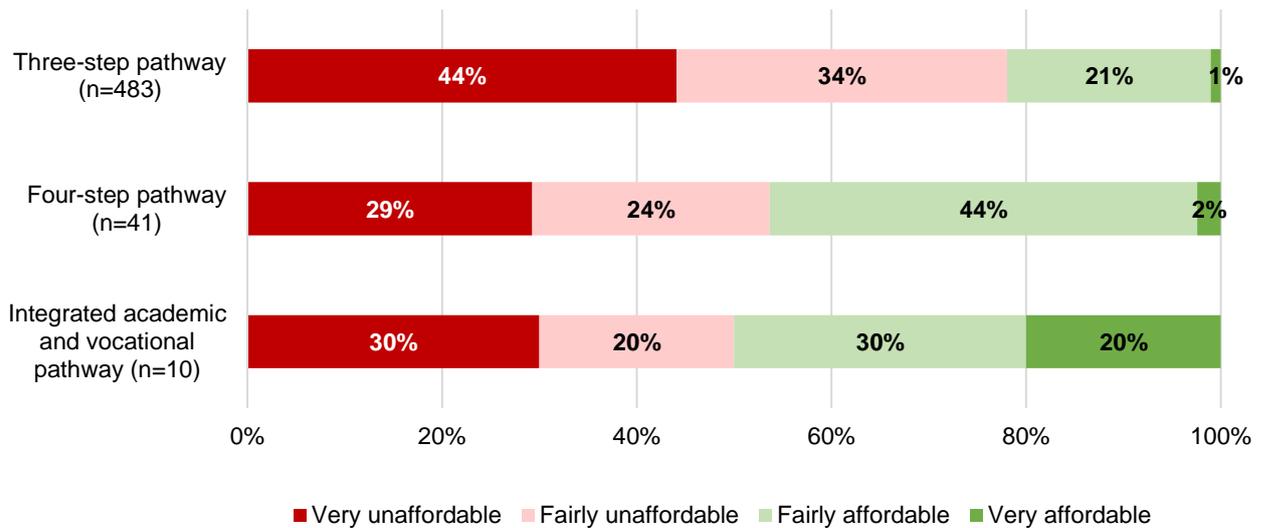
Part-time trainees interviewed reported that they had opted to study part-time for family and financial reasons and often chose their provider because they offered a part-time option.

5.1.2. Trainee perceptions of the affordability of the vocational component

Figure 4 shows how the 2020 – 2021 and 2021 – 2022 cohort trainees answered the survey question on affordability according to pathway. While it seems to show some evidence that **those on the three-step pathway are less positive about affordability** than those on the four-step or integrated pathways, this must be interpreted with caution since the number of respondents on the four-step and integrated pathways is quite low.

¹⁶ Not all Part 1 programmes are solely delivered online

Figure 4: Extent to which trainees consider the vocational component to be affordable by pathway



5.1.3. Trainees' perceptions of their vocational learning and assessment

The surveys and interviews explored various aspects of trainees' perceptions of their vocational learning and assessment. This included some specific survey questions on the value of the vocational component as a standalone qualification and opportunities to describe the learning and assessment experiences, while the interviews enabled a deeper exploration of trainees' experiences and perceptions in relation to their learning and assessment.

- Evidence from the surveys of trainees and interviews suggested mixed opinions on whether the vocational component is of value in its own right, beyond qualifying as a barrister. Perceptions of value of the vocational component as a qualification seemed to be more likely to be influenced by whether the programme was associated with an award such as a Master's qualification than whether students undertook the course before or after the reforms.

Evidence from the trainee surveys suggested **mixed opinions on whether the vocational component is valuable in its own right**, beyond qualifying as a barrister: just over half of survey respondents felt it was very or fairly valuable while just under half reported it was of little or no value (Figure 5). Perceptions of the value of the vocational component showed little change between pre-reform and post-reform survey respondents.

It seems that whether the vocational component is associated with an academic award such as a Master's degree might have a greater effect on whether trainees feel the vocational component is valuable as a standalone qualification. Figure 6 shows the responses from all respondents to the trainee surveys according to whether their course is associated with an academic award such as a Master's. These responses show that where the vocational component does also lead to an additional academic award such as a Master's degree, trainees were slightly more likely to report that the Bar training course is valuable as a qualification beyond qualifying as a barrister.

Figure 5: Value of the Bar course as a standalone qualification in its own right

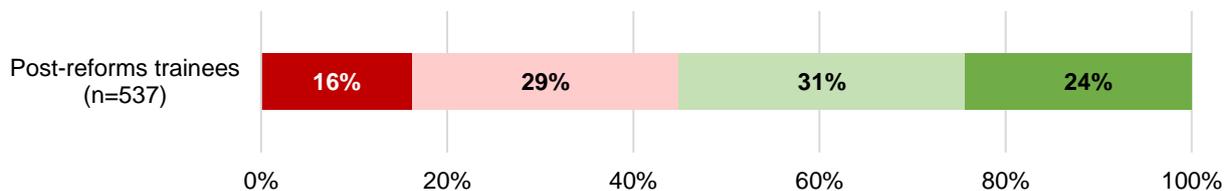
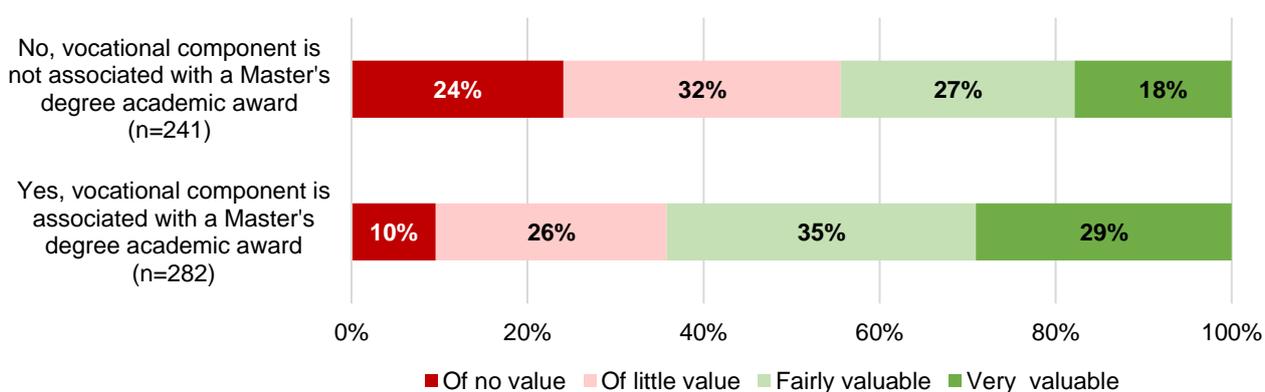


Figure 6: Value of the Bar course as a standalone qualification in its own right – by whether it is associated with a Master’s degree academic award (Post-reforms trainees)



Interview participants who had completed their Bar course, considered it to be a vocational qualification that prepared them for a specific role and usually felt its value was unlikely to be recognised outside the profession. The skills developed were considered by some to be transferable to other contexts and to other legal roles, but overall it was felt that there were less expensive courses available that would be more appropriate for the development of generic skills.

“I think there probably is transferability, certainly there are skills that could be transferred, but if you were planning to do something other than the Bar then there are probably better ways to do it and acquire those skills. It is very, very much tailored for the Bar.” (Three-step pathway trainee, 2020 cohort, interviewee – spring 2021 interviews)

“The things I’ve learned on the Bar course although very useful, they really are very much focused on practices as a Barrister. It’s not the kind of qualification that I expect employers perhaps outside the legal world more generally to be that interested in.” (Three-step pathway trainee, 2020 cohort, interviewee – spring 2021 interviews)

Trainees were asked in the survey to describe their views of their learning experience, and while their perceptions were inevitably influenced by the changes to teaching and learning necessitated by the Covid-19 pandemic, some themes were evident which had more to do with the course structure or delivery than with the consequences of the pandemic. For example, **workload on the vocational component** was highlighted as an issue for some trainees. Trainees felt a lot of material is covered over a short space of time and some questioned why the full-time presentation of the course does not cover the full academic (or even calendar) year. One respondent explained:

“The course is far too intense. There are way too many modules for just one very short academic year. [...]”

(Three-step pathway trainee, 2020 cohort, survey response – autumn 2021 survey)

The added pressure of applying for pupillage during the course was evidently an additional contributor to the pressure felt by some students during the vocational stage of their training, although there is the option to apply for pupillage before or after undertaking the course (and some interviewees had done so or were planning to do so). There was evidence that one provider had addressed this by structuring the four-step pathway so there was a hiatus in programme delivery between December and March to allow students to focus on pupillage applications or on gaining other experience such as mini-pupillages (three of the 12 autumn 2021 survey respondents on the four-step pathway cited this as one of the reasons for choosing that pathway, suggesting it is a highly appealing element of that course). One respondent described this as follows:

“The way my provider timetables its course means there is a very useful gap between December-March. As well as giving me a much needed break over Christmas, this also meant that, come January, I had sufficient time to get in all my pupillage applications. I was also able to have an in-person mini-pupillage in February without worrying about managing my Bar Course workload alongside.”

(Four-step pathway trainee, 2021 cohort, survey response – spring 2022 survey)

Interview participants felt that their learning experience was often influenced by fellow students. Several interviewees questioned admissions policies which, they alleged, accepted students on a course they would obviously struggle with. The interviewees considered it unfair to them as it had an impact on the quality of the learning, and the trainees who had invested in a course with little chance of success.

“You are put in small groups or pairs to do work, especially advocacy, and if you were with someone who, you know, if there was a really big difference in those kind of abilities, I think it could be really difficult, and people often got sort of quite frustrated in the class, and either thought they were being, you know, weren’t being supported, or they were actually being dragged down by the differences.”

(Three-step pathway, 2021 cohort, interviewee, spring 2022)

“I think your experience here could be very dependent upon who your classmates are [...] I think a lot of universities take on students with full knowledge that they potentially wouldn’t ever be in a position to obtain pupillage [...]. So I think more could be done to make sure every student that comes onto this course is paying their money for a good reason and deserves to be here and is capable of being here.” (Three-step pathway trainee, 2021 cohort, interviewee,

spring 2022)

A couple of four-step pathway interview participants mentioned they had chosen their provider because a 2:1 degree award was required, and the admissions policy was considered robust.

Trainees from a small number of vocational providers often expressed dissatisfaction with their post-reform course, in their survey responses and interviews. Where this was the case, some trainees alleged that this was due to more than just the Covid-19 pandemic disrupting the course delivery, and there was a perception expressed by some that the courses concerned were not adequately prepared or material updated.

An issue relating to the learning experience that was evident among some survey respondents' comments was the perception that the **vocational component does not cover certain areas of law and/or focuses too much on criminal law**. This was expanded on by some interviewees, who felt that for those who wished to pursue a career in an area other than criminal law, much of the learning on the course was irrelevant. Although the way Bar training is structured means that specialisation takes place after the Call to the Bar, for some participants in this research, there was evidence of an appetite for an earlier opportunity to specialise.

A concern voiced in some vocational students' survey/interview responses was the perception that the **course does not teach the skills and competences needed** for pupillage or practice.

“Overall, the learning experience has been absolutely dreadful. Had it not been for my outside experiences and independent study, I wouldn't feel even remotely as prepared for practice as I should be by this stage.”

(Three-step pathway trainee, 2020 cohort, survey response – autumn 2021 survey)

It should be noted that the majority of participants had not started their pupillage at the time data was collected for this report.

Many trainees gave **positive reports of their learning experiences on their vocational component** in their survey responses. These were often of a very general nature (i.e. not specifying how the training had been particularly beneficial to them), or directed praise at the quality of teaching and support offered by their provider rather than at the course itself, however some comments did provide insights into how beneficial the course and the overall experience had been, for example:

“[The learning experience is] overall great. I am so lucky to have absolutely excellent tutors who have been supportive and provided amazing constructive criticism and am fortunate enough to have course mates with whom I am wonderful friends. I feel I have really had an opportunity to learn and build a core skillset, immerse myself in my future career, and overall have an excellent time.”

(Three-step pathway trainee, 2021 cohort, survey response – spring 2022 survey)

“The level of expertise training, skills and knowledge that I am gaining so far and will gain in term 3 has exceeded my expectations. Everything that I have participated in (academically and extra curricular activities) are shaping me to become an excellent Barrister.”

(Three-step pathway trainee, 2021 cohort, survey response – spring 2022 survey)

However, some survey responses suggest that the vocational component is considered specialist, in that its value lies in access to pupillage and a future career at the Bar rather than being directly

relevant to other roles. For some it is not considered always relevant enough, or sufficiently linked to practice, for all trainees regardless of the area of law they wish to pursue.

The Covid-19 pandemic had undoubtedly affected barrister training and this has also made it difficult to attribute changes to the reforms or to the adjustments necessitated by the pandemic. Evaluation activities were maintained throughout the Covid-19 pandemic and provided an opportunity to gather information about its impact on the range of stakeholders.

When asked to describe any particularly positive or negative aspects of the online learning experience the most frequently cited criticisms in the survey and subsequent interview responses across 2020 – 2021 and 2021 – 2022 student cohorts were:

- issues with the **learning technology** or platforms used to deliver the online learning where AETOs had needed to pivot to online training quickly (these were often provider-specific and frequently referred to allegedly poor choices of platform which adversely affected the learning experience)
- the perception that **online learning is not well suited to teaching and learning certain skills** (advocacy skills were frequently mentioned in this context)
- the **lack of interactions with other students and teaching staff** both within and outside of formal teaching sessions
- **inadequate support from some staff**, and **not feeling confident about their own professional skills and abilities** due to the absence of in-person learning.

The positive aspects of online learning which featured most prominently in respondents' survey and interview comments were:

- the **travel time and cost savings**,
- praise for the way in which **staff had adapted to the requirement for remote learning**
- the **flexibility** that it offered in terms of studying at times and at a pace to suit them.

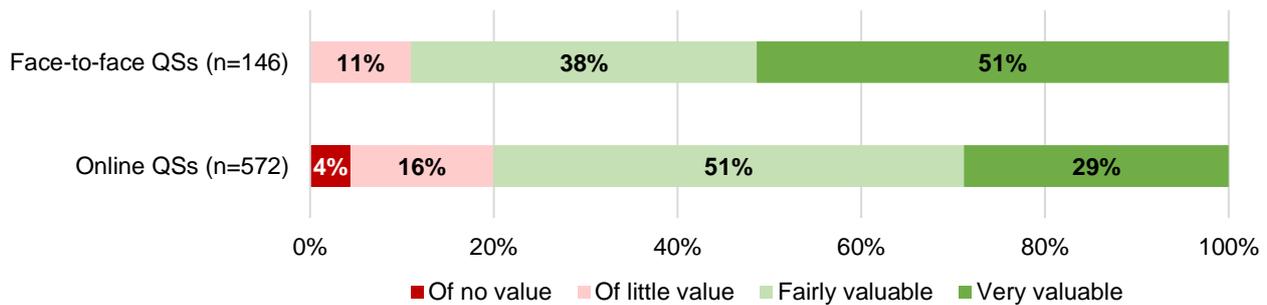
Several of the interviewees were keen to state that they considered their provider had done their best to enable a positive learning experience, despite the restrictions of the Covid-19 situation.

One interviewee representing an Inn of Court mentioned academic standards on the vocational component and expressed concerns over the alleged quality of courses offered by some providers and how this might be monitored and regulated, in particular, ensuring that adequate levels of challenge for trainees are offered across all providers.

5.1.4. Trainee perceptions of their qualifying sessions

The surveys asked trainees how valuable the qualifying sessions have been, and due to the requirement to move qualifying sessions online during the pandemic, the surveys separated the question into face-to-face and online sessions. Figure 7 shows for both formats how valuable trainees judged the sessions to be. It shows that overall the face-to-face qualifying sessions were more likely to be judged as valuable than the online sessions.

Figure 7: Trainees' perceptions of the value of face-to-face and online qualifying sessions



Survey respondents were also offered the opportunity to comment on the value of the qualifying sessions and the overarching messages from these comments were that face-to-face qualifying sessions were valued for the networking opportunities and were also considered to be the better format for learning and practising skills such as advocacy. The online sessions were felt to be more suited for delivering information (lecture style) and while a frequently cited advantage of this format was the travel time and costs savings, many trainees suggested that they were not interactive enough and were not suitable for networking and making connections within the profession.

More specifically, trainees' opinions as expressed in their survey responses of the extent to which the qualifying sessions contributed to their development (for example, by adding to their skills or enhancing social mobility) were affected by the necessity to run sessions online rather than in-person during the Covid-19 restrictions. Their comments on the usefulness of the qualifying sessions showed evidence of a clear distinction between the very limited opportunities for interactions with members of the profession when sessions were online compared to in-person, and many trainees commented that the **in-person qualifying sessions had helped them to increase their confidence in interacting with members of the profession and had made them feel part of a community of practice**. As an example, one survey respondent described the benefits of the in-person qualifying sessions as follows:

“Meeting practitioners and learning from their experiences; building a support network with fellow students, pupils and junior practitioners; building confidence and comfort in the accessibility of the profession; learning practical legal skills and knowledge.” (Three-step pathway trainee, 2021 cohort, survey response – spring 2022 survey)

There were **mixed opinions of the formal dinners** that accompany some of the qualifying sessions, some trainees felt these were **archaic and represented traditions that were not meaningful to them**, while others enjoyed this aspect of the sessions and felt it **further enhanced networking and developing connections** with other trainees and members of the profession. In the interviews, a few female interviewees suggested they had been made to feel uncomfortable at the formal dinners, either by references to what they were wearing, or the perceived expectations to be part of a 'drinking culture'.

“[...] you're surrounded by all of your future colleagues, and I think that it is quite inappropriate that you're expected to drink and drink a lot.” (Three-step pathway trainee, 2021 cohort, interviewee – spring 2022 interviews)

In relation to the in-person qualifying sessions, there were concerns voiced about the **London-centric nature of the sessions** with trainees commenting that **accessibility and affordability were not in evidence when so few sessions were offered in other regions**.¹⁷ The additional financial and time costs of travelling to London were considerable for some trainees and some had other commitments such as work and family which limited their options for attending qualifying sessions even further. The introduction of online qualifying sessions due to the Covid-19 pandemic had been advantageous to many trainees due to cost and time saving and the flexibility it provided to work around other commitments. While it had also opened up opportunities to be part of sessions that they may not have been able to attend if they were in-person, this benefit was often reported as being somewhat outweighed by the lack of networking opportunities during online qualifying sessions.

5.1.5. Vocational AETO perspectives on how the reforms are working

The majority of the vocational AETOs interviewed described the development of their new courses as time consuming and expensive, often requiring a major investment in the infrastructure to support online learning options, although the latter was sometimes already part of planned provider improvements across campus.

The consensus from the five vocational AETOs interviewed in summer 2021, was that the first year of the new pathways had been very challenging due to the continuing Covid-19 situation. One AETO felt their new programme had been successful but was unsure to what extent it presented any change in relation to the four FBT aims. Challenges due to Covid-19 included:

- Issues with students' bandwidth for online sessions
- Staff shortages due to illness
- A lack of student motivation when working remotely
- Ensuring everyone is engaged
- Time zones for overseas students
- Moving assessments online
- Lack of wider opportunities for networking, for example, the online qualifying sessions were less suited to networking

There was some degree of success reported in moving advocacy sessions online, although there were some connectivity issues.

- Interest in, levels of recruitment onto, and student success on the four-step pathway varied across vocational AETOs, with some providers suggesting there has been less interest in the two-part approach.
- Several of the AETOs felt that not having a standard course name for vocational Bar training was potentially confusing for students.

In Summer 2021, one AETO reported no recruitment to the four-step pathway, and another felt there had been challenges for students due to the amount of material to manage in Part 1 prior to the external exams, so success rates had been lower than expected. In the latest vocational AETO survey, one participant from a different AETO with a knowledge-only Part 1, reported a high-level of

¹⁷ One of the Inns of Court interviewed mentioned that the Covid-19 pandemic had delayed their plans to introduce more Qualifying Sessions outside of London

success for students on the four-step pathway, both in the BSB external exams at the end of Part 1 and for Part 2.

Students' workload and pressure was considered a challenging aspect of the vocational component. One AETO mentioned in their spring 2022 survey response that they had undertaken some restructuring and rearrangement of workshops and assessments due to issues with student workload; these changes were intended to help students manage their learning and revision. Another survey respondent mentioned student mental health as a challenge for providers and a further respondent felt that the amount that needs to be covered and achieved in a relatively short space of time was the greatest challenge of delivering the Bar course.

Although not a requirement of the reforms, the **increased number of start dates** for the Bar course that they had opted to offer was a challenge for one AETO, in terms of ensuring that they had the academic and administrative staff there to cover more start dates. One provider had identified potential benefits of a July start date and noted that the cohort that followed this timeline had performed particularly well in the centralised assessments.

Assessments were highlighted as challenges by some respondents to the spring 2022 vocational AETOs' survey. One felt that the additional start dates they had opted to offer for the course meant that they were having to **write more assessments** for the different cohorts, but also that this had coincided with a change from the BSB which means they now require all assessments for the year provided to them at the same time. One AETO respondent felt that assessments were a challenge for students since they find them very difficult and another commented that the **centralised assessments seem to have become more difficult**.¹⁸ It was also mentioned by one respondent that the new two-part civil assessment has been difficult for the students and a challenge for teaching staff who were not familiar with the new format.

Another respondent commented that the extent to which the **centralised assessments dominate course design** and student / provider resources was a challenge and felt that this limits the extent to which they can innovate.¹⁹ However, it was pointed out by one provider that the **removal of a centralised ethics assessment had been beneficial** since it allowed them to focus on key principles rather than exam technique. Finally on the topic of challenges posed by assessments, one survey respondent referred to the two-part programme (centrally assessed modules followed by skills modules) creating challenges due to the **high number of students who sought to defer their Part 1 assessments**.

The need to **ensure materials can be delivered in-person and online** was listed as a challenge by one provider and the same respondent also felt that **encouraging students to embrace technology** as part of their practice was a challenge, although it was not clear whether this respondent was referring to their practice while studying or their post-qualification practice, or both.

¹⁸ The most recent published statistics on pass rates on the new Bar courses can be found here <https://www.barstandardsboard.org.uk/uploads/assets/adeb685a-26f7-434d-9c0ccb33c05de50f/BAR-TRAINING-2022-STATISTICS-BY-COURSE-PROVIDER.pdf>

¹⁹ Centralised assessments were also a feature of the BPTC but now one of the three (Ethics) is now examined during the work-based/pupillage component.

5.1.6. Widening participation

In the AETOs (vocational providers) survey in spring 2022, two providers mentioned changes they had made that might contribute to widening participation and enhancing social mobility. One provider indicated that they were working with organisations such as the Sutton Trust to promote social mobility (although didn't give any further detail on the nature of this collaboration), while another highlighted that the two-part course might help with widening participation due to the flexibility it offers and the implications of this on finances:

“Our two-part course allows students to stay at home for the first part and the cost is minimal. [...] Students are still experiencing a high level of financial challenge and we have seen several defer for lack of funds. Many students are taking advantage of the flexibility of our course and stepping off after the BSB exams to work or save.”

(Vocational provider survey response – spring 2022 survey)

5.2. Work-based component

5.2.1. Trainees' perceptions of the pupillage / work-based component

Interviewees from the 2020 – 2021 cohort had not started their pupillages by the time of the second round of interviews.

Trainees were asked in the surveys whether they had applied for or planned to apply for a pupillage. Responses to this were highly variable depending on what stage of their training respondents were at when they completed the survey, with the majority indicating that they had already applied (and in some instances already secured a pupillage) or that they planned to apply. However, what is of note is those trainees who indicated that they had not yet applied and *did not plan to apply* for a pupillage. Only a small proportion of trainees were in this category (7%) and all were given the opportunity to provide reasons for not applying for a pupillage. The most frequently cited reason for not applying for a pupillage were that the trainee was an **overseas student and was planning to complete their training in their home country**. Three trainees indicated that they had decided not to apply for a pupillage because there were **not enough pupillages available and/or that they felt the process was too competitive**; one of these was specifically deterred by the lack of part-time pupillages.

When asked to describe what factors influenced their decisions when applying for their pupillage, for example, how they targeted their applications, the **area of law** was the most prevalent factor cited among the two post-reforms cohorts. With reference to issues of **affordability** (one of the four principles of the reforms), there is some evidence among survey responses to suggest that the **level of pupillage funding is becoming more important for trainees when targeting their pupillage applications**. This was the third most frequently cited factor (behind area of law and location) by respondents to the first survey of the post-reforms trainees in spring 2021 (28% mentioned this). However, the most recent two surveys (autumn 2021 and spring 2022) show signs of this becoming a more prevalent influence in pupillage application decisions. In the second survey of trainees who started their vocational component in 2020 (the autumn 2021 survey), level of pupillage funding was the second most frequently mentioned factor, behind area of law (increasing to 34% of respondents mentioning this), and in the most recent survey of trainees undertaken in spring 2022 (covering those who commenced the Bar training course in 2021), level of pupillage funding was again the second most prevalent factor and the proportion of respondents mentioning this had gone up to 52%. In the interviews, trainees often acknowledged that they were willing to

accept some financial compromise to secure a pupillage and often used the term ‘liveable’, depending on personal circumstances, to describe the lowest award they would accept. The cost of living in London, for example, was considered too expensive without a higher level of financial award for pupillage, especially by trainees needing to live independently and/or relocating, without access to affordable accommodation.

Several of the interviewees had applied for and gained a pupillage prior to taking their Bar course. For some this was to take away the risk and uncertainty often associated with investing in the Bar course, and also meant that they could concentrate on their course rather than needing to spend time applying for a pupillage. When asked in interviews, it appeared that students had limited contact with their future pupillage provider during their time on the vocational component, so had experienced no additional opportunities to link what they were studying with practice.

5.2.2. Pupillage / work-based AETOs’ perspectives of the work-based component

Among respondents to both the 2019 and 2021 work-based/pupillage providers survey, the most frequently cited challenges of the reforms were the **time-consuming nature** of planning and implementing the requirements of the reforms and the **administrative burden** this has placed on organisations and individual staff. For one respondent to the 2021 survey, an impact of the reforms was reportedly that they would no longer offer pupillages due to the administrative burden, although it was not clear from their survey responses whether the burden was associated with the AETO authorisation process or delivering the pupillages, or both. Another respondent to the work-based provider survey in spring 2021 further explained that the workload has led them to question the benefits of offering pupillage:

“[The reforms have] generated a vast amount of extra paperwork for marginal benefit. The paperwork had to be generated by barristers, thus taking them away from their principal activity - being a barrister - and shifting the hassle/benefit balance that applies to the decision as to whether to offer pupillage further in the direction of it being too much hassle.”

(Pupillage / work-based provider survey response – spring 2021 survey)

However, some also felt that the reforms have been beneficial, in that they have **encouraged a much-needed review and refresh of the training** offering. One provider described this as follows:

“The key thing for us was to look again at pupillage from all angles to ensure that it works for pupils, supervisors, and Chambers as a whole. This meant looking at wellbeing, diversity, data protection, finances etc. By taking a more holistic approach we can deliver a better training experience.”

(Pupillage / work-based provider survey response – spring 2021 survey)

Work-based AETOs interviewed, spoke of initial concerns about their pupils being able to evidence their learning against the Professional Statement, given, for example, the reduction in in-person court attendance and time in the physical work environment. The AETOs explained how Covid-19 meant they had to fast-track online ways of working, build in regular time online for pupils with their supervisors, and involved pupils in more written work, to enable them to have hands-on experience, and hold induction and training sessions online. Where possible pupils were able to observe court proceedings online. The AETOs had also conducted online recruitment interviews during Covid.

One larger work-based AETO continued to offer inhouse pupil supervisor training and had revisited their training to align with the reforms, whereas smaller AETOs (all self-employed Bar) said they would continue to use the pupil supervisor training offered by the Inns.

Interview participants from the Inns of Court covered the curriculum set by BSB for the pupil supervisor training they offered but reiterated that AETOs were responsible for making sure their supervisors were sufficiently trained in all areas. Equality, diversity and inclusion policy within AETOs, was an example given of where the interviewees thought AETOs' own training would be needed to complement the training provided by the Inns to ensure a depth of understanding.

6. AETOs' (vocational and work-based) perceptions of the regulatory tools and frameworks

This section reports the findings on the AETOs' perceptions of the regulatory tools and frameworks associated with implementing and supporting the reforms, it covers:

- AETOs' views on the Professional Statement
 - Perceptions of the Authorisation Framework and applying for AETO status
- AETOs interviewed during the evaluation generally welcomed the introduction of the Professional Statement and pupillage providers who referred to the Professional Statement in their survey responses indicated that they had made adaptations to the pupillage programme on the basis of the Professional Statement, for example, using it in conjunction with checklists to assess pupils.
 - Approximately three-quarters of the AETOs that completed a survey judged the Authorisation Framework to be helpful, however, some providers indicated it was unhelpful and their most frequently recurring criticisms were that it was too complex and repetitive. There were also a small number of concerns that the Authorisation Framework was not always relevant or applicable in specific training contexts. (Please note numbers responding to the survey were very low)
 - The application process itself was criticised by some work-based/pupillage AETOs for being too time consuming and repetitive.²⁰

6.1. Vocational component

6.1.1. The Professional Statement

A few of the vocational AETOs interviewed in summer 2020 discussed the use of the Professional Statement in the development of their courses. Each mentioned that their courses were mapped to the competencies, but two of the interviewees expanded on this to add that they felt the Professional Statement offered the link to practice.

“It gives a purpose to all that we’re doing because we can say well, this is something on day one a barrister has to know or to be able to do.” (Vocational AETO interviewee, summer 2020)

²⁰ The Authorisation Process for AETOs was reviewed and questions were simplified in 2021 but some evaluation participants will have completed the process before changes were made

6.1.2. The Authorisation Framework and applying for AETO status

AETOS were required to apply for authorisation before delivering the vocational course and need to reapply every five years. There was largely consensus from the AETO interview participants who had been involved in the authorisation process, that they welcomed the opportunity to review and reflect on how their courses would promote and support flexibility, accessibility, affordability and maintain high standards. The level of work involved to apply for authorisation, and the practicalities of the process, was considered high and described as ‘onerous’ by some of the AETOs interviewed. The AETOs interviewed spoke of the repetitive nature of the information required, for example, needing to submit the same information or policy documents across several sections of the application. Uploading the large number of documents required to the BSB portal was problematic for some AETOs, sometimes needing to email everything to BSB instead. AETOs who had had issues with the portal were appreciative of BSB’s support to find an alternative way to submit the documentation required.

6.1.3. The Curriculum and Assessment Strategy

The spring 2022 survey of vocational providers elicited some comments on the changes to assessments. As also discussed in sections above, one AETO commented that the dominance of the centralised assessments on course design and provider resources was particularly restrictive and limited the extent to which providers could innovate. Another AETO expressed disappointment at the removal of grade boundaries from the assessment (under the BPTC, the BSB specified grade boundaries for the course, but now only sets pass/fail requirements). One AETO praised the removal of the centralised ethics assessment and the introduction of a legal research assessment, but was concerned about the level of difficulty of other assessments, as follows:

“The new Legal Research assessment is a benefit to the students’ learning as this was missing in more recent times. The new two-part Civil assessment has not been easier for the students and our lack of familiarity with the new format was a challenge for teaching. The centralised assessments also do seem to have become harder over time which is an additional challenge. The removal of a centralised Ethics exam has been a benefit allowing us to focus only on the key principles rather than exam technique.” (Vocational provider survey response – spring 2022 survey)

6.1.4. Qualifying sessions

Both Inn of Court interviewees welcomed the themed approach outlined in the Strategy, mentioning the mandatory inclusion of EDI sessions as positive, and welcomed the requirement for students to engage in at least two of the interactive sessions. Although the learning experience was not considered to have changed very much, it was reported that there is now more information to students prior to the sessions (for example, themes and learning outcomes covered and mapping to the Professional Statement), so students can manage their learning journey and meet the mandatory requirements. There was a slight concern from one interviewee that this approach could lead to students seeing this as a ‘tick-box’ activity, rather than supporting their overall learning and engagement with the professional community.

6.2. Work-based component

6.2.1. The Professional Statement

Survey respondents were invited to comment on the Professional Statement when describing any positive or negative aspects of planning or implementing the reforms. Four respondents representing work-based / pupillage providers (one to the 2019 AETO survey and three to the 2021 AETO survey) stated that they would be **adapting their pupillage programme to the Professional Statement**. A specific example given by one of these respondents was using the Professional Statement in conjunction with the previous specialist 'checklists' to assess pupils.

The AETOs interviewed welcomed the introduction of the Professional Statement, which could be applied to meet the context of individual AETOs. One AETO mentioned that the Professional Statement encouraged pupils to be more reflective and take greater responsibility for their own learning. During the Covid-19 situation several of the AETO interviewees had found the Professional Statement suitably flexible to meet the needs of the different training context at this time, for example, attending court online.

6.2.2. The Authorisation Framework and applying for AETO status

The Authorisation Framework and guidance was judged by respondents to the 2021 pupillage providers survey to be **fairly helpful** in supporting the providers' understanding of what is required to become an AETO by eight respondents, while one respondent felt it was **very helpful**. Four respondents rated it as **fairly unhelpful** (see Table 6 below).

Table 6: Helpfulness of the Authorisation Framework and guidance in supporting respondents' understanding of what is required to become an AETO (spring 2021 survey of pupillage / work-based providers)

Helpfulness of the Authorisation Framework	n	%
Very unhelpful	0	0%
Fairly unhelpful	4	24%
Fairly helpful	8	47%
Very helpful	1	6%
Don't know	4	24%
Total	17	100%

The survey offered pupillage providers the opportunity to comment on why they found the Authorisation Framework helpful or unhelpful. While four respondents gave generally positive comments about the helpfulness of the Authorisation Framework, others were critical of certain aspects. Most notably that it was perceived to be **too complex and confusing** (four respondents mentioned this), that the content was **repetitive** (mentioned by three respondents).

In terms of the application process itself, three of the seven 2021 AETO survey respondents representing pupillage providers complained that the **authorisation application form was repetitive** and a further three respondents commented that the authorisation process overall was considered to be **too time-consuming**.

There were some references in the survey responses to issues with the Authorisation Framework not being applicable to specific training contexts: one respondent to the 2021 AETO survey who represented a pupillage provider commented that the framework did **not seem relevant to Chambers-based providers**, while another stated that it did not account for **differences across the different areas of law**.

One respondent described the issues with the Authorisation Framework (referring to both the guidance and application) as follows:

“The Guidance and application form are fairly repetitive - I was often reliant on the same examples or policies to answer different questions, e.g. accessibility and equality & diversity are very similar and it is difficult to distinguish between the two. There is also a certain lack of flexibility in the guidance and the information that needs to be provided - the guidance doesn't appear to take into account the (often vast) differences between different areas of law.”
(Pupillage / work-based provider survey response – spring 2021 survey)²¹

There were also four positive comments among the 12 responses to this question in the pupillage provider survey, and these tended to refer to the benefits of having everything set out and the way in which this encouraged a review of existing policies and procedures, for example, one respondent stated:

“The guide was very detailed and it made us review our policies and procedures in regards to pupillage. We easily created a pupillage policy, knowing it covered all the key areas, and created our own in house check lists for each area of law we cover.”
(Pupillage / work-based provider survey response – spring 2021 survey)

Some of the AETOs interviewed were unsure whether they needed to reapply for authorisation.

6.2.3. Supervisor training

The small number of self-employed Bar AETOs who discussed the supervisor training intended to continue to use the training delivered by the Inns of Court. One interviewee from an Inn suggested that further information was needed by AETOs, as many did not seem to be aware that they could design and deliver their own training. Some Circuits also deliver training but were not contacted as part of this research.

²¹ see previous footnote with reference to changes to the application questions for Authorization

7. Conclusions

This section summarises the key messages and conclusions from the process evaluation activities to date. These are presented separately for the vocational and work-based components.

7.1. The vocational component

The impact of the Covid-19 situation since the first cohorts in autumn 2020 on the implementation of the new vocational components should not be underestimated. This has led to a different learning experience for many of the students compared to what they had expected, and both short-term and potentially long-term changes to the programmes many AETOs had originally developed. The move online for at least a proportion of all students' Bar courses and many of the assessments due to the Covid-19 situation, was often reported as disruptive by trainee survey and interview participants, especially for the 2020 – 2021 cohort. It has sometimes been challenging for the evaluation to determine whether changes mentioned or challenges and concerns voiced by AETOs or trainees are a result of the reforms and/or the Covid-19 situation. **The learning experience of the trainees from the first two cohorts (2020 – 2021 and 2021 – 2022) will need to be taken into account when analysing assessment and overall outcome data for the impact evaluation.**

The **change to centralised assessments has driven some of the redesign of programmes**, with a focus on supporting students to pass Civil Litigation and Criminal Litigation early on in the course often reported. Many AETOs felt that the new **'light-touch' curriculum documents from the BSB offered the opportunity to be innovative**, but some others felt that the assessment windows and the amount of knowledge-based content that needed to be taught for the Civil Litigation and Criminal Litigation assessments meant it was not possible to make any major changes to previous course design. Trainees often described their course as content heavy, with a large amount of content to learn, in what was often considered a short space of time. Innovation was often described by the AETOs in terms of pedagogy – how knowledge-based content learning and skills development are taught, including, for example, greater use of online tools.

The flexibility offered by the wide range of course options developed initially by AETOs may not continue to be available if they are not considered viable. The **two-part vocational component**, as part of a four-step pathway, was originally offered by five providers in autumn 2020, including part-time options. There have been mixed levels of success, with some providers reporting a low level of demand from students or low numbers of students passing Part 1 assessments. One provider offering an online, knowledge-based Part 1 reported strong recruitment and a high proportion of students doing well in their Part 1 assessments. It was suggested by another AETO that less academic and self-motivated students had found online learning of knowledge-based content for Civil Litigation and Crime Litigation on their Part 1 course challenging, and that these students needed extra support. Two of the five AETOs initially offering the two-part course had withdrawn this as an option by Autumn 2022, with only three providers offering this option for the 2023/24 academic year.

The one-part vocational component (three-step pathway) remained the option chosen by the majority of students. Although, some trainees reported wanting to do the two-part vocational course but found it was not available, or no longer available, with their chosen provider. Some trainees were not aware that there was a two-part vocational component option. The part-time course continued to be the option chosen by approximately 10% of the three-step pathway cohort.

There were concerns expressed by some survey and interview trainees about the **standard of teaching and learning and support on their provider's course**. This was to some extent considered by trainees to be due to the Covid-19 situation, but some expressed ongoing concerns

about the overall quality of their course teaching and learning. Examples of alleged concerns, included questions of whether course material had been updated, and how relevant to practice, and the impact on the learning experience when fellow students were unable to engage at the necessary level for meaningful interaction, especially during advocacy sessions. Some of the survey and interview participants felt that the latter was due to the **entry requirements at some providers being set too low**, with a number of students accepted on the course who, it was alleged, were unlikely to pass. **There was variation seen in responses from trainees from different providers.** In contrast, there were trainees who spoke highly of the standard of teaching and learning with their provider and considered the admissions process robust. An interviewee from one of the two Inns of Court questioned the mechanism for regulating the vocational AETOs to ensure standards are maintained across all providers.

Trainee survey participants on the four-step pathway or part-time course options were more likely to be positive about the cost of their course (although this finding needs to be treated with some caution given the relatively low number of survey participants who fell in this category). **Trainees, especially on the three-step pathway, often reported accessing more than one source of financial support to fund their training**, including Inns of Court scholarships, government loans for Master's level study (where the Bar course is embedded in a Master's academic award) and alumni discounts for students who had previously studied with the Bar course provider. The latter often influenced students' choice of provider more than the pathway options offered.

The fees for the Bar course decreased for the autumn 2020 cohort. AETOs reported a range of ways fees had been reduced, for example, the removal of the options modules, a slight increase in class sizes, and online learning options. There is a variation in the fees charged across providers for the three- and four-step pathway vocational components. The fees charged for the Bar course is rising for **some** providers (when adjusted for inflation), but only a minority. Some seem to have risen slightly between 2020 - 2021 to 2021 - 2022, but then dropped again for 2022 - 2023. The inflation adjusted costs for the new bar courses are lower than those charged for the previous BPTC, with the exception of fees advertised by one AETO for 2022 – 2023²².

7.2. The work-based component

Given the low survey and interview participation from work-based/pupillage AETOs, views may not be representative, so the opportunity to draw any conclusions from the current data is limited.

The Covid-19 situation had an impact on the learning experience of pupils undertaking the work-based component/pupillage stage of their training. For many pupils this meant both access to their supervisor and court was online. AETOs reported that pupils often had less access to the wider barrister team within the organisation and the informal learning this brings with it. AETOs quickly needed to move recruitment and training online, including induction, during the pandemic. **The Professional Statement was considered flexible enough to support the new ways of working pupils were experiencing**, so they could evidence and complete their training within the usual timeframes. Where pupils could not complete within the usual timeframes, this was

²² A review of course fees for the 2022 – 2023 academic year published on AETO websites undertaken by BSB

often reported as due to ill-health or other personal factors which meant that pupils needed longer to complete.

Some providers seemed unsure whether they needed to reapply to become authorised providers (AETOs). Of those who took part in a survey or interview, there were mixed views about the usefulness of the Framework, with some finding the guidance and process for reapplying more helpful than others did. Some AETOs suggested the process for re/applying was unnecessarily complicated and repetitive.

The survey of worked-based / pupillage providers in 2021 provided some evidence of the **number of pupillages being offered by their organisations declining**, with the most notable decrease being between 2019 - 20 and 2020- 2021. The main reason given for the change in pupillage numbers was the Covid-19 pandemic, some indicated that this was because of the impact of the pandemic on their finances while one provider reported that their concerns over the potential usefulness of remote pupillages had led them to reduce the pupillages available. Further data from the BSB report Diversity at the Bar 2021²³ suggests the number of pupillages has recovered post-Covid, with 511 in the practising or non-practising stage of pupillage as of December 2021 – an increase of 157 more than in December 2020 (BSB 2022). This data does not give an indication of change to the range of AETOs offering the work-based/pupillage training component, for example by size of provider or area of law.

²³ [BSB-Report-on-Diversity-at-the-Bar-2021.pdf \(barstandardsboard.org.uk\)](https://www.barstandardsboard.org.uk/wp-content/uploads/2021/12/BSB-Report-on-Diversity-at-the-Bar-2021.pdf)

8. Appendices

Appendix 1: Overview of the reforms and the timeline for implementation

Policy area	Detail of reform	Date for implementation
Authorisation Framework	All providers of training need to (re)apply to become an AETO and evidence how their training will meet the four FBT aims.	<p>Vocational:</p> <p>Live for applications from 1 April 2019</p> <ul style="list-style-type: none"> First cohorts on new vocational courses from September 2020 <p>Pupillage/WBL:</p> <p>Live for new applications from 1 April 2019</p> <ul style="list-style-type: none"> Existing chambers/organisations must apply for authorisation as an AETO under the AF²⁴.
MOU with Inns	<p>MOU signed with strengthened oversight arrangements between the Inns and the BSB</p> <p>Development of qualifying sessions (Qs) aligned with Professional Statement – outcomes-focused framework.</p> <p>New BSB Guidelines for determining if a person is a fit-and-proper person</p>	<p>MOU signed - March 2019</p> <p>New Qualifying sessions Framework introduced - September 2020</p> <p>New Guidelines for determining if a person is a fit and proper person checks – January 2020</p> <p>DBS checks introduced - July 2021</p>
Professional Statement	Implementation of Professional Statement in pupillage training, replacing checklists with competences ²⁵	Published in 2015 and revised in 2016 to include competences and threshold standards.

²⁴ The deadline for existing chambers/organisations to apply was Dec 2022, with organisations without current pupils losing AETO status from this date. Applications in progress before Dec 2022 are still being assessed.

²⁵ Pilot scheme complete for 2017/18 and 2018/19 cohorts

Policy area	Detail of reform	Date for implementation
		To be used by all work-based AETOs for pupillages starting on or after 1 September 2019
Formal implementation of Professional Statement		Seen in vocational training from September 2020
Pupillage (funding)	Increase in minimum pupillage funding (£18,436 pa in London, £15,728 pa outside London), based on Living Wage Foundation rates	September 2019 with uplift January 2020 and annually thereafter
	Removal of funding exemption for transferring lawyers	April 2019
Length of pupillage	Norm continues to be 12 months with PPC (Provisional Practising Certificate) applied for at 6 months, but flexibility permitted at the point of authorisation as part of a flexible model	April 2019
Pupillage supervision (self-employed)	Permitted pupil - supervisor ratios to change: up to 1 non-practising and 1 practising pupil per supervisor.	April 2019
Pupillage supervision (employed)	Permitted pupil - supervisor ratios to change: more than one pupil per supervisor ²⁶	Successfully piloted and commenced (April 2019)
Pupillage supervisor (process)	Change in way supervisors are registered – BSB no longer setting limiting criteria - onus on AETO instead of Inns	April 2019
Pupillage supervisor training (outcomes)	BSB setting mandatory training outcomes	Outcomes for training published in BQM - implemented September 2020 by those delivering training
Pupillage supervisor training (refresher)	Refresher training now mandatory – every 5 years or 3 years if no pupil during that period	Transitional period for refresher training to 2021
Mandating Gateway timetable for pupillage recruitment	In support of principle of accessibility to Bar Training	A condition of authorisation with effect from November 2020
Mandating written agreements for pupillage	In support of principle of high standards of training	A condition of authorisation with effect from 1 May 2020
Development of guidance for pupillage recruitment	In support of principle of accessibility to Bar Training	Waiting for Bar Council to finalise.
Curriculum and assessment (vocational)	Removing the prescription to offer additional Option subjects.	September 2020
	Including Legal Research within existing Opinion Writing component	September 2020

²⁶ Details of structure of supervision to be given by AETOs as part of authorisation process

Policy area	Detail of reform	Date for implementation
	Increasing number of sittings each year for the centralised assessments from two to three (April, August, December)	December 2020
	Rule change to permit an unlimited number of attempts at each assessment within a maximum period of five years ²⁷	September 2020
	Removing 'Very competent' and 'Outstanding' grade boundaries from centralised assessments – focus on meeting the threshold standard	September 2020
	Removal of current prescriptions re. <i>delivery</i> of the vocational component ²⁸	September 2020
	Change to assessment of Civil Litigation (one assessment split across two papers: one open book and one closed book)	First examinations December 2020
Curriculum and assessment (vocational/work-based)	<p>Assessment of Professional Ethics:</p> <ul style="list-style-type: none"> • 2 assessments: one set and marked centrally by the BSB during pupillage and the other set and marked by the vocational AETO • BSB to set high-level outcomes for assessment of Ethics during the vocational component, with AETOs devising own outcomes and grading as 'competent' or 'not competent' • Centralised assessment now to be done as an open-book exam during pupillage/work-based training to better reflect real-life application of ethics • Only candidates who have been in pupillage/work-based training for a minimum period may sit the Ethics exam 	<p>Vocational courses starting September 2020 have a Professional Ethics assessment set and marked by the AETO</p> <p>Pupils starting September 2021 sit centrally assessed examination of Professional Ethics</p>
	Removal of the requirement to take a course in Forensic Accountancy during/after work-based learning component.	1 March 2019
	Removal of the requirement to take course in Practice Management during work-based learning component.	1 September 2019
	Advocacy course taken during non-practising period of work-based training may be offered by providers other than the Inns ²⁹ ; revised learning outcomes for the advocacy course to be developed by the BSB. Advocacy course must be done before pupils can apply for provisional practising certificate (PPC)	Pupillages starting on or after September 2024
	New mandatory course: Negotiation Skills. The course must be done before pupils can apply for provisional practising certificate (PPC)	Pupillages starting on or after September 2024

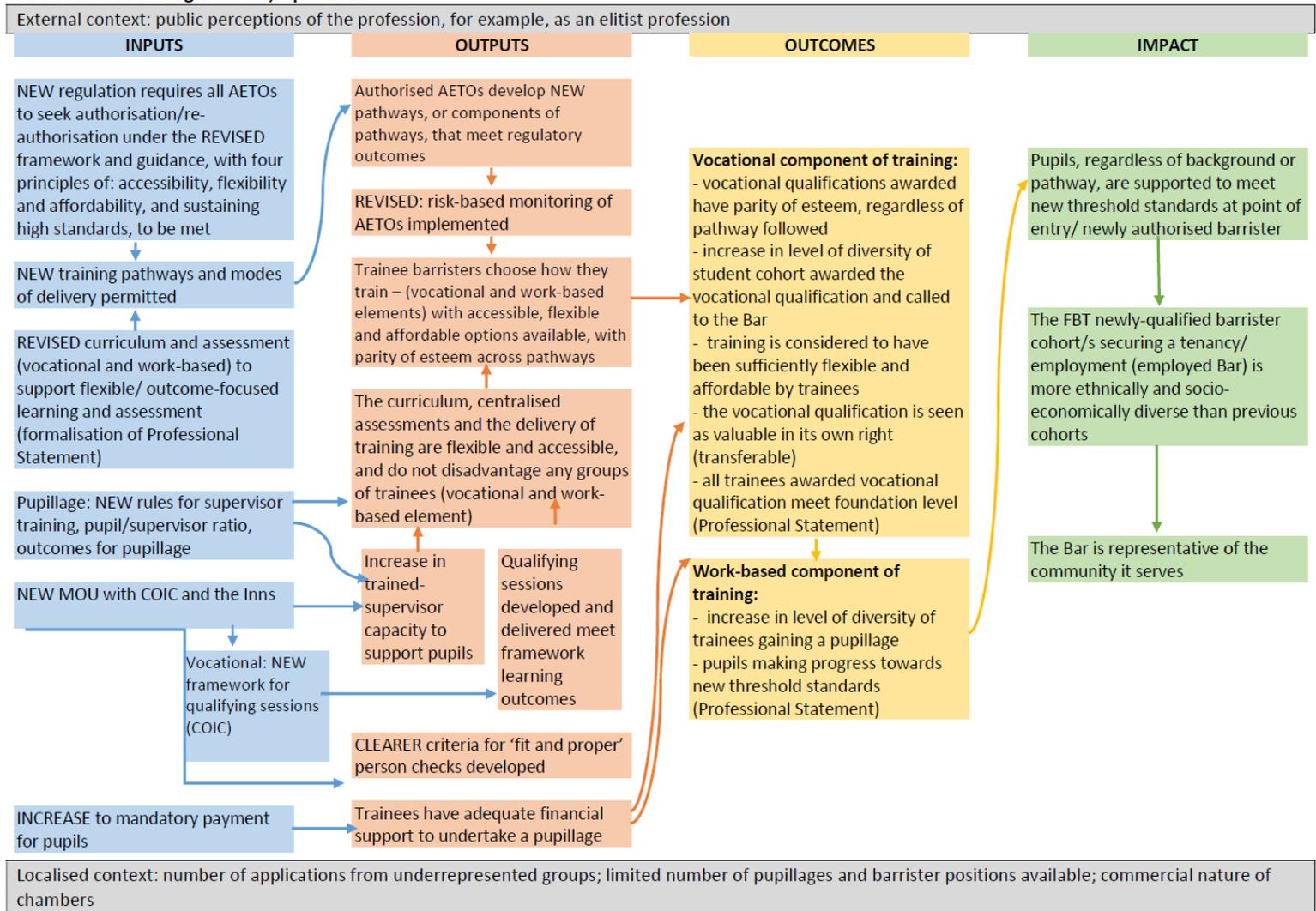
²⁷ AETOs may have regulations that limit the number of attempts for associated academic awards

²⁸ There are some requirements prescribed in the Curriculum and Assessment Strategy, particularly around assessment criteria. There are also some requirements in Bar Qualification Manual.

²⁹ Not a new rule but so far this course has only been offered by the Inns.

Appendix 2: 'Theory-of-change' logic model outlining the intended outcomes and impact of the FBT reforms

FBT evaluation – logic model, April 2019



Appendix 3: Evaluation activities 2019-2022

Table A3.1: Summary of surveys undertaken throughout the evaluation 2019-2022.

Stakeholders the surveys were administered to	Survey activity by evaluation phase			
	Phase 1 (July 2019 – March 2020)	Phase 2 (April 2020 – September 2020)	Phase 3 (October 2020 – June 2021)	Phase 4 (July 2021 – April 2022)
Pre-reforms trainees (started BPTC between 2017 and 2019)	Survey date: winter 2019-20 Trainee groups: all who started BPTC 2017-2019 Response: n=330, (7%)	Survey date: summer 2020 Trainee groups: those who started BPTC in 2018 full-time Response: n=74, (8%)	Survey date: autumn 2020 Trainee groups: those who started BPTC full or part-time in 2019, and those who started part-time in 2018 Response: n=131, (7%)	Survey date: summer 2021 Trainee groups: those who started BPTC part-time in 2017 and those who started BPTC full or part-time in 2019 Response: n=113, (7%)
Post-reforms trainees (started vocational training 2020 or 2021)			Survey date: spring 2021 Trainee groups: those who started the Bar course full or part-time in 2020 Response: n=366, (19%)	Survey date: autumn 2021 Trainee groups: those who started the Bar course full or part-time in 2020 Response: n=121, (6%) Survey date: spring 2022 Trainee groups: those who started the Bar course full or part-time in 2021 Response: n=122, (7%)
AETOs – vocational providers	Survey date: Nov 2019 – Jan 2020 Response: n=1, (11%)			Survey date: Jan 2022 – Mar 2022 Response: n=5, (50%)
AETOs – work-based / pupillage providers	Survey date: Nov 2019 – Jan 2020 Response: n=7, (3%)		Survey date: May 2021 – Jun 2021 Response: n=19, (6%)	

This report focuses on the process evaluation and therefore only uses data collected from trainees who started their vocational component as part of one of the new pathways: 2020 – 2021 and 2021 – 2022 cohorts (shaded boxes in table above). AETO survey data for this report was also collected in Phase 1, as providers were planning for, and implementing, the reforms at this time. Survey response rates (quoted in brackets) for the trainees' surveys and the pupillage providers' surveys are based on the number of emails sent (minus the number returned as 'undeliverable'). Response rates for the vocational providers surveys are based on the number of providers eligible to complete the survey.

Table A3.2: Summary of interviews undertaken throughout the evaluation 2019-2022

As above, shaded boxes indicate data included for this report.

Stakeholders the surveys were administered to	Interview activity by evaluation phase			
	Phase 1 (July 2019 – March 2020)	Phase 2 (April 2020 – September 2020)	Phase 3 (October 2020 – June 2021)	Phase 4 (July 2021 – April 2022)
Pre-reforms trainees (started BPTC between autumn 2017 and 2019)	Interview date: winter 2019-20 Trainee groups: Those who started full-time BPTC 2018, n=10; Those who started full or part-time BPTC 2019, n=16	Interview date: summer 2020 Trainee groups: Those who started full-time BPTC 2018 and those who started full or part-time BPTC 2019, n=29		Interview date: summer / autumn 2021 Trainee groups: Those who started BPTC full or part-time time 2019, n=9
Post-reforms trainees (started vocational training autumn 2020 or 2021)			Interview date: spring 2021 Trainee groups: Those who started Bar course full or part-time 2020, n=19	Interview date: summer / autumn 2021 Trainee groups: Those who started Bar course full or part-time 2020, n=17 Interview date: spring 2022 Trainee group: those who started Bar course full or part-time 2021, n=21
AETOs and Inns of Court	Interview date: summer 2019 6 interviews with both vocational (n=1) and pupillage providers (n=5)	Interview date: summer 2020 10 interviews with both vocational (n=7) and pupillage providers (n=3)	Interview date: summer 2021 6 interviews with vocational (n=4) and pupillage providers (n=2)	Interview date: spring 2022 interviews with 2 Inns of Court

Appendix 4: Changes made or planned to the structure or delivery of the pupillage / work-based component

The table below lists the types of changes work-based / pupillage AETOs reported that they had made or were planning in the 2019 and 2021 AETO surveys.

Table A4.1: Changes planned by work-based / pupillage providers, the reasons for the changes and whether these would have been implemented regardless of the reforms (from the Autumn 2019 and 2021 AETO surveys)

Description / type of change	2019 AETO survey (n=5)		2021 AETO survey (n=12)		Total n
	n	%	n	%	
Pupillage policy / plans / agreements implemented or updated			6	50%	6
Changes to recruitment / application processes	2	40%	3	25%	5
Changed pupillage duration / introduced flexible pupillage	3	60%	1	8%	4
Formal record keeping / reflection for pupils on their pupillage experience	4	80%			4
Increased or improved assessments / exercises	1	20%	3	25%	4
Adapting the pupillage programme to the Professional Statement / greater reference to the Professional Statement in checklists			3	25%	3
Increased or improved reviews / feedback to pupils during the pupillage			3	25%	3
Increased the number of supervisors and/or the number 'seats' each pupil has with different supervisors			3	25%	3
Implemented remote training resources			2	17%	2
Increased / maintained number of pupils	1	20%	1	8%	2
More / wider range of training for pupils (e.g. advocacy)			2	17%	2
More training / guidelines for supervisors	1	20%	1	8%	2
Increased funding (awards and other resources such as relocation grants)			1	8%	1

Appendix 5: Influences on trainees' choice of provider for the vocational component

The figure and table below show the influences on the choice of training provider as reported by respondents to the trainee surveys. Figure A5.1 shows the influences on choice of vocational provider by mode of study for all surveys after autumn 2020. Table A5.1 shows the summary of the reasons given by respondents to the autumn 2021 survey for choosing the pathway they did.

Figure A5.1: Influences on trainees' choice of provider for the vocational component – post-reforms survey respondents only, by mode of study (full- or part-time)

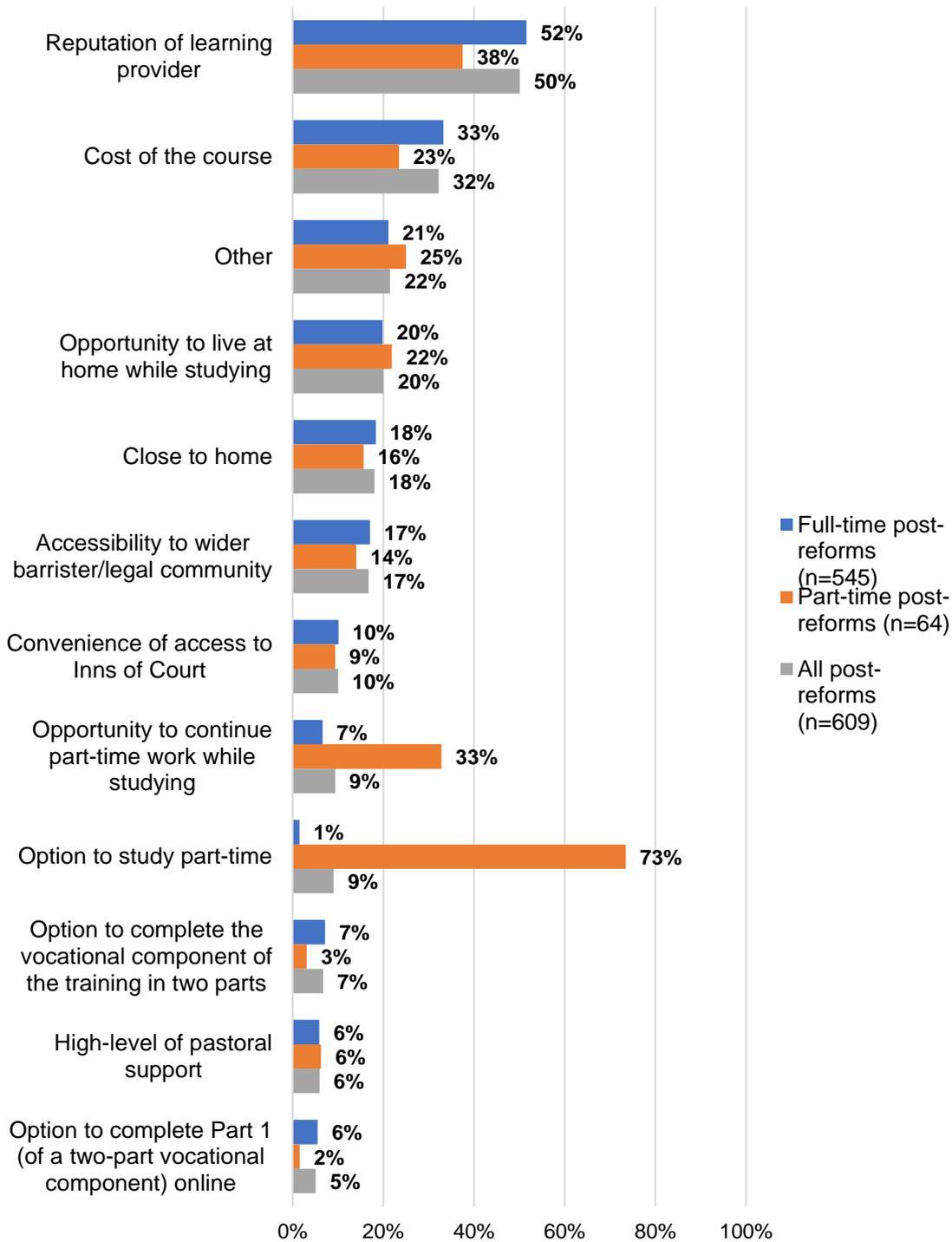


Table A5.1: Influences on respondents' choice of pathway from the survey of trainees who commenced their vocational component in autumn 2021 - free text comments coded into common topics/themes, by pathway*

Influences on choice of pathway	Three-step pathway (n=96)		Four-step pathway (n=10)		Integrated pathway (n=1)		All (n=107)	
	n	%	n	%	n	%	n	%
Quickest / most direct route	54	56%					54	50%
Unaware of different pathways	15	16%					15	14%
Integrated not an option (e.g. because not committed to becoming a barrister at that point, wanted to get law degree first and keep options open, already had law degree or GDL, etc.)	10	10%					10	9%
Flexibility of four-step pathway (e.g. to study Part 1 while working, keep options open after completing Part 1, to study Part 1 remotely from overseas locations, etc.)			5	50%			5	5%
Part-time option available	8	8%					8	7%
Took the familiar / traditional / standard route (three-step)	8	8%					8	7%
Only pathway offered by providers / wanted to do a different pathway but not offered by chosen provider / not offered by enough providers	7	7%					7	7%
Affordability of four-step pathway			4	40%			4	4%
Course structure allows a gap between Dec-March for pupillage applications, mini pupillages, etc. (four-step)			3	30%			3	3%
Flexibility of three-step pathway (e.g. to study Part 1 and keep options open before committing further)	3	3%					3	3%
Funders not willing to support pathways other than the three-step	3	3%					3	3%
Received scholarship / bursary so could afford to do the most direct route rather than dividing into parts	3	3%					3	3%
Affordability of three-step pathway	2	2%					2	2%
Deterred by remote / online learning in Part 1 of the four-step pathway	2	2%					2	2%
Four-step pathway breaks training into sequential 'chunks' - better to focus on one step at a time			2	20%			2	2%
Affordability of integrated pathway					1	100%	1	1%

Influences on choice of pathway	Three-step pathway (n=96)		Four-step pathway (n=10)		Integrated pathway (n=1)		All (n=107)	
	n	%	n	%	n	%	n	%
No real preference	1	1%					1	1%
Preferred remote / online learning in Part 1 of the four-step pathway			1	10%			1	1%
Visa restrictions meant longer routes were not an option	1	1%					1	1%

* Note that this question was not asked in the survey of trainees who commenced their vocational component in autumn 2020, therefore the table reports only the 2021/22 trainee cohort.



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