

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

**BAR STANDARDS BOARD**  
**REVIEW OF THE BAR VOCATIONAL COURSE**  
**REPORT OF THE WORKING GROUP**

## Summary of Conclusions and Recommendations

### Function and purpose of the BVC

1. The sole function and purpose of the BVC is to introduce prospective barristers to the practical knowledge and skills they will need to provide a high quality professional service to their future clients.
2. Such a course will also satisfy the aspirations of students from overseas who intend to practise as barristers in their home jurisdictions.
3. **We recommend** that the course be re-titled “The Bar Professional Training Course”.
4. BVC providers may wish to present their course as an interim award for a Master’s degree in terms of the Quality Assurance Agency’s Framework for Higher Education Qualifications. **We recommend** that that is not a matter for the BSB, and it should not detract from the essential character of the course as practical training for the profession.

### Numbers and admission standards

5. The large gap between the numbers of BVC graduates seeking Pupillage and the numbers of pupillages available is a cause for considerable concern.
6. The student body includes graduates who are so far lacking in the qualities needed for successful practice at the Bar, including fluency in spoken and written English, that they would never obtain pupillage, however many pupillages were available.

7. **We do not recommend** that numbers should be cut for their own sake.

8. **We recommend** that the BSB raises admission standards by requiring BVC students

- (1) to possess a First or Second Class honours degree (2.1 or 2.2) only;
- (2) if their degree is not a qualifying law degree to pass the CPE/GDL; and
- (3) in every case to pass an aptitude test.

#### **Aptitude test**

9. **We recommend** that an aptitude test for admission to the BVC should have the following characteristics.

- (1) It must test two skills separately: analytical and critical reasoning and fluency in the English language. Candidates must pass both parts.
- (2) It must be taken by all prospective BVC students irrespective of their background.
- (3) It must be available to anyone who wishes to take it at any stage in their career after entry into university.
- (4) Candidates should be able to take the test any number of times until the pass mark is reached.
- (5) The test must be set at least twice a year.
- (6) It must be an on-line test capable of being taken at a number of centres within and outside the United Kingdom.
- (7) The test must be capable of being objectively marked.
- (8) The cost of taking the test must be met by the candidate. It must therefore be inexpensive.
- (9) There will be no interviews.

10. We are satisfied, having looked at existing models, that such a test can be commissioned and set and marked at a reasonable cost.
11. **We recommend** that the BSB itself commissions the test with the assistance of consultants.
12. **We recommend** that the BSB establishes a Board of Examiners (see also below) to oversee the running of the tests.
13. **We recommend** that no student should be admitted to the BVC unless he or she has unconditionally passed the test.
14. We suspect but cannot prove that the imposition of such a test will reduce the number of students.

#### **Course content**

15. The course is fundamentally sound.
16. **We recommend** the following changes to the content of the course
  - (1) Introduce Professional Ethics and Conduct as a separately taught and assessed subject.
  - (2) Omit Legal Research as a separately taught and assessed subject.
  - (3) Adjust the content of Civil Litigation Evidence and Remedies by including instruction in judicial review and remedies and eliminating some of the more obscure parts of the CPR.
  - (4) Adjust the content of Criminal Procedure Evidence and Sentencing by concentrating on the core elements of the process and eliminating instruction in more ephemeral and technical criminal legislation.

- (5) Maintain the importance of written and oral advocacy and ensure that all advocacy trainers follow rigorously the Hampel method.
- (6) Lay great emphasis on high standards of written and oral English.
- (7) Omit negotiation as a separately taught and assessed subject.
- (8) Introduce as a new taught and assessed course the Resolution of Disputes out of Court (including negotiation).

### **Standard of teaching**

17. We are satisfied with the overall standard of teaching.

18. **We recommend** that the BSB continues the present system of annual monitoring visits and encourages more practitioners to be involved in them.

### **Method and standard of assessment**

19. **We recommend** that the course descriptors be changed to show that students are being judged by professional and not academic standards.

20. **We recommend** that work is to be judged as competent if it is accurate, comprehensive and properly expressed and would command the respect of a professional reader as well as a client.

21. The current pass mark of 50% is not acceptable in a professional context.

22. **We recommend** that the knowledge-based subjects of the Course should be tested by a mixture of Multiple Choice Questions (MCQs) and Short Answer Questions (SAQs). Students should be required to pass both parts separately. The pass mark for MCQs should be 65%.

23. **We recommend** that, in the knowledge-based areas, MCQs should be centrally set and assessed. SAQs should be centrally set but marked locally according to a common set of assessment criteria, set by the BSB's proposed Board of Examiners.

24. **We recommend** that the BSB put in place a body of external examiners and moderators with a strong presence of practitioners.

25. **We recommend** that students who fail should be allowed one re-sit only.

#### **Duration and cost of the course**

26. We do not believe that the course can be shortened without considerable sacrifice of content and standards.

27. **We recommend** for administrative reasons that the beginning of the course is delayed until the first week of October and is reduced to 30 weeks.

28. **We do not recommend** a lowering of the staff:student ratio.

29. **We recommend** that the BSB consults with the providers over the extent and cost of their library holdings. Any savings (which may not be great) should be reflected in a reduction in the fee.

30. **We recommend** that the BSB should require prospective providers, in the next round of bidding, to explain and justify the fees they intend to charge.

31. **We recommend** that the Bar Standards Board abolishes its surcharge of £295 (shortly to be raised to £345) per student.

32. We do not see how, even with that adjustment, the cost of reading for the Bar can be significantly reduced.

#### **Other recommendations**

33. **We recommend** that the Inns of Court and the BVC providers develop a short joint document which will warn prospective students in the most explicit terms, as soon as they apply for admission to an Inn or to the course, of the shortage of pupillages compared with the number of BVC students. The document should publish aggregate figures, comparing calls to the Bar with numbers of pupillages, for the preceding 3 years.

34. **We recommend** that the Bar Council should encourage much greater engagement between the practising profession and the BVC by (among other things)

- (1) enlarging the existing panel of practitioners willing to serve on annual monitoring visits or as external examiners and moderators;
- (2) supporting the work of every centre at which the BVC is delivered;
- (3) serving on the proposed BSB's Board of Examiners; and
- (4) establishing a discussion forum between BVC providers and pupil supervisors.

35. We conclude that unless and until the practising profession takes much greater responsibility for finding a solution to the financial cost of training, the cost of reading for the Bar will deter many able graduates from joining the profession and the principal aspirations of the Neuberger Report will not be achieved.

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**Preface**

1. In January 2006 the Bar Standards Board (BSB) was delegated responsibility by the General Council of the Bar of England and Wales (the Bar Council) to be regulator of the Bar. The Bar Council has retained important functions which will be referred to in Part C of this Report. In October 2007 the BSB established a Working Group to examine and report upon the course of post-academic training which prospective barristers undertake before qualification – the Bar Vocational Course (BVC).

2. The membership of the Group is set out in Annex 1. Our Terms of Reference are set out in Annex 2. We were asked by the BSB to submit our Report by July 2008 to enable any changes which we might propose, and the appointment or re-appointment of providers of the course, to take effect from September 2010.

3. We could not have met this deadline without an extraordinary level of support from Dr Valerie Shrimplin and Ms Cordelia Lean, officers of the BSB. They have been indefatigable in assisting us in gathering and sifting the large amount of evidence on which this Report is based. It is thanks to them that we have been able to attend so many meetings, inside and outside London. The record has been meticulously kept by them, and Dr

Shrimplin has personally undertaken much of the task of re-drafting the Course Handbook which is the focus of this Report. We also wish to acknowledge the care with which Jennifer Sauboorah has collected, analysed and set out the important statistical information presented in this Report and Annex 5, and to thank Mr. Nigel Stripe for his help in administering the student questionnaire.

4. We wish to record our warmest thanks to them, and to the many other participants in our inquiry to whom we refer later on in this Report.

5. An Executive Summary of conclusions is a separate attachment to this Report.

Signed:

DEREK WOOD QC  
Chairman of the Working Group  
3<sup>rd</sup> July 2008

**PART A**

**THE BVC AND ITS CRITICS**

## 1. The BVC and Call to the Bar

### The BVC

6. The BVC is a compulsory course which must be successfully completed by those who wish to be admitted as barristers (“called to the Bar”) by one of the Inns of Court.<sup>1</sup> Most of the students who take the course intend to practise as barristers in England and Wales, either in independent practice or as employed barristers. Others intend to qualify as barristers in this country and practise in equivalent jurisdictions overseas. The majority of the overseas students come from countries within the Commonwealth.

7. The BVC lasts 32 weeks for full-time students. Part-time students may take the course over 2 academic years.

8. Entry to the course is limited to students who possess a university honours degree. Graduates with a Third Class degree are excluded unless the regulator decides, in the light of the individual’s circumstances, to exercise a discretion in his or her favour and allow the student to register.<sup>2</sup>

9. Most of the students will have obtained a university degree in law which ranks as a “qualifying law degree”.<sup>3</sup> That is to say they must have studied as part of their degree course certain core subjects: Public Law, including Constitutional Law, Administrative Law and Human Rights; Law of the European Union; Criminal Law; Obligations including Contract, Restitution and Tort; Property Law; and Equity and the Law of Trusts. Students who do not have a qualifying degree in law are required to pass the examination set at the end of a one year conversion course, known as

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<sup>1</sup> See Consolidated Regulations of the Inns of Court and the General Council of the Bar, Part III, 22a: draft Training Regulations Part 1, 2b.

<sup>2</sup> See Academic Stage Regulations, section 2, para 2.5.

<sup>3</sup> See Academic Stage Regulations, section 2, para 2.1.

either the Common Professional Examination (CPE) or the Graduate Diploma in Law (GDL).

### **Membership of an Inn**

10. Call to the Bar is also conditional upon the student's joining one of the four Inns of Court and attending a specified number of qualifying educational sessions provided by the Inn. The old-fashioned 'dining in hall' has been supplemented and substantially replaced by lectures and other educational and training sessions. Students normally combine their attendance at these sessions with the BVC so that they can qualify as barristers as soon as the BVC has been successfully completed.

### **Pupillage**

11. Before they can enter into practice newly-qualified barristers must undergo a further twelve months' practical apprenticeship (pupillage) under the guidance of one or more practitioners authorised to act as pupil supervisors. In their second six months of pupillage pupil barristers can accept paid legal work.

12. The BVC is therefore a link or bridge between academic training and practical apprenticeship in the workplace. The training offered lies along a continuum of learning which leads to professional practice, and will continue throughout a practitioner's career. Pupils and newly-qualified practitioners are required to attend further formal courses provided by the Inns, the Circuits and the Specialist Bar Associations. More experienced practitioners must undergo at least 12 hours of Continuing Professional Development each year. The BVC is part of a much bigger picture.

## 2. Delivery of the BVC

13. At present the BVC is taught and assessed by eight approved institutions. They received their authorisation, or validation of their courses, from the Bar Council, which was the regulator of the profession at the time, under rules established by that body. The responsibility for accreditation now rests with the BSB.

14. Six of the providers are departments of universities.

- University of Cardiff
- Inns of Court School of Law (ICSL) at City University
- Manchester Metropolitan University (MMU)
- University of Northumbria
- Nottingham Trent University
- University of the West of England (UWE)

15. The remaining two (BPP and College of Law) are independent providers. BPP delivers courses in London and Leeds. The College of Law is in London and Birmingham.

16. These various providers also teach other law courses: undergraduate and graduate law degrees, the GDL and the Legal Practice Certificate (LPC) which is the BVC equivalent for solicitors.

17. To obtain their accreditation the prospective providers must satisfy a number of objective criteria laid down by the Bar Council.

- A staff-student ratio of 1:12.5 for the first 125 validated students and 1 to every group or part group of 16 students thereafter, part-time students counting as 0.5 of a full-time student.

- A prescribed number of administrative technical and library staff.
- Staff who teach advocacy must be accredited by the Advocacy Training Council (ATC) and the regulator.
- Plans must be provided for continuing staff development.
- A sufficient number of rooms for small-group and large-group teaching, extensive library holdings and space for study, and IT facilities must be provided, as well as a basic library of books for each student.

18. Each provider will be authorised to admit the number of students which corresponds with the numbers of staff and facilities offered according to these criteria. But there is no restriction on the number of providers who may be validated, nor on the number of students overall. Providers compete with each other for custom.

### 3. Content and Standard of the Course

19. The content of the course was laid down in 2000 by the Bar Council. It is set out in a manual prepared by a committee chaired by the Hon Mr Justice Elias. Printed on yellow paper, the book is referred to as “the Golden Book”.

20. The Golden Book prescribes the aims and objectives of the course, the subjects to be taught, the number of study hours which must be undertaken, the standard to be achieved and the method by which students’ work is to be assessed. It prescribes the following areas of knowledge and skill in which students must be trained and examined –

- (a) Professional ethics and conduct.
- (b) The knowledge areas, which comprise:
  - Civil litigation and remedies,
  - Criminal litigation and sentencing, and
  - Evidence.
- (c) The skills areas, which comprise:
  - Casework skills:
    - Fact management
    - Legal research
  - Written word skills:
    - Opinion writing
    - Drafting
  - Interpersonal skills:
    - Advocacy
    - Conference skills
    - Negotiation.
- (d) The options.

21. The period of 32 weeks over which the course is delivered starts in September. Within the prescriptions of the Golden Book providers are free to fashion their own methods of teaching, set their own examinations and carry out their own assessments.

22. External examiners are employed to ensure that standards of assessment are maintained and uniform in the subject and course to which they are assigned, by monitoring assessment methods and moderating grades assigned to student work. In addition each provider is inspected each year on behalf of the regulator by a team consisting of practitioners, academics, secretariat staff and a learning resources expert as appropriate. The visits are one-day and two-to-three-day visits in alternate years. They comprise observation of teaching sessions, an inspection of the physical, IT and library facilities offered; and an inspection of the teaching materials. Examiners' reports are discussed, with particular emphasis on the remarks of the external examiners. Meetings take place with the management, administrative and teaching staff and the students. A written report is prepared. The regulator expects any criticisms or recommendations to be addressed before the next inspection.

23. The BSB, as regulator of the profession, is now the custodian of the Golden Book and is responsible for maintaining the standards, content and conduct of the course.

#### 4. Numbers of students

24. The course is expensive. Fees vary according to the provider. Currently they vary between approximately £9,000 and £13,000. In addition to finding their fees students must meet the cost of board and lodging and other usual living expenses. No local authority or government grants are available to meet any of these costs; but approximately 500 students each year receive scholarships from their Inn of Court which will cover the whole, or more usually part, of the course fee. Students who have arranged pupillage before embarking on the course may also be able to draw down some of the payment which they will be entitled to receive from their prospective chambers in the pupillage year. The cost of reading for the Bar will have particular significance for graduates who are already carrying a burden of student debt.

25. Despite these apparent disincentives the numbers of students registering for the BVC have been rising over the past 5 years.

**Table 1.**

2003-4	1406
2004-5	1665
2005-6	1745
2006-7	1932
2007-8	1837

26. At the same time the numbers of pupillages offered by chambers in independent practice have been falling.

**Table 2.**

2004-5	497
2005-6	490
2006-7	471

These numbers are supplemented by approximately 30 annual pupillages offered by the employed bar, mostly the Government Legal Service (GLS), the Crown Prosecution Service (CPS) and other government bodies.

27. Even if one discounts the number of overseas students undertaking the BVC in any year, which is estimated as 23% overall, it is plain that in any given year the number of people in search of pupillage greatly exceeds the number of pupillages available. The competition for places will include not only those called to the Bar in the year in question but also barristers called in previous years who are still in search of pupillage, and undergraduates seeking to secure pupillage before commencing the BVC.

28. Figures recently supplied to the Working Group give some impression of the real size of the gap. Many sets of chambers offer pupillage through an On-Line Pupillage Application Scheme (OLPAS) administered by the Bar Council. In the present round 294 pupillages are offered under the OLPAS. 3,768 individual students have applied for them.

## 5. Criticisms of the BVC

29. Since the establishment of the present form of training the BVC has been the subject of a number of criticisms from within and outside the profession.

30. The main criticism is that too many students are admitted onto the course compared with the number of pupillages available. This criticism sub-divides into two separate concerns. The first is that it is wrong in principle to admit so many students to an expensive course when so few will realise their ambition to progress to pupillage. The substantial investment of time and money made by the student is incurred at high risk; and there is a serious concern that less well-off students of high ability will be deterred from choosing a career at the Bar for this reason.

31. Secondly it is said that the standard of admission for students is too low. Some of them do not have the innate ability necessary for success at the Bar and, even in a world in which there was greater parity between the number of students and the number of pupillages, they would not be offered a pupillage. This concern is reinforced by a further anxiety that some of the students, irrespective of their first language, lack the ability to communicate orally and in writing in English to a standard which is acceptable in any profession, particularly the legal profession. It is also said that the weaker students do not just waste their own time and money but also impede teaching and learning within their groups.

32. Many BVC students have also complained, to others as well as to the Working Group, that they had no real knowledge of the difficulty in obtaining pupillage until they had committed themselves to the course and incurred fees. Warnings of the position are disseminated by the Inns and the course providers. Whether this lack of understanding is their own fault or not

students nevertheless say that if they had been informed more explicitly, or at a much earlier stage, about the shortage of pupillages they might, and some of them would, have made a different career decision.

33. The next criticism is that the content of the course has become outdated. It is divided into two broad areas: knowledge and skills. The knowledge areas are thought not to be sufficiently challenging for graduates. The principal skill taught is advocacy. But some of the skills, such as conducting a conference or negotiations, and legal research methods, are thought to be artificial. It is also said that not everyone should learn the basics of both civil and criminal procedure, because of increasing specialisation at the Bar. Some topics of contemporary importance, such as mediation and other methods of resolving disputes outside court; judicial review procedures; and money-laundering are said to be missing from the course. Forensic accounting and office administration are not encountered before the courses provided for pupils.

34. Next, teaching standards are said by some to be too low. This may be a reflection of the fact that, at least in the knowledge areas, the task is to impart basic information rather than analyse intellectually demanding problems.

35. Students who pass are graded as Competent, Very Competent or Outstanding. It is said that the providers do not grade their students consistently among themselves; and in any event it is said that students who achieves the Competent standard according to the providers' internal marking schemes do not display a level of competence which would be recognised in a professional context, even in the case of a pupil.

36. Finally it is said that the course is too long, too expensive and does not represent value for money.

37. None of these views is universally held. Many others praise the course, the teaching standards, the personal commitment of the teaching staff and the facilities provided. Some students who do not obtain pupillage nevertheless value the experience acquired during the course, which they say provides them with transferable skills which help them into other rewarding employment. The questionnaire we sent out to current and recent students reflects the range of opinions as fully as our other inquiries.

38. Our task has been to assess the fitness of the BVC for its intended purpose; to consider to what extent, if at all, these various comments are justified; and to deliver to the BSB our opinion of any changes which we think should be made.

## 6. List of Issues

39. To provide a focus for our work and an agenda for discussion with others we drew up a List of Issues, set out (with adaptations) below.

40.

(1) Function and purpose of the BVC

- Is it a preparation for pupillage/practice or wider legal education?
- Is it a training course for overseas as well as UK students?

(2) Numbers

- Are there too many students?
- Are there too many weak students?
- Are there too many students who have no realistic prospect of pupillage?
- Should the BSB be concerned?

(3) Admission standards

- Should standards of admission be revised (1) to eliminate weak students (2) to cut numbers or (3) both?

(4) If admission standards are to be raised should the BSB

- (1) disqualify students with 2.2s and below;
- (2) require candidates to take an entrance examination/aptitude test or
- (3) (1) and (2)?

(5) Should (1) all candidates or (2) candidates whose first language is not English be required to take tests to ensure fluency in written and oral English?

- What tests? Where should they be taken? How should they be administered?

(6) Course content

- Does the Golden Book strike the right balance between learning factual information and analytical skills?
- Can the “soft” skills, such as conferencing or negotiation, be effectively taught and assessed?
- Is legal research effectively taught and assessed?
- Should there be more emphasis on professional ethics?
- Should mediation or money laundering be included in the syllabus?

(7) Standard of course

- What is the level of competence required?
- Should the course be (1) a Master’s course or (2) taught at Master’s standard to enable candidates to acquire a Master’s qualification by further study?
- If (2) should the BSB be involved?
- Should the course be pitched at a defined level of competence for professional practice?

(8) Standard of teaching

- Is the standard of teaching acceptable?

(9) Standard and method of assessment

- Are there too many memory tests compared with tests of analytical and narrative skills?
- Should there be (1) a simple Pass/Fail or (2) Distinction/Pass/Fail or (3) (as now) NC/C/VC/O?
- Is the pass standard (“Competent”) currently set at the right level?

(10) Uniformity of standard

- Do all the BVC providers teach the course to the same standard?
- Are their standards of assessment uniform? Should there be a centrally set and marked final examination?
- Does the choice of BVC provider influence prospects of pupillage?

(11) Duration and cost of course

- In the light of the answers to 1-10 can the course be made (1) shorter and/or (2) cheaper?

**PART B**

**THE REVIEW**

## **7. Methodology**

41. Reflecting the concerns expressed in Chapter 5 above, the Bar Council has previously commissioned a number of groups to study the BVC. It had been anticipated that the existing franchises would fall to be renewed in September 2008, and that at the same time the Golden Book would be revised if it was thought necessary to do so.

42. In October 2004 the Bar Council appointed a working party under Professor John Bell of Cambridge University to conduct an extensive consultation and to report. A full questionnaire was circulated widely among the profession and its various institutions and a considerable body of valuable written evidence was obtained.

43. Following Professor Bell's study, in 2006 the Bar Council appointed a working party under the chairmanship of Mr Richard Wilson QC to review the evidence obtained by Bell and to report its views on the BVC to the Bar Council. Its final report was delivered in April 2008. The Report addresses many of the questions contained in our Terms of Reference and points out areas in which further research needs to be carried out. We have had the advantage of a full discussion with Mr Wilson and have given detailed consideration to his Report.

44. In the meantime a further working group had been set up by the Bar Council under the Rt. Hon. Lord Neuberger with wider terms of reference, examining entry and access to the Bar as well as training through its various stages. Lord Neuberger's group had access to the Fifth Draft of Mr Wilson's Report. The Final Report of Lord Neuberger's working group was published in November 2007. Chapter 5 contains a number of important recommendations about the BVC which we have also discussed in detail.

45. With the benefit of this considerable body of written material we decided not to impose upon the profession another lengthy written consultation exercise. Our preferred method was to have face-to-face meetings with bodies and individuals whom we thought could help us, and to record the outcome of those meetings (see Annex 3)

46. Members of this Working Group have visited all the premises at which the BVC is delivered. We have observed teaching and read written work including marked examination scripts. On those visits we have had meetings with the teaching staff, the administrative staff and groups of students. No visit was shorter than one day and some extended into a third day.

47. In addition we have had valuable discussions with the relevant education committees, officers and students of each of the four Inns of the Court, a significant number of the Specialist Bar Associations and pupil supervisors. The Consumer Panel of the BSB gave us a helpful lay perspective on the course. Some of the bodies whom we have consulted sent us written submissions after we had met them. Individuals have also sent us written evidence. We have sent out a questionnaire to present and past students, receiving 488 responses. The results of the questionnaire are set out in Annex 5. Our Report is principally based on the evidence obtained at these meetings and visits, including class observation; on our reading of students' work; and on the questionnaire.

48. All the bodies and individuals who have assisted us take very seriously the issues raised. Many of them have gone to great trouble to gather evidence and send us their thoughts. A full list of all bodies and individuals who have provided evidence in this way is set out in Annex 3. Although on some individual issues different opinions will continue to be

held, there is a general consensus on the way forward which this Report attempts to express.

## **8. Function and purpose of the BVC**

49. In our view the sole function and purpose of the BVC is to introduce prospective barristers to the practical knowledge and skills they will need in order to provide a high quality professional service to their future clients. These skills will be refined and improved during pupillage, to which the BVC is the introduction.

50. Defined in those terms the course should satisfy equally the aspirations of students from overseas who intend to practise as barristers in their home jurisdictions as well as the aspirations of those who intend to practise in England and Wales. Call to the Bar by one of the Inns of Court should continue to be recognised internationally as a mark of quality achieved at the end of a rigorous course of training in the practice of the profession.

51. To emphasise this point we recommend that the course be re-titled “The Bar Professional Training Course”. Some members of our Group strongly believe that the adjective “Vocational” is not appropriate. The Bar is a profession, not a vocation. By describing the course as a professional training course the focus shifts to the needs and interests of the client. We note that the Wilson Report contains a similar recommendation. In this Report however we will continue to refer to it as the BVC.

52. Both the Neuberger and the Wilson Reports recommend that the course should be formally structured so that, with an extra period of study or research added on, students would obtain a Master’s degree. We also note that some providers have already moved in this direction, requiring an extra fee to cover the additional period of study.

53. Master's degrees are overseen by the Quality Assurance Agency (QAA) that audits the Higher Education Institutions which award Master's degrees. The QAA also lays down level descriptors for both undergraduate and postgraduate academic courses. Attached as Annex 6 are the QAA course descriptors for postgraduate diplomas and Master's degrees.

54. Under these rules the BVC, in the hands of the provider, will count as a postgraduate diploma if it attracts 120 credits at postgraduate level. The current requirement is for 40 to be taught at Master's level. A Master's degree will be awarded on the successful completion of a course which attracts 180 credits, all at Master's level. Those providers who offer a postgraduate diploma also claim that the whole of the BVC, as delivered by them, is taught at Master's level. It would follow that a successful student would then have to obtain 60 more credits, by submitting a dissertation or undergoing a further examination, or both, to reach the next stage and attain a Master's award.

55. The attraction of structuring the BVC so that, with an amount of extra study, probably extending over the period from completion of the course until September in the same year, it becomes convertible into a Master's degree, is that it will give students who are not lucky enough to obtain a pupillage a badge of distinction which is more universally recognisable than a postgraduate diploma and call to the Bar.

56. Our advice to the BSB is that it is not appropriate for the regulator to become involved in this debate, for two main reasons.

57. First, as we shall explain in Chapter 15 below, the need to comply with QAA course descriptors has a distorting effect. These descriptors are couched in academic terms which in many respects do not seem to us to fit the type of practical training which we think it is the business of the BVC to

provide. Assessing work against criteria, which are essentially and quite properly academic, shifts the emphasis away from the need to assess the student's work in terms of his or her potential proficiency in the profession. We do not think that the BVC should be subjected to two separate systems of quality control, the one laid down by the regulator in the public interest, looking at the quality of service to clients and professional conduct, and the other by the QAA concentrating on the advancement of learning

58. Secondly, the QAA itself is, as a result of Europe-wide discussions, undertaking a thorough review of its own specifications for the Master's course. The provisional indications are that a Master's course may well in future have to be a 2-year course demanding academic, including research, skills at a high level. This trend is likely to widen the gap between academic and practical training.

59. There is on the other hand no reason why the BSB should wish to prevent or discourage the BVC providers from making their own arrangements with the QAA so that students who wish to progress to a Master's degree can do so, taking advantage of so much of the BVC as, in the judgment of the QAA, will help them on the way. The providers should certainly be free to do so, but not at the expense of the type and quality of professional training which lies at the heart of the BVC.

## 9. The Numbers Problem

60. No-one who has looked at the gap between the numbers of students undertaking the BVC and the numbers of pupillages can be indifferent to it. Many students who successfully pass the course and are called to the Bar end up disappointed that they cannot realise their career ambition. The evidence of the alternative work which they take up is very patchy. In theory it might be possible for the Inns of Court or the BVC providers themselves to follow them up and we know that they make efforts to do so; but in practice ex-students scatter widely, move house, change their lives and become untraceable. It is thought that many of them, having been rebuffed for pupillage over perhaps 2 or 3 years, will nevertheless remain in the legal world in a different capacity. Others will move out into different careers altogether.

61. The question for the BSB is: what, if anything, can or should be done about this? Opinions are very sharply divided between extremes.

62. One view is that nothing should be done about it, save that students should be given very clear information at an early stage about the difficulty of obtaining pupillage, and the severe competition which that generates. If that condition is met, as many students as are acceptable to the BVC providers should then be free to take the course. They are, after all, adults who, armed with the information necessary to make an important decision, should be able to make up their minds for themselves. This view, held by some of the members of the Family Law Bar Association which canvassed its members, was very well summarised by the Association in its evidence to us -

*“Those against an obligation [to limit numbers] felt, uniformly, that people applying for places on the BVC are intelligent*

*enough to find out the likely options at the end of the course and to make their own choices. They emphasised that the BVC is more than a mere vocational course designed to lead to pupillage, and is of value in itself. People should be able to choose and take the course regardless of their career plans. Also, it is important for the Bar that there be as much competition as possible between applicants for pupillage to ensure that the quality of pupils and ultimately practitioners remains high.”*

63. At the other end of the spectrum there is a view that it is morally wrong to accept such a large number of students on an expensive course when, for so many, the time and money could be better invested elsewhere. Supporters of this view say that the main beneficiaries of the large numbers are the BVC providers themselves (and the Bar Council). There is clear evidence that some of them recruit in excess of the numbers which they are licensed to teach, and some evidence that they are encouraged to keep the numbers up because the course is a valuable source of income for the institution in question. Accordingly it is said that numbers should be cut to bring them more into line with (but not equal to) the number of pupillages likely to become available in any year. Analogies are drawn with some of the controls over numbers which are exercised in the medical schools.

64. We do not think that numbers should be cut for their own sake, and do not see how that can fairly be done. Franchises are awarded, as we have explained, to any prospective provider who satisfies the criteria with regard to resources, and the number it is licensed to teach is determined by the amount of resources on offer. To impose a straight cut in numbers independently of these criteria, or the quality of students, would give rise to complaints that the regulator was preventing able students from competing for entry into the profession.

65. Moreover it is difficult to calculate what that number should be. Should there be a quota of home-grown students, ignoring those who have come from and intend to return to jurisdictions overseas? Should it be 1,000, 850 or 750? We do not see how the BSB could reasonably be expected to arrive at a decision about this.

66. A proposal simply to cut numbers significantly below the number of students whom the providers collectively are licensed to teach must also take account of the likely reaction of the providers themselves. It is, we believe, unlikely that they would simply allocate places on a first-come first-served basis. It is more likely that they would allocate places – as some do at present – to a gathered field of applicants, applying their own tests as to which students they should select out of those who satisfied the minimum qualifications prescribed by the regulator. They would thus become the gatekeepers to entry to the Bar, applying their own admission standards.

67. We would not find this acceptable. In our view it is for the profession, (through its regulator), to set the relevant admission requirements, not the course providers. The numbers problem, if it is to be solved at all, cannot in our view be solved by a simple cut.

## 10. Admission Standards

68. The BSB is concerned, in the public interest, with the quality of lawyers who practise at the Bar. Success in this profession is not simply measured by the personal achievements or prosperity of the practitioner. The Bar performs an important public function in the administration of justice. As advocates and advisers barristers render a vital service to their clients, whose interests are paramount to those of the barrister. They also owe professional duties to the courts before which they appear. The proper (efficient) functioning of the courts and other bodies who dispense justice is dependent upon high standards of ethical conduct and the strict observance of rules and good practice on the part of the Bar.

69. The Neuberger Report, in paragraph 22, listed the essential qualities which barristers must possess:

*“We would suggest that the qualities needed for a career at the Bar are a mixture of attributes of temperament and of talents. As to temperament, what is required is a combination of honesty, courage, commitment, common sense, and perseverance. As to talents, we would list analytical skills, intellect, persuasiveness, organisational skills, good judgment and fluency. That is not to say that a person could not succeed unless he or she has all these qualities, or that reasonable adjustments may not be required as appropriate but, on any view, honesty is essential.”*

70. We have pointed out that many critics of the BVC assert that there are students undergoing the BVC who simply do not have the intellectual qualities or the oral or written skills to practise as barristers. This is borne out by our own observations.

71. In the written work which we have examined – drafting and opinion-writing – in advocacy exercises, and in our observation of small-

group teaching, there are students who simply would not meet the standards required to obtain a pupillage, however many pupillages were on offer. Their deficiencies range from a lack of conceptual understanding of the way in which the law functions in practice, to an inability to speak fluently, with close attention to grammar, vocabulary and syntax, and an inability to write clear, correct and well-structured English prose. These deficiencies are not limited to students whose first language is not English. We have not considered it our task to investigate the reasons why these students do not possess the necessary qualities. Nor have we attempted to give a figure or a proportion.

72. These direct observations are supported by the failure rates. In 2003-07 the first-time pass rates at the providers overall were as follows:

**Table 3a (2003-07 First sit pass rates overall)**

2003-4	69%
2004-5	63%
2005-6	61%
2006-7	60%
2007-8	Not yet available

**Table 3b (2006-2007 First sit pass rates by Provider)**

<b>BVC provider</b>	<b>2007 First-time pass rates</b>
City Law School (formerly ICSL)	58%
BPP London	82%
BPP Leeds	65%
CoL	66%
MMU	62%
Cardiff	60%
UWE	57%
UNN	61%
Nottingham	60%

73. Many of the students who fail first time round will pass after re-sits, which may be taken more than once. As a result of re-sits ultimate overall pass rates rise dramatically.

**Table 4a (2003-07 Post re-sit pass rates overall)**

2003-4	89%
2004-5	85%
2005-6	84%
2006-7	81%
2007-8	Not yet available

**Table 4b (2006- 2007 Post re-sit pass rates by Provider)**

<b>BVC provider</b>	<b>2007 Post re-sit pass rates</b>
City Law School (formerly ICSL)	87%
BPP London	88%
BPP Leeds	68%
CoL	90%
MMU	86%
Cardiff	89%
UWE	92%
UNN	83%
Nottingham	90%

74. We also refer to the results of our questionnaire at Annex 5. In paragraph 27, we were surprised and alarmed to see that no fewer than 49% of the respondents considered that their progress in the course was impeded by the presence of weak students who were struggling with the work. These weaknesses were a particular impediment in practical exercises such as advocacy and negotiation, according to accounts which students have given us. The presence of weak students in teaching groups on any part of the course may also have the same effect. The figure of 49% is an average taken across all the providers.

75. We have reached the very definite conclusion that the admission requirements to the course should be raised. It is not fair on the weaker students that they should waste time and money on a course which, even if they pass it, will not lead to professional advancement. Nor is it fair on the more able students that their progress should be hindered by less able students. Finally, it is in our view in the public interest that call to the Bar should unmistakably guarantee that the newly-called barrister has the knowledge and skill which will equip him or her to serve the public in any capacity to a high standard.

## 11. Raising admission standards

### Options

76. Both the Neuberger and the Wilson Reports discuss two principal ways in which admission standards could be raised: the requirement of a First or 2:1 Class Honours Degree, or the passing of an aptitude test, or perhaps both. The possibility of setting an English language test to students whose first language is not English is also considered. A simple removal of all students who do not have a First Class or 2:1 degree would have the effect of reducing the number of students by about 25%. It is a rough and ready way of cutting numbers which, in the eyes of some, is independently desirable, irrespective of student standards.

77. A variant of the proposal that there should be an absolute cut-off at the level of 2:1 – described by the Chancery Bar Association in its paper as “the bright line” – is that the regulator should have a residual discretion, in the case of students falling below it, to allow them to proceed if, in the light of all the student’s circumstances, it would be fair to do so. As we have already mentioned, this discretion is currently exercised in the case of students with Third Class degrees.

78. In the case of aptitude tests there are many possibilities, at least in theory. They could be set by the Inns of Court as a condition of joining as a student; by the BVC providers as a condition of joining the course; or by the BSB itself commissioning an appropriate organisation to set and run it. The test might or might not contain an element of law; it might or might not incorporate an English language test; or an English language test might be additional to it. It might or might not test essay-writing skills as well as set multiple choice questions (MCQs). It might or might not include interviews. And there is the question of cost: who should pay for it?

**The 2:1/2:2 cut-off**

79. For a number of reasons we do not think that students should be excluded because they have failed to get a First or 2:1 Class degree. There are many reasons why good students do not achieve a 2:1: wrong choice of degree subject, or of special subject within the course; illness or other personal circumstances affecting their performance in the examination; achievements in activities outside their academic work – debating, sport, journalism and other writing, music – which are alternative indicators of high future potential.

80. We also bear in mind that there is now a very wide range of degree courses, offered by more than 100 universities. Discriminating against holders of 2:2 degrees will provoke invidious comparisons between universities and degree subjects.

81. We also take note of the fact that a 2:2 degree is not a bar to obtaining a pupillage, even though many sets of chambers feel that they have to exclude these graduates automatically in order to cope with the sheer number of applicants. Nor, for that matter, is a Third Class degree an absolute bar. In the Table below we publish the awards of pupillage during the last 3 years accordingly to class of degree.

**Table 5.**

YEAR	FIRST	UPPER SECOND	LOWER SECOND	THIRD	OTHER
2004-5	127 (24%)	310 (60%)	73 (14%)	6 (1%)	8 (1%)
2005-6	108(21%)	329 (64%)	68 (13%)	2 (1%)	1 (1%)
2006-7	149 (30%)	296 (59%)	48 (9%)	2 (1%)	2 (1%)

82. We are not attracted to the suggestion that the regulator should be burdened with exercising a discretion in the case of students falling below the 2:1 level. Students with a Third Class degree already present difficulties for the officer who has to perform this function. Hard decisions have to be made, and there are too many borderline cases. The task would grow out of all proportion if students with 2:2s also had to be considered; and provision would have to be made for appeals.

83. On the other hand we cannot see any justification for continuing to exercise a discretion in favour of students with Third Class degrees. Our starting-point therefore is that it should be a necessary condition of admission to the BVC that a student should have a First or Second Class degree (2:1 or 2:2), pass the CPE or GDL where necessary, and pass an aptitude test.

## **12. An aptitude test for the Bar**

84. At the beginning of our discussions many members of the Group considered that, although the setting of an aptitude test was attractive in theory, in practice it would be difficult to devise one which could be examined fairly; that it would be cumbersome to administer; and that it would be expensive. Our more detailed discussions point to the conclusion that a test can be set which is fair, reliable and practical.

### **Specification for an aptitude test**

85. An aptitude test which is appropriate for the Bar must not favour or discriminate against candidates from any particular social, ethnic, national or academic background, and it must be rigorous. We would lay down the following requirements.

- (1) It must test two skills separately: analytical and critical reasoning skills, and fluency in the English language. Candidates must pass both parts.
- (2) It must be taken by all prospective BVC students, irrespective of their background.
- (3) It must be available to anyone who wishes to take it at any stage in their career after entry into university. For example, undergraduate students reading any subject, law or otherwise, should have the opportunity to test themselves at that stage, in their first year or later. Likewise, mature students who have done other work, or have taken time out from work for any reason, must also be eligible.
- (4) Candidates should be able to take the test any number of times until the pass mark is reached. Among other things this will enable candidates whose English language is initially weak to improve by further practice and study.
- (5) The test must be set at least twice a year.

- (6) It must be an on-line test capable of being taken at a number of centres within and outside the United Kingdom.
- (7) The test must be capable of being objectively marked.
- (8) The cost of taking the test must be met by the candidate. It must therefore be inexpensive.
- (9) There will be no interviews.

### **Meeting the specification**

86. We have looked in detail at two aptitude tests which suggest a model for the test we have in mind, although neither of them is an exact template: the LNAT test and the entry test for lawyers entering training in the Government Legal Service (GLS). We are aware of other types of aptitude tests also that merit further investigation and comparison.

87. The LNAT is the National Admissions Test for Law, devised by the law schools in a number of subscribing universities, initially eight. It is designed to test the aptitude of school students applying to the universities in question to read law. It is divided into two parts. The first part consists of reading ten closely-reasoned passages of English prose drawn from various writings in the humanities and from serious newspaper articles, on which candidates are asked MCQs. The second part consists of writing a short essay, which should be no longer than four pages, on one of five topics. The first test lasts 80 minutes and the second 40 minutes.

88. Professor Oliver (of University College London) and Mrs Padfield (of Fitzwilliam College Cambridge), members of the Working Group, were joined in a discussion of LNAT at one of our meetings by Dr Liora Lazarus, fellow and tutor in law at St Anne's College Oxford. The LNAT was set for the first time for students wishing to read law at each of their institutions in 2005. The first cohort to have undertaken the test is therefore graduating

this year, and it is too early to evaluate how accurate a predictor the LNAT is of performance in degree examinations. They also pointed out that in their case the aim of the LNAT is to identify the most able students who should be admitted to a limited number of places. By contrast, the purpose of the BSB's test would be to entitle all who pass, and have a First or Second Class Degree (plus CPE or GDL where needed) to proceed to the BVC, without limit on numbers, and simply to eliminate those who fail.

89. The LNAT is set by a commercial provider who is also responsible for national driving tests. The test is sat by candidates at driving test centres round the country, desks and computers being provided. The identity of candidates is checked. The MCQs are marked centrally and electronically. The questions set are regularly changed.

90. The GLS test is essentially a test of legal aptitude. Lawyers wishing to enter the GLS must possess a First or Upper Second Class degree. The test requires candidates to evaluate a complicated set of papers involving difficult facts and points of domestic and European law with a view to tendering legal advice to a government department or minister. Candidates must demonstrate a high standard of analytical skills, critical reasoning and written and oral fluency. Mr Paul Jenkins (Treasury Solicitor and Head of the GLS), another member of our Group, told us that the outcome of the test is closely monitored and it has not been demonstrated to show any discriminatory tendencies in terms of race, gender, educational or other background of the candidates. It is expensive to administer. It is estimated to cost approximately £1,000 per candidate.

91. We believe that an MCQ test similar to the LNAT would fulfil most if not all of the specifications set out in paragraph 85 above. Other tests will also be worthy of comparison and consideration. If the test concentrated exclusively on multiple choice questions ('MCQs') it could be marked

electronically. The short essay element should in the case of the BVC test be substituted by a second test designed to assess the candidate's fluency in and understanding of the English language. This part of the test could be built upon the IELTS, which overseas BVC students must already undertake and achieve a standard of 7.5. However the experience of some of our members shows that a 7.5 score in the IELTS does not indicate the level of fluency which we think is necessary. The BSB should, in our view, engage consultants to advise on the correct format and level of both elements of the test; and it could if it wished run it as a voluntary pilot test for the BVC intake for 2009.

92. We have discussed the possibility of instituting such a test with the provider of the LNAT and are satisfied that it is feasible. The cost of LNAT is estimated to be not more than approximately £50 per student, but more for those taking it overseas. We do not think that this is a high price for a student to pay. In effect the test would be advisory. The student who passes will be encouraged to know that he or she has the ability to progress. Those who fail will be encouraged either to undertake further study to improve their standard, or to look for another career and not throw money and time away on the BVC.

#### **Who sets the test?**

93. The test could be set either by the BVC providers themselves, or the Inns of Court (making success in the test a condition of being admitted as a student) or the BSB. We do not think that the BVC providers should set the test. It should be a universal test set centrally. The Inns of Court already carry burdens of administration and we doubt whether they would have the capacity to take on this extra task. The BSB in our view should make itself responsible for it. How this is handled within the BSB is discussed in paragraph 151 below. It should put the provision of this test out to tender and commission the provider. For these purposes we doubt whether it

would be necessary to specify the test in much greater detail than has been set out in this Chapter, reinforced by advice from consultants. The exact content of the test will be a matter for further discussion in the light of tenders received. It should be calibrated against the exit standard which we discuss in Chapter 15 below.

94. When prospective students apply either for membership of one of the Inns, or to be admitted to the BVC, they will have been informed of the necessity of taking the test and, as far as the BVC provider is concerned, they should not be admitted unless and until they have passed it. With regard to their degree, if they do not possess at least a Second Class degree at the date of application they can at present be accepted on to the course conditionally. We would not extend that flexibility to passing the aptitude test.

#### **Impact on numbers**

95. We suspect, but cannot prove, that by raising the admission standard in this way the numbers on the course would fall, and it may be that some of the providers would discontinue their course. We doubt however whether the numbers would ever fall to a number equal to the number of pupillages available and it will continue to be necessary, as we point out later in this Report, to give students early and express warnings about the difficulty of becoming a pupil, however able the student may be.

### **13. Course content**

96. It would not be surprising that a course devised some 10 years ago needs to be adapted to bring it into line with current legal practice. Apart from changes in practice, another major change has occurred: the requirement that pupils and newly-qualified practitioners must continue to undergo formal training in a number of defined practice areas in addition to the training provided in pupillage. This latter change enables the BSB to spread the load of formal training more evenly, and relieve the BVC of its role as the sole source of formal instruction.

97. We have assessed the current course in the light of these considerations. We have also paid close attention to the comments of the providers' teaching staff, students, ex-students and pupil supervisors; and we have exercised our own judgment.

98. The course is in our view fundamentally sound. To bring it up to date, and to eliminate some of the weaknesses exposed by experience, we propose amendments to the Golden Book. We have drafted a suggested revised version, and have taken the opportunity to set out its requirements in what we hope is a better sequence. We call this new text "The BPTC Handbook". It is submitted with this Report.

99. We have not been able, in the time available, to review the optional subjects. We received very few comments, adverse or favourable, on the options except from some of the Specialist Bar Associations, who would like to make changes. The Chancery Bar Association proposed new options. We recommend that the BSB should consult practitioners in specialist areas of practice on the existing and other potential options.

100. Otherwise, our detailed recommendations are set out in the new draft Handbook. In this Chapter we summarise our views on what should be retained, what should be changed, and our reasons.

### **Professional ethics and conduct**

101. The Neuberger Report (see paragraph 69 above) stressed honesty and integrity as the cardinal qualities of the barrister. At present BVC students are instructed in professional ethics, with particular reference to the Code of Conduct, but are not formally assessed separately in the subject. The practice is to insert professional and ethical problems into other exercises – advocacy, opinion-writing or advising in conference for example – and to award separate marks to the students who can spot and deal with the problem. Those who do not may be heavily penalised.

102. In our view this practice does not sufficiently emphasise the importance of professional ethics. We recommend that it should be introduced as a separate formally taught and assessed subject. The teaching should not solely focus on the Code of Conduct. The main function of the teaching should be to enable the student to understand the profession's sense of values, the overriding importance of the interests of the client, and the barrister's duty to the court.

103. There is no reason why difficult problems should not still be woven into the teaching of other subjects but its introduction into the summative assessment in other subjects may have a distorting effect on overall grades.

### **Legal research**

104. The purpose of teaching legal research is to enable students to learn the way in which practitioners use legal materials and consult sources. the use of the word "research" in this context is different to the way in which it is used in an academic context. Students come to the course well-versed in

the use of electronic materials and student textbooks, but most of them have little or no experience of practitioners' textbooks or the use of a fully-equipped practitioners' law library.

105. It continues to be important that students should be fully instructed in how to access legal materials necessary for practice. We do not however think that it is helpful to set it as a subject for examination. The correct approach in our view is that students should, at the beginning of their course, be given a full introduction to the entire range of sources of legal information which practitioners must and do have at their disposal – electronic and paper-based. It should be expected, in the other exercises which they undertake, that they have properly surveyed the range of legal material relevant to those exercises.

106. Our views are reinforced by the comments which many students and some teachers have made about the difficulty of devising a formal examination in the topic. With some providers students are apparently expected to demonstrate not only that they have consulted all the authorities relevant to a particular problem but that they have done so in a particular sequence, irrespective of the sequence which they in fact followed. The students are not attracted by this artificiality. Nor are we. We doubt whether there are many practitioners who, case by case, consult their sources and materials in a set pattern. Different lawyers approach legal problems in different way. Lateral thinking and innovation should be encouraged provided, of course, that it arrives at the correct destination at the end. These qualities, in our opinion, are best demonstrated in performance in the other exercises rather than as a separate test.

107. Accordingly we recommend that Legal Research be deleted as an examined subject.

**Civil litigation, evidence and remedies**

108. As with criminal litigation and sentencing, it is our view that every student must possess a basic understanding of the way in which civil courts function. The fact that they might, in pupillage or in practice branch off in a specialised area is irrelevant at this stage. Moreover we think that it would be unwise to give students at the BVC stage the option to do so, when so few of them have arranged pupillage during the BVC year.

109. The form and content of the Civil Litigation and Remedies course is in our view satisfactory. The exercises which are set for the students are appropriate at this stage in their development. We would make one or two modifications.

110. Since the Golden Book was established judicial review has assumed importance in a great many areas of practice. It should now be included in the syllabus. On the other hand there are some more obscure areas of the Civil Procedure Rules (such as service of process outside the jurisdiction) on which students can become better informed (if they need to be) during pupillage. The course should concentrate on main stream civil process in the High Court and the County Courts including, as at present, the all-important topic of costs.

111. We have also considered whether alternative dispute resolution and mediation should be included in this paper; but for reasons which we explain below it should form part of a new subject which will broadly embrace all available methods of settling disputes away from the court.

**Criminal litigation, evidence and sentencing**

112. We have said that this course too must be taken by every student. We recognise the difficulty in framing this course, because criminal procedure, especially the treatment of juveniles, is constantly being changed

by Acts of Parliament. It is important to concentrate on the more enduring and fundamental features of criminal process and not be distracted by ephemeral changes.

113. We recommend that the content of the course should be adjusted and that its contours are more clearly delineated. The syllabus should not be too detailed and should be regularly reviewed. Sentencing should be given proper prominence.

### **Advocacy**

114. The Elias Committee recognised that this was the most important part of the course. Written advocacy (skeleton arguments and written submissions) has assumed much greater importance since the Golden Book was prepared. Great weight should continue to be given to Advocacy, both written and oral, as at present.

115. Oral advocacy should be delivered only by teachers who are trained by the ATC and should be delivered by the Hampel method. At present not every provider faithfully follows this method. Assessment should also be rigorously carried out and moderated.

### **Opinion-writing and Drafting**

116. The exercises set for these two subjects are in our view appropriate and teaching is delivered at the right level. We do not suggest any changes to this part of the course.

### **Fluency in English**

117. It is in the areas of Advocacy, Opinion-writing and Drafting that the lack of fluency in English becomes conspicuously apparent in the case of some students. We have already said that the linguistic competency of some students falls well below the standard to be expected in any

profession. The instruction in these subjects must pay close attention to high standards of English.

### **Advising in conference**

118. Some students and practitioners have commented that the teaching of conference skills is best delivered during pupillage and has no real place on the BVC. We do not agree. Most BVC students are recently arrived from university. Few of them have any experience of dealing with members of the public. Unless they have done mini-pupillages or *pro bono* work they will have no understanding of how to deal with clients with backgrounds and personal experiences which are entirely different from their own.

119. The delivery of instruction in, and assessment of, advising in conference depends upon role-playing exercises; but that does not in our view detract from its importance. The point was made in discussion with the BSB's Consumer Panel that there is considerable benefit to be gained from engaging members of the public in the teaching of this subject. Practical training is normally conducted with one student playing the role of the barrister and another playing the role of the client. Actors are normally engaged for the summative assessment.

120. We recommend that appropriately recruited members of the public should participate in the delivery of this course and provide feedback to students as informed observers. The training and provision of feedback to students by lawyers alone may lose sight of some important perspectives.

### **Negotiation**

121. This element of the course has received the strongest and most frequent criticisms, and rightly so. The exercise is conducted in an artificially-created environment in which opposing counsel are briefed to negotiate a settlement with each other. They are encouraged to draw up a

plan or strategy, which in the case of some providers is itself marked, and then hold a discussion in which they are expected to reach some kind of settlement of their case. We have watched DVD recordings of two of these encounters, and one of our members on our behalf viewed a large number.

122. It is in our view impossible in role-play to replicate the pressures, clash of personalities and clash of interests which are at large in a real-life negotiation. The course of negotiation is rarely predictable and it rarely proceeds in a sequence of ticking boxes. Negotiation is constrained by the scope of the instructions received from the client, to whom it is necessary continually to refer back. An abstract exercise is, in our opinion, pointless.

123. We should also record that the differing quality and abilities of students comes to the surface, we are told, most markedly in the negotiation exercises. The more able students in this context report that they are severely disadvantaged if they are attempting to negotiate with a fellow-student who is struggling to understand the point in issue and put up a good case for his or her side.

124. As a subject for separate assessment this topic should in our opinion be dropped. Negotiation should be merged with a new paper: Resolution of Disputes out of Court.

### **Resolution of Disputes out of Court**

125. Mr Michel Kallipetis QC and Mr Paul Randolph, who are acknowledged experts in the field of mediation, and others, have stressed the importance which is now attached to the process of mediation. Civil practitioners are expected to consider the possibility of mediation in every case. They are urged by the courts to encourage their clients to mediate before cases are brought to trial. Many cases are now settled by this process.

126. Mediators undergo special training, and insofar as counsel become involved in the process on behalf of clients, the role they play and the style they have to adopt is entirely different to the conduct of a case in court. We do not suggest that BVC students should undergo any formal training as mediators, or as counsel in mediations, as part of their course; but they should be instructed in the process of mediation, how it is carried out and what it is capable of achieving. It is a feature of the legal landscape, even in some areas of criminal litigation such as victim compensation and asset-recovery, which cannot be ignored.

127. Much as we would have wished, we do not think that the BVC could accommodate instruction in the process of mediation by itself. There are other methods of dispute-resolution, arbitration and expert-determination being but two. We also think that some basic instruction should be given to students in these topics. And this brings us back to the subject of negotiation.

128. The Harvard Law School has developed a mature course in the teaching of negotiation as one of the possible strategies for settling disputes out of court. It does not depend upon artificial role-play but takes instruction in negotiation as a serious process which has to be learned. It is referred to in the Wilson Report, but we have not had the opportunity to study it. From what we have been told we believe that it may well suggest the materials for this part of the new subject.

129. We recommend that a new subject should be introduced covering the broad area of out-of-court settlement resolution of disputes.

**Other possible topics**

130. Other possible topics have been suggested for inclusion in the BVC. The Wilson Report recommended forensic accounting and office management. Money-laundering has also been suggested. We do not think that these additional subjects could be introduced into the course within its present time frame, and it would involve extra costs. These are subjects which, in our opinion, are best-suited for inclusion in the immediate future in the pupils' training course after the BVC.

#### 14. Standard of teaching

131. The general standard of teaching the course is, in our opinion high. This judgment is supported by the annual monitoring reports which have been returned to the Bar Council and the BSB over the years. In every teaching institution there are of course some weak members of staff, and some stars. But the system of staff training, staff support and staff re-training which the providers have been requested to put in place by the regulator has had its effect.

132. We note that in our questionnaire most of the students broadly share our view, although in some cases the verdict is not always as complimentary. But in this instance we prefer the evidence of our own observations and that of the regulator's independent observers.

133. We are also very impressed with the standard of physical accommodation and library and IT facilities which are made available. They much exceed the standard provided for postgraduate students in many other disciplines.

134. The level of student support, particularly for part-time students, varies from provider to provider. In some cases a very high standard of careers' advice is given, (as also provided by the Inns of Court), and there is ready access to experience in *pro bono* work. Each provider has a system of student representation but in some cases students have complained that meetings are infrequent and their voice is not regularly heard.

135. All of these matters are regularly picked up and commented upon during the annual monitoring visits carried out by the regulator. We do not think that it is necessary for us to make any specific recommendations on

any of these issues. We are sure that the BSB will wish to continue the monitoring system which seems to have been successful to date.

## 15. Method and standard of assessment

136. This Chapter addresses three complex questions.

- If the successful student is to be described as “Competent” (or better) how is competence measured?
- What is the best method of assessing competence in the knowledge-based and skills-based parts of the course?
- Should the final examination, or any part of it, be set and marked centrally?

### Competence

137. In Chapter 10 (paragraph 71) above we referred to the unfavourable impression which the work of some students made upon us. In the Neuberger Report it was said that students who had passed the course at the basic level of “Competent” were not viewed as competent by practitioners: (see paragraph 165 of that Report.) We support that view.

138. The problem originates in the criteria by which students’ work is judged. We discussed in paragraph 57 the distorting effect of applying to what is essentially a professional training course the academic criteria inherent in the course descriptors which have been developed by the QAA for an entirely different purpose. Under the present system a piece of work which attracts 50% marks is classed as Competent even though by definition a significant proportion of the work is below that level. While that may be a reasonable method of judging academic work it is not in our opinion appropriate for professional work.

139. What counts as “Competent” in a professional context must in our view be judged from a professional point of view. A piece of work may be said to be competent, whether it is oral advocacy or written work, if it is good

enough potentially to merit payment. A pupil supervisor might apply a slightly lower standard to his or her pupil: if the work is in writing, it will be competent if it provides the supervisor with material which, subject to refinement and the correction of minor errors, can be used as the supervisor's own product.

140. Translating this into more precise language, work in our opinion is competent if it is accurate, comprehensive, expressed in clear language which is grammatically and syntactically correct, and well laid-out so that it would command the respect of a professional reader – judge, instructing solicitor or opposing counsel. It must address and promote the client's interests so far as that is possible. Errors must be limited to minor errors. The work is not to be judged by the standard of a barrister who has had several years' experience of practice. It must be a recognisably professional piece of work offered by a newly-called barrister. In quantitative terms that indicates a standard well in excess of 50%.

141. With this in mind we have diverged from the language of the QAA course descriptors, used in the Golden Book. Paragraph A2.1.4 of the draft Handbook sets the new standard which in our view is well within the grasp of the providers' current teaching establishment.

### **Method of assessment**

142. The criteria which we have defined above are more applicable to the skills-based parts of the course rather than the knowledge-based parts. The skills-based parts can continue to be taught and assessed as they are at present, but by reference to these more stringent standards.

143. With regard to the knowledge-based areas of the course the method of assessment varies considerably between providers. Some favour MCQs, others Short Answer Questions (SAQs), and others a mixture of the two.

144. In favour of MCQs in a subject such as civil or criminal procedure, it can be argued that this type of test can cover a very wide range of knowledge. Despite claims made to the contrary, the MCQ tests which we have seen are essentially tests of memory; but practitioners do need to maintain a basic store of procedural knowledge in their memories even though they will regularly, in practice, need the comfort of checking the relevant source materials. This type of MCQ test does not however go far beyond a memory test, and some of the material which has to be memorised is not of the highest significance.

145. The SAQs by contrast require more analytical skills. Two providers test civil procedure solely by this method, giving the students a single case study which has to be carried through from pre-action protocols to judgment, costs and enforcement. The subject in one case is taken by the open-book method, that is to say the students can take the appropriate textbooks with them into the examination room. The disadvantage of this method is that it focuses on a too narrow knowledge base. We are most attracted by the method adopted by one provider which combines both MCQs and SAQs in the knowledge-based papers. We did however notice that, on the whole, students obtained a higher score with the MCQs than with the SAQs. Both sets of marks were combined and averaged and it was noticeable that a high score with the MCQs could place the student in the Competent or Very Competent category even though the SAQs alone were well below that standard.

146. Our recommendation is that in the knowledge-based parts of the course, students should be examined by a mixture of MCQs and SAQs and that they should achieve the pass mark in each part of the paper. This will apply to the Civil and Criminal Litigation papers and the new knowledge-based papers which we recommend: Professional Ethics and the

Resolution of Disputes out of Court. These last two subjects could not, in our opinion, possibly be examined by MCQs alone. The pass mark for MCQs should be not less than 65%.

### **Central assessment**

147. Both the Neuberger and the Wilson Reports contain recommendations that the final examinations should be set and marked centrally. This would have the benefit of ensuring a common exit standard across all the providers.

148. We agree that, so far as possible, papers should be set and assessed centrally for the reason given; but we do not think that it is feasible to apply central assessment across the entire course.

149. The most obvious case for this treatment are the examinations in the knowledge-based parts of the course. The same MCQs and SAQs can be set to all students on the same day and marked according to a commonly agreed set of marking matrices. MCQs could be marked electronically. The options are also potentially capable of being set and assessed centrally.

150. In the skills areas the exercises themselves could be set centrally, but assessment in some cases is much more difficult. Advocacy exercises and conferencing can only be judged *in situ* over a period of time. The exercises themselves could be set centrally. While it might be argued that each student should be assessed by two examiners, one from outside his or her BVC provider, such a system would in our view complicate the administration of the examinations and distinctly add to their cost. In the skills areas such as advocacy and advising in conference we do not think that the BSB can go beyond establishing a framework for a common set of exercises and a common marking scheme.

**Board of Examiners**

151. To carry into effect the proposal that examinations should be centrally set and marked the BSB will have to set up a central Board of Examiners or similar body to oversee the process. The Board should contain a mixture of experienced practitioners who will have a good sense of the level and type of problems which should be set, persons with experience of Examination Boards, and representatives of each of the BVC providers. It would be necessary to have sub-groups to deal with each of the papers. This Board could also take responsibility for the aptitude test discussed in Chapter 12 above.

152. Centralisation will emphasise the importance of external examiners, especially in the SAQs, opinion-writing and drafting, advocacy and advising in conference. A strong and active body of external moderators will also be required; but centralisation should simplify the work of the moderators.

## **16. Duration and cost of the course**

### **Duration**

153. A number of students and at least one of the Inns of Court have argued that, at any rate for the most able students, the course should be very much shorter; and that, if it were shortened, its cost would be greatly reduced. Both the Wilson and the Neuberger Reports supported the current 32 weeks.

154. We do not think that the course, either in its original form or as revised by us, can be delivered in much less time than it currently takes. In most of the areas of study students are being introduced to new knowledge and new skills. The acquisition of the skills, notably advocacy, requires practice if students are to reach the standards required by us. Three formal assessments take place during the year in that subject alone. Our preference is to keep the course as long as it is and, wherever possible, to intensify the work.

155. There is however a purely administrative benefit to be gained from reducing it from 32 to 30 weeks so that it starts in late September/early October. In some cases providers have to accept students on a provisional basis, pending confirmation of their degree results, which may be delayed until September. This uncertainty can be removed by delaying the start for a fortnight.

156. Accordingly we recommend that the course be reduced by no more than 2 weeks from 32 to 30.

### **Costs**

157. One of the reasons why the cost of the course is as high as it is is that the providers incur considerable expense in complying with the

requirements of the Golden Book: see paragraph 17 above. We draw attention to two elements of cost in particular: the staff:student ratio, and the provision of books.

158. A high staff:student ratio is necessary if teaching is to be delivered in small groups. It is the unanimous view of observers who attend the monitoring visits, of students and of the members of this Group that small group teaching is by far the most effective method of delivery. Large group sessions have value in disseminating broad and basic information at the beginning of the course. But their value is limited. We do not propose any changes to the staff:student ratio.

159. The question of books is different. All the providers have well-stocked libraries, their holdings having been prescribed in the Golden Book to a level of detail which has surprised some of the members of the Working Group. The holdings include large number of textbooks in the specialist options and many runs of specialist law reports and journals. The cost of maintaining these libraries, together with the sets of books provided to each student, is considerable.

160. We think that a review of the requirements for books is overdue. The BSB should convene a meeting of course tutors and their librarians to analyse how many of the works currently prescribed are in fact used, and how often. While a substantial library, based on practitioners' books, should be maintained, it may be possible to switch to on-line sources for some of the less-frequently consulted works. The review may also indicate that some of the prescribed books, either because they are out of date or because they have been superseded by better works, can be dropped altogether. It must not however be thought that this exercise will, by itself, have a great impact on the providers' overall costs.

161. While recognising the burden of these costs we also think that the level of the fees needs to be openly discussed. Fees for the BVC may be compared with fees charged for graduate courses in business studies and the sciences, which are in the range of £8,000 to £12,500 a year. But, given the closely prescribed level of resources which all providers must meet, it might be thought surprising that fees should fluctuate between providers as much as they do. The fees charged for the year 2007 to 2008 are as follows.

**Table 6a**

<b>BVC provider</b>	<b>£ (for Full time study 2007-08)</b>	<b>Total (£)</b>
BPP London	12,995 including 295 fee	12,995
City Law School (formerly ICSSL)	12,770 including 295 fee	12,770
CoL London	12,080 including 295 fee	12,080
BPP Leeds	10,995 including 295 fee	10,995
CoL Birmingham	9,900 including 295 fee	9,900
Nottingham	9,675 including 295 fee	9,675
UWE	9,435 including 295 fee	9,435
Cardiff	8,500 plus 500 materials & 295 fee	9,295
UNN	8,995 plus 295 fee	9,290
MMU	8,705 including 295 fee	8,705

**Table 6b**

<b>BVC provider</b>	<b>£ (for Full time study 2008-09)</b>	<b>Total (£)</b>
BPP London	14,150 plus 345 fee	14,495
CoL London	12,930 plus 345 fee	13,275
City Law School (formerly ICSSL)	13,250 including 345 fee	13,250
BPP Leeds	11,500 plus 345 fee	11,845
CoL Birmingham	10,500 plus 345 fee	10,845
Nottingham	10,195 including 345 fee	10,195
UWE	9,775 plus 345 fee	10,120
MMU	8,950 plus 345 fee	9,295
UNN	9,155 including 345 fee	9,155
Cardiff	9,000 including fee	9,000

162. After consulting the providers we attempted to estimate the gross profit which a provider might achieve, according to the number of students registered. Our figures are tentative, and depend upon a number of variables such as the cost of accommodation, central administration and other similar overheads which will differ according to the status of the provider. It may for example be a university department or sub-department, or a commercial organisation. It should also be noted that providers outside London are required to provide travel costs to students to the Inns three times per year.

163. What is to be regarded as 'profit' depends to a considerable extent, of course, on the way in which many figures are treated for accounting and financial reporting purposes. We are not able to make an objective or thorough analysis on these matters. Our impression, however, is that a class of 100-120 students @ £10,000 each will yield a modest profit to the provider. But costs do not increase proportionately to the number of students registered. A cohort of 400 students @ (say) £12,500 produces a turnover of £5m, which is likely to show a much more attractive return.

164. We have not reached any definite conclusion on these costs, and do not want to give the impression that the fees charged by any provider are, in our view, excessive. We do however think that, as part of the forthcoming re-accreditation exercise, providers should be asked to state what fee they propose to charge and to explain how it is arrived at. They should also explain the criteria they would apply in increasing their fees. We make this recommendation for two reasons.

165. First, Bar students should not be charged a fee which is unfairly high. For the protection of students the BSB should satisfy itself that providers are not making unreasonable gains from the BVC.

166. Secondly, students are not the only party interested in the level of fees. Each Inn of Court awards around £1m a year, through its scholarship scheme, in supporting students through their BVC year. The monies are derived from the Inns' charitable funds. Each of the Inns is committed to expanding these funds. Other methods of subsidising Bar students, or those most in need of subsidy, are being explored by the Bar Council. The charging of excessive fees could lead to a breakdown in the relationship between the providers and the Inns and other prospective benefactors.

#### **The Bar Standards Board's surcharge**

167. For each student registered the provider pays to the Bar Standards Board a fee of £295 which is intended to defray the cost of supervising the course. The fee then becomes an additional charge which is passed on to the student. It is due to rise to £345 in September 2008. Whether or not the fee, in the hands of the recipient, is hypothecated and devoted to its intended purpose, it is a charge which in our view should not be made. Its effect is to make every student a subscriber to the Bar Standards Board for his or her BVC year. The cost of overseeing the course should in our view be borne by practitioners, not students.

**Conclusion**

168. Our conclusion on this difficult and contentious topic is as follows. We do not think that the course can be delivered effectively in less than 30 weeks. If the new entry requirements which we propose have the effect of raising the general calibre of students that should enable the teaching staff to intensify and raise the quality of the training which they deliver. It will not open up the possibility of a fast track. This necessarily means that the course will continue to be expensive, although it may be possible to make some savings in cost which should be passed onto the students. Course providers should be required to explain to the BSB how they arrive at the actual fee charged so that the BSB can be satisfied that the level of fees is fair and reasonable.

**PART C**

**OTHER RECOMMENDATIONS**

## **17. Other recommendations**

169. This Chapter contains further recommendations which we would like to make to the BSB and the Bar Council.

### **Health warnings**

170. We wish to reiterate as strongly as we can the point that prospective students must be given the most explicit warnings about the scarcity of pupillages. A standard single-page document should be drawn up by the BVC providers and the Inns of Court in collaboration which should be issued to every student applying either for membership of an Inn or to join the BVC, on-line or otherwise, so that no-one can complain that they have misunderstood the position.

171. The Neuberger Report contained a recommendation that each provider should separately state the success-rate among their students over the past 3 years in obtaining pupillage. We would not go quite that far because it might give the misleading impression that success in obtaining pupillage depends wholly upon the particular course which the student attends, and it might lead to a system of league tables which we consider undesirable. The award of pupillage mostly depends upon the students' entire career, including his or her academic career. Where an application for pupillage is made after graduation from the BVC the grade – Competent, Very Competent or Outstanding – will no doubt be taken into account; but we doubt whether a chambers' pupillage committee will be much influenced by the particular course attended.

172. We do however agree that aggregate figures for the past 3 years should be published, with an indication of the distribution of pupillages between the independent Bar and the employed Bar.

**The BVC and the practising Bar**

173. We sense that a gulf of misunderstanding has grown up between the practising Bar and the BVC. The impression persists among many practitioners that the BVC is flawed in most or all of the ways described in Chapter 5. We have the impression that the profession has become disengaged from the course which trains its recruits. Indeed many members of the Group would readily confess that they were not at all acquainted with the course until they embarked upon this review. In truth the course should belong to the profession as much as it belongs to the providers. If practitioners were more willing to take responsibility for it they would, we suggest, be more satisfied with it and there would be fewer complaints.

174. There are various ways in which the Bar Council can encourage closer engagement between the two sides. First, the existing panel of practitioners who are willing to serve on the regular annual monitoring visits or as external examiners needs to be expanded. Sometimes BVC providers are let down by their external examiners, and some monitoring visits in the past have taken place without the practitioner representative. It is in our view critically important that experienced practitioners should see what students are being taught and how they are being taught.

175. Secondly BVC providers have told us repeatedly how much they value the voluntary contributions made by practitioners and judges when they attend sessions, acting as judges in advocacy exercises, or giving careers or other similar talks. These visits provide a valuable point of contact not only for the students themselves but also between providers and practitioners. These contacts should be supported by practising members of the bar at every centre at which the course is delivered .

176. Thirdly we have recommended that the BSB establishes a Board of Examiners or a similar body in which experienced practitioners should play a central role.

177. Fourthly there is an important area of engagement between BVC providers and pupil supervisors who receive and have to continue the training of students graduating from the course. The meeting which we held with pupil supervisors was very illuminating and offered us some good insights into the work of the providers. A forum of this kind should be formally constituted.

178. We are confident that there are many other ways in which better understanding between the practising Bar and BVC providers can be promoted. During a visit, by some members of the group, to the Ecole Formation des Barreaux in Paris we were impressed, and not a little embarrassed, to learn that the voluntary contribution which the practising Bar and Judiciary in Paris make to their Bar School is substantially responsible for the fact that a very high quality course is delivered at a cost of less than 10% of the English equivalent. Equally noteworthy was the fact that 57% of the Paris Bar School's costs were met by the profession.

### **Access to the Bar**

179. Finally, we return to the underlying concern of the Neuberger Report. It must surely be obvious that if the course is to continue to be a 30-week course, as we think it should, so that the level of fee remains roughly where it is, some of the most able university graduates, especially those from less well-off families, will find that they simply cannot afford to read for the Bar. The members of this Group who have experience in the universities confirm that it is becoming more and more difficult to persuade the very best students, who possess all the attributes necessary to succeed at the Bar, to submit themselves to the financial sacrifice and risk involved when they can

be assured of a seemingly safe and secure future in solicitors' firms or other professions.

180. While the numbers of students are dauntingly high, and the standard of some of them is poor, it is difficult to persuade the practising profession to make itself financially responsible for training. The contribution made by the Inns is significant but it is, in the end, no more than 20% of the total annual amount which the BVC providers turn over in fees. We understand that the Bar Council has the implementation of the Neuberger Report under active consideration. The raising of admissions standards might reduce the number of Bar students to more manageable proportions. However that may be, unless and until the profession collectively can find a solution to the cost of reading for the Bar, the problems of access, diversity and equality of opportunity will not be solved.

## **Annex 1: Members of the BPTC Working Group (24 October 2007 – 3 July 2008):**

Derek Wood CBE QC (Chair)	Practising barrister, former Principal of St. Hugh's College, Oxford
Alan Bates	Practising barrister, member of the BSB's Education and Training Committee
Nigel Cooper	Practising barrister, member of the BSB's Education and Training Committee
Edwin Glasgow CBE QC	Practising barrister, former Chair of the Advocacy Training Council
Annie Hitchman	Lay member of the Education & Training Committee of the BSB
Paul Jenkins	Barrister, Treasury Solicitor and Head of the Government Legal Service
Paul Kirtley	Practising barrister, Vice Chair of the Remuneration Committee and Public Affairs Committee
Peter Lodder QC	Practising barrister, member of the Bar Council and Vice-chair of the Criminal Bar Association
Professor Dawn Oliver	Barrister, Dean of the Faculty of Law, University College London
Nicola Padfield	Barrister, Senior Lecturer, University of Cambridge and Fellow of Fitzwilliam College, Recorder, member of the Advocacy Training Council
Belle Turner	Practising barrister, member of Bar Council & FLBA Committees
James Wakefield	Barrister, Head of Staff & Curriculum Development, Nottingham Trent University
Rt. Hon. Lord Walker of Gestingthorpe	Lord of Appeal in Ordinary
James Willan	Practising barrister
Dr John Carrier	Chair, Education & Training Committee of the Bar Standards Board (observer)
Dr Valerie Shrimplin	Head of Education Standards, Bar Standards Board
Cordelia Lean	Education Officer, Bar Standards Board

## **Annex 2: BVC Review Working Group: Terms of Reference**

### **Description**

The Working Party is set up to conduct the review of the Bar Vocational Course Specification Requirements and Guidance

### **Functions/ responsibilities**

It is proposed that the BVC Review Working Party will have the following terms of reference:

- a To consider whether the BVC as it is currently arranged and delivered provides the most appropriate method of training for students who wish to be called to the Bar, taking account of the work carried out by other committees commissioned by the Bar Council to investigate these matters, and to make recommendations to the Education & Training Committee of the BSB.
- b To consider and make recommendations on the following issues:
  - 1. the content of the course and whether it provides the most appropriate preparation for pupillage and early career barristers;
  - 2. the standard of entry required of students undertaking the course;
  - 3. the standard and method of teaching of the course and whether it represents value in terms of the students' investment of time and money;
  - 4. the standard which candidates must achieve to pass the course;
  - 5. the manner in which students' work is assessed, bearing in mind that each course-provider sets, marks the work and arranges for the moderation of the assessment of its own students;
  - 6. the cost of the BVC and its effect on access to the Bar and equality of opportunity and diversity;
  - 7. the numbers of BVC graduates, in relation to the available number of pupillages, and the transferability of the qualification of barrister in the employment market;
  - 8. the risk and uncertainty of the outcome of the education and training process, in that substantial investment is allegedly required on the part of students without full or any information about their career prospects;
  - 9. the alleged deficiencies in the skills which BVC graduates ought to have acquired during the course;
- c To discuss and make recommendations on the process for selection of training providers
- d To ensure that the review is completed by Spring 2008
- e To arrange for publication and circulation of Guidance and requirements for (re)validation (secretariat)

### **Reporting to:**

The Education & Training Committee (Bar Standards Board and BVC Sub Committee to be kept informed. Final report to BSB)

**Date of approval of terms by Education & Training Committee:**

4 September 2007 (in draft form)

**Date of approval of terms and membership by BSB:**

1 November 2007

## **Annex 3 - List of Consultees**

### **Bar Standards Board Committees**

BSB  
BVC Sub Committee  
Education & Training Committee  
Equality and Diversity Sub Committee

### **Bar Council Committees**

ADR Committee  
Employed Barristers Committee  
Equality and Diversity Committee  
Training for the Bar Committee (Richard Wilson)  
Young Barristers Committee

### **Inns of Court**

COIC  
Lincolns Inn Education Committee  
Lincoln's Inn Student Activities Committee  
Inner Temple Education Chairmen  
Inns Senior Executives meeting  
Inner Temple Cumberland Lodge Pupillage Advocacy Training Weekend  
Inns Student Officers  
Middle Temple Education Committee  
Middle Temple Dinner  
Middle Temple, Residential Weekend at Cumberland Lodge  
Gray's Inn Education Committee  
Gray's Inn Pupils

### **Providers**

BPP Leeds (management, staff, students)  
BPP London (management, staff, students)  
College of Law London (management, staff, students)  
College of Law Birmingham (management, staff, students)  
Cardiff Law School (management, staff, students)  
Inns of Court School of Law (management, staff, students)  
Manchester Metropolitan University (management, staff, students)  
Nottingham Law School (management, staff, students)  
University of Northumbria (management, staff, students)  
University of West of England (management, staff, students)  
BVC Providers meeting at Bar Council (also conference July 2007)

## **Specialist Bar Associations**

Administrative Law Bar Association  
Bar Association for Commerce, Finance & Industry  
BSB Consumer Panel  
Chancery Bar Association  
Criminal Bar Association (via vice Chair as member of group)  
Family Law Bar Association  
London Common Law & Commercial Bar Association  
Personal Injury Bar Association Annual Conference  
Tech Bar

## **Others**

Ecole Formation des Barreaux, Paris  
Pearson Vue (providers of LNAT testing)  
Pupil Supervisors, Circuits and others  
QAA Round table discussion on 'UK Masters: 2010 and beyond' (Universities UK)  
Standing Conference on Legal Education, Ministry of Justice  
UKCLE Conference Warwick

## **Written comments and papers also received from**

David Blunt QC  
Professor Andy Boon  
Cardiff Law School  
College of Law  
James Carr  
Chancery Bar Association  
Family Law Bar Association  
King's College, London  
Dr Rupert Macey Dare  
Manchester Metropolitan University  
Jennifer Meech  
Dianne Murphy  
Sam Skinner  
University of Northumbria  
Young Barristers Committee

## **Annex 4 – List of evidence and research underpinning the review**

### **Key earlier consultations and papers**

Bar Council Consultation (chairman Collyear) 1998  
Bar Council Consultation on the BVC (chairman Professor John Bell) 2005-6  
Bar Council's Training for the Bar Committee (chairman Richard Wilson QC) April  
Entry to the Bar Working Party (chaired Lord Neuberger of Abbotsbury) 2007.  
Professor Andy Boon 'A new scheme for the BVC' July 2007  
CCBE Recommendations on Training Outcomes for European Lawyers

### **BSB Internal documentation**

Annual monitoring reports of Providers  
External Examiner Reports  
Reports of monitoring visits to Providers

### **Providers' material and information**

Course documents, handbooks, teaching material and tutor notes  
Students' assessments and scripts  
Teaching observation on the BVC monitoring visits

### **Statistical Information**

Providers' data on student intake pass and progression rates:  
Numbers of students on the BVC broken down by entry qualifications (firsts, 2:1's 2:2 and other—with distinction made between law and non-law degrees);  
Outcome grades achieved by those with 2:2 degrees and other classifications);  
Outcome grades achieved by those with 2:1s and firsts;  
Outcome grades/success rates of overseas students;  
Pass rates by Provider, and analysis of entry qualifications in relation to exit standards by Provider;  
Pass rates by Provider, and analysis of entry qualifications in relation to exit standards - ie numbers of top grades in relation to entry standards by Provider;  
Analysis of degree classification in relation to pupillage;  
Evidence relating to post-BVC success rates in achieving pupillage among those with 2:2 and below;  
Analysis of qualifications of those achieving pupillage - ie place/classification and subject of first degree; by Provider of BVC;  
Success in obtaining pupillage by Provider;  
Application rates for pupillage – ie ratio of applicants to places;  
Evidence relating to equal opportunities data on BVC graduates – ie success rates in relation to socio-economic background, schooling, university, race, gender etc – and success rates of minorities in obtaining pupillage;  
Evidence relating to equal opportunities data on Practitioners at the Bar, relating to socio-economic background, schooling, university, race, gender etc;  
Evidence of demographic changes and likely fall in the number of those studying law at University over the next 10-20 years (expected decrease of 18 Year olds by 2010);  
Findings of BVC student perception questionnaire sent to current and recent BVC students.

**In house research topics**

Analysis of discussion relating to the possible imposition of a 2:1 entry requirement  
Impact Assessment on the possible imposition of a 2:1 entry requirement  
Analysis of costings of delivery of the BVC

**QAA academic infrastructure**

Benchmark statement (Law)  
Code of Conduct  
Framework for Higher Education Qualifications  
Programme Specifications

## Annex 5: Analysis of the Survey of BVC Students (March 2008)

### Executive summary:

1. A major survey was carried out that (as highlighted by Bell, Neuberger and Wilson) was essential to verify evidence obtained from other sources, discussions and written materials
2. A good response was obtained from nearly 500 current and recent BVC students, across all Providers, with a good mix of gender, academic and ethnic background
3. It is important to note that the exercise was an opinion survey and reflects only the views of the students (past and present) who responded to the survey
4. Students were asked about their views on a range of areas: overall staff academic/professional understanding of the subject; quality of teaching; time available to cover the curriculum; individual subject areas; quality of feedback on work by staff; the academic level of the training; and support, resources and facilities.
5. The majority of the areas of questioning in the survey reported on or above the threshold but there were significant areas where disapproval was expressed.
6. Overall the survey reveals positive perceptions of the BVC. Areas of most satisfaction were: clarity of the course aims; course information; the study environment; provision of learning materials
7. Areas of least satisfaction were: information on obtaining pupillage; English language support; course administration; course length; provision of social facilities
8. Two Providers fell considerably below the mean average when students were asked to evaluate their experience of 15 elements of their experience of the course
9. Students expressed particular concern about the low standard and low level of English of some students, who would have no chance of ever obtaining pupillage or succeeding in the profession – summed up by one person as '*The problem is not the course, nor the staff but the students.*'
10. Overall, it was confirmed that students were generally content with the length of BVC, the quality of feedback and skills development.

## Context

- 1 It was regarded as crucial that the review of the BVC was supported by clear evidence and reasoning for any decisions taken. In addition, the need for further research was highlighted in the reports of the Access to the Bar Working Group (chaired by Lord Neuberger) and the Training for the Bar Working Group on the BVC (chaired by Richard Wilson).
- 2 The range of statistics considered by the working group included:
  - The actual number of students on the BVC, broken down by entry qualifications (Firsts, 2:1s, 2:2 and other – with distinction made between law and non-law first degrees)
  - Outcome grades achieved by those with 2:2 degrees (and other classifications)
  - Outcome grades achieved by those with 2:1s and firsts
  - Outcome grades/success rates of overseas students
  - Pass rates by Provider, and analysis of entry qualifications in relation to exit standards - i.e. numbers of top grades in relation to entry standards by Provider
  - Evidence relating to post-BVC success rates in achieving pupillage among those with 2:2 and below
  - Analysis of qualifications of those achieving pupillage - i.e. place/classification and subject of first degree; by Provider of BVC
  - Success in obtaining pupillage by Provider
  - Application rates for pupillage – i.e. ratio of applicants to places
  - Evidence of alternative destinations of those not obtaining pupillage
  - Evidence relating to equal opportunities data on BVC graduates – i.e. success rates in relation to socio-economic background, schooling, university, race, gender etc – and success rates of minorities in obtaining pupillage
  - Evidence relating to equal opportunities data on Practitioners at the Bar, relating to socio-economic background, schooling, university, race, gender etc
  - Evidence of demographic changes and likely fall in the number of those studying law at University over the next 10-20 years (expected decrease of 18 Year olds by 2010)
- 3 Further consideration was felt to be needed in particular on:
  - the likely impact if the entry requirement was raised to 2:1
  - the relation between performance on the BVC and the likelihood of obtaining pupillage
  - whether diversity affects the ability to gain a 2:2
  - whether the imposition of a 2:2 requirement might have a negative impact on diversity and widening participation
  - the use of entrance examinations and aptitude tests, and the viability of a centralised multiple choice entry test
- 4 The Working Group addressed the above areas of research/statistical information, using BSB data and in co-operation with the providers and past and present students.

- 5 A key feature was the use for the first time of an opinion survey of current and recent BVC students. Although each provider seeks feedback from their BVC students, this was the first time that the same questionnaire had been distributed to students of all providers, making it possible to gain overall views of the course as well as enabling cross comparisons to be made between Providers.

**NB** *It is important to note that this is an opinion survey and reflects the views of the students (past and present) who responded to the survey*

### **Methodology**

- 6 An open survey of current and previous BVC students was conducted during March and April 2008. The Student Perception of Course questionnaire survey was conducted on-line, during March-April 2008, linked to the BSB web site. A total of 488 responses were received. It is significant that 69% of respondents were on the course at the time of response, the remainder being former students (since 2003). Approximately one third of respondents were from ICSL (the largest Provider).
- 7 The process was an open 'perception' survey, directed towards current and past students of the BVC. As such it is important to remember that there is no control sample and it is not possible statistically to validate the findings. The trends identified are within the group that chose to respond only. With one exception, the number of respondents was, for a process such as this, somewhat low and care should therefore be taken in the interpretation of findings to take account of any potential skewing due to the disproportionate effects of minority views within small samples.
- 8 Students were asked about their views on a range of areas, such as their views of overall staff academic/professional understanding of the subject; quality of teaching; time available to cover the curriculum; quality of feedback on work by staff; the academic level of the training; and general questions on resources and facilities available. In addition to seeking views about the course, and resources etc at each Provider, respondents were also asked for their views about the various subject included in the course (Evidence, Criminal Advocacy, Criminal Litigation, Civil Litigation, Civil Advocacy, Conference skills, Negotiation, Opinion writing, Drafting, Legal Research, Ethics, options) and how they were taught and assessed. Space was allowed for respondents to provide additional qualitative comment on their views of the BVC, which may be made available. The questionnaire is appended. Thanks are expressed to the Providers and Inns of Court for their help and cooperation in enabling the BSB to undertake the survey. Work is continuing on further analysis of the findings.

### **Profile of respondents**

- 9 There was a relatively even gender distribution among the respondents. Differences occurred among providers with lower response levels, but significance of this is low.
- 10 As might be expected, the highest number of respondents fell into the under 25 category. There was a significant number of mature students however, in line with current patterns and the general profile of students on the BVC.

- 11 The proportion of respondents with degrees of 2:1 classification of above (78.5%) was higher amongst the providers with higher returns. This is slightly higher than the overall proportion of such students on the BVC, typically 76% each year). 37.5% held Qualifying Law degrees, 37.1% had the CPE/GDL, others held the LLM or similar. The next most prevalent first degrees after law were History and English.
- 12 The majority of respondents (82%) had taken or were undertaking the course on a full time basis, but 18% were studying part time (a sufficient number of give a view of that mode).
- 13 The overwhelming majority of respondents were UK domiciled (87.5% with 2.3% EU, 9.6% non EU and .6% unknown). Two thirds of respondents (67%) identified themselves as white (UK and Ireland); 14% in ethnic minority (Asian/Black). [Others were US or European white or preferred not to say]. The overwhelming majority of respondents had English as a first language.
- 14 Summary of respondents by Provider:

BVC Provider	Number of responses	% of Total
ICSL	152	31
BPP London	79	16
BPP Leeds	20	4
CoL London	66	14
CoL Birmingham	11	2
MMU	47	10
Cardiff	26	5
UWE	26	6
UNN	21	4
Nottingham	34	7

### Findings of the survey: general

- 14 Respondents were asked to evaluate their experiences of 15 elements of their experience of the course against a 5-point Lykert scale of satisfaction. Responses were ascribed numerical values and statistical means were calculated. The raw cross tabulations are available in the data set. Responses were ascribed numerical value (1-5) and statistical means were calculated. The threshold level (i.e. the mean) was 3, indicating that any value higher than 3 represents a response set with a greater number (or weight) of positive returns. Where a variable tends towards 3 it will have a significant number of negative responses.
- 15 Whilst the majority of the areas of questioning in the survey reported on or above the threshold. However, there were significant areas where disapproval was expressed.

### Areas of highest and lowest satisfaction

- 16 Overall the survey reveals very positive perceptions of the BVC but there is a small minority of dissatisfied students in each individual category. This was most acute in information on pupillage but was significant in English language support, course length and the provision of social facilities. Two Providers fell

considerably below the mean average when students were asked to evaluate their experience of 15 elements of their experience of the course (see table at paragraph 23 below).

17 Areas of most satisfaction were considered to be:

- Clarity of the course aims
- Course information
- The study environment
- Provision of learning materials

Areas of least satisfaction were:

- Information on pupillage
- English language support
- Course administration
- Course length
- Provision of social facilities

Overall the quality of information provided on the likelihood of obtaining pupillage was the aspect of the BVC that students found least satisfactory. It is interesting that higher areas of satisfaction relate mainly to the course itself, whilst areas of least satisfaction were more related to administrative, support and social issues.

18 With regard to perceptions of teaching and learning on the BVC, the overall staff/academic /professional understanding of the subject was rated highly (average 3.8 on the scale, highest in Criminal Advocacy, Criminal Advocacy and Criminal Litigation, lowest in Negotiation and Legal Research). Quality of teaching was also rated overall quite highly at 3.76 on the scale. The perception of quality of feedback by staff was rated lower at an average score of 3.53 (the best feedback being on Criminal advocacy and the worst again in Negotiation and Legal Research. Two providers were regarded by their students who responded stating they were significantly unsatisfactory in giving feedback. The areas seen (equally) by students as most demanding academically were Criminal Advocacy, Civil Litigation Civil Advocacy and Drafting). Overall, the least satisfactory subjects (in the view of students who responded) were clearly Negotiation and Legal research.

19 Significant findings were made in relation to the question whether respondents felt that their progress was adversely affected by the learning needs of (some) fellow students. Overall, of those who responded, 49% agreed that there had been an impact - rising to 68% in one Provider.

20 Detailed analysis and findings on key areas of student satisfaction or dissatisfaction follow below.

### **Preparation for pupillage**

21 Students were asked to comment on how well they thought the BVC did (or will) prepare them for pupillage. Their answers, listed below, indicate that there is room for improvement:

	Frequency	Percent
Very well	53	10.9
Well	163	33.4
Neutral	115	23.6
Poorly	64	13.1
Very poorly	48	9.8
Don't know	45	9.2
Total	488	100.0

- 22 Out of the total of 488 respondents, 148 had secured a pupillage (30%). Of those respondents who did secure a pupillage, 4% believed that they were very well prepared and 10% thought that they were either poorly or very poorly prepared.

How well do you think the course did (or will) in preparing you for pupillage?	Have you (or did you) secured a pupillage?		Total
	yes	no	
Very well	19	34	53
Well	35	128	163
Neutral	36	79	115
Poorly	24	40	64
Very poorly	27	21	48
Don't know	7	38	45
Total	148 (30%)	340 (70%)	488 (100%)

### Overall experience by category

23

The table below indicates overall student satisfaction regarding their learning experience at each of the BVC providers:

Providers sites	Information BVC	Clarity of course aims	Induction to course	Study environment	Library facilities	Computing facilities	Learning materials	Quality of academic advice	Quality of practitioner advice	Academic support processed	English language support	Pupillage information	Quality of Social facilities	Length of course	Course administration	MEAN AVERAGES
Provider A	4.1	4.1	4.3	4.4	3.8	4.1	4.1	4.1	4.4	3.8	4.1	3.8	3.6	3.9	4.7	4.09
Provider B	4.2	4.4	4.2	4.5	3.8	4.7	4.5	4.3	4.1	4.0	3.0	2.9	4.0	4.2	4.3	4.07
Provider C	4.1	4.3	4.0	4.0	4.1	4.5	4.4	4.3	3.9	4.0	4.1	3.5	3.3	3.6	4.2	4.02
Provider D	3.9	4.0	3.9	4.2	4.4	4.3	4.2	4.2	4.2	3.8	3.8	3.0	3.4	3.7	3.6	3.91
Provider E	3.8	3.7	3.8	4.4	3.8	4.1	4.0	3.8	4.1	3.4	3.3	3.1	3.1	3.4	3.5	3.69
Provider F	3.8	3.8	3.6	4.0	3.8	3.9	3.9	4.0	4.0	3.4	3.5	2.9	3.4	3.9	2.7	3.64
Provider G	3.8	3.9	3.6	4.2	4.3	4.2	3.9	3.3	3.3	3.2	3.2	2.5	3.1	2.9	3.4	3.52
Provider H	3.6	3.8	3.6	3.4	3.2	3.1	3.4	3.7	3.9	3.5	3.5	2.7	2.8	2.9	2.9	3.33
Provider I	3.1	3.6	3.2	3.4	3.4	3.2	3.0	3.3	3.4	3.0	2.8	2.8	3.0	3.7	2.4	3.15
Provider J	3.4	3.4	3.1	3.0	3.0	3.0	3.3	3.2	3.3	3.1	3.1	2.8	2.6	2.6	3.0	3.06
MEAN	<b>3.7</b>	<b>3.8</b>	<b>3.6</b>	<b>3.7</b>	<b>3.6</b>	<b>3.6</b>	<b>3.7</b>	<b>3.6</b>	<b>3.7</b>	<b>3.4</b>	<b>3.4</b>	<b>2.9</b>	<b>3.0</b>	<b>3.1</b>	<b>3.3</b>	<b>3.47</b>

## Satisfaction rating by subject

- 24 Overall, students were generally satisfied with the training they received on the course. A detailed breakdown of satisfaction by subject is listed in the tables below. Overall, 15% of students on average expressed some dissatisfaction about the training they received in their subjects with the vast majority of students expressed some satisfaction.

A

CIVIL ADVOCACY	Frequency	Percent
Very satisfied	140	28.7
Satisfied	196	40.2
Neutral	67	13.7
Unsatisfied	41	8.4
Very unsatisfied	29	5.9
Don't know	15	3.1
Total	488	100.0

B

CIVIL LITIGATION	Frequency	Percent
Very satisfied	174	35.7
Satisfied	177	36.3
Neutral	65	13.3
Unsatisfied	34	7.0
Very unsatisfied	30	6.1
Don't know	8	1.6
Total	488	100

C

CONFERENCE SKILLS	Frequency	Percent
Very satisfied	126	25.8
Satisfied	191	39.1
Neutral	75	15.4
Unsatisfied	32	6.6
Very unsatisfied	23	4.7
Don't know	41	8.4
Total	488	100

D

CRIMINAL ADVOCACY	Frequency	Percent
Very satisfied	177	36.3
Satisfied	183	37.5
Neutral	61	12.5
Unsatisfied	46	9.4
Very unsatisfied	15	3.1
Don't know	6	1.2
Total	488	100.0

E

DRAFTING	Frequency	Percent
Very satisfied	156	32.0
Satisfied	189	38.7
Neutral	58	11.9
Unsatisfied	35	7.2
Very unsatisfied	39	8.0
Don't know	11	2.3
Total	488	100.0

F

ETHICS	Frequency	Percent
Very satisfied	100	20.5
Satisfied	199	40.8
Neutral	127	26.0
Unsatisfied	35	7.2
Very unsatisfied	16	3.3
Don't know	11	2.3
Total	488	100.0

G

EVIDENCE	Frequency	Percent
Very satisfied	188	38.5
Satisfied	214	43.9
Neutral	45	9.2
Unsatisfied	25	5.1
Very unsatisfied	14	2.9
Don't know	2	.4
Total	488	100

H

LEGAL RESEARCH	Frequency	Percent
Very satisfied	85	17.4
Satisfied	134	27.5
Neutral	121	24.8
Unsatisfied	81	16.6
Very unsatisfied	63	12.9
Don't know	4	.8
Total	488	100.0

I

OPINION WRITING	Frequency	Percent
Very satisfied	129	26.4
Satisfied	161	33.0
Neutral	89	18.2
Unsatisfied	59	12.1
Very unsatisfied	46	9.4
Don't know	4	.8
Total	488	100.0

J

NEGOTIATION	Frequency	Percent
Very satisfied	75	15.4
Satisfied	129	26.4
Neutral	84	17.2
Unsatisfied	64	13.1
Very unsatisfied	70	14.3
Don't know	66	13.5
Total	488	100.0

The mean ranking was calculated by taking the average of each of the student ratings for each aspect of the course.

#### Quality of teaching

25 The subjects rated by students who completed the survey are shown below, highest first:

Provider	Negotiation	Criminal Advocacy	Civil Litigation	Opinion Writing	Civil Advocacy
C	4.6	4.6	4.5	4.5	3.1
B	4.5	4.5	4.4	4.4	4.1
A	4.3	4.3	4.3	4.3	3.9
D	4.3	4.3	4.2	4.2	4.5
H	4.2	4.2	3.9	3.9	3.8
G	4.1	4.1	3.9	3.9	4.1
F	4.0	4.0	4.6	4.6	3.6
J	4.0	4.0	4.0	4.0	3.9
E	3.9	3.9	4.6	4.6	4.1
I	3.8	3.8	3.7	3.7	3.6
Mean average Total	4.1	4.1	4.1	4.1	3.9

Provider	Evidence	Conference Skills	Ethics	Drafting	Legal Research
B	4.2	4.2	4.3	4.0	3.8
C	4.2	4.2	4.1	3.8	3.9
A	4.2	4.2	4.1	3.7	3.5
I	3.3	3.3	4.0	3.2	3.4
H	3.7	3.7	3.9	3.4	3.0
F	4.1	4.1	3.9	3.9	2.8
G	3.7	3.7	3.7	3.2	3.4
D	4.2	4.2	3.7	3.5	3.2
E	4.4	4.4	3.7	3.3	3.1
J	3.8	3.8	3.3	3.4	3.0
Mean average Total	3.9	3.9	3.7	3.4	3.2

### Student profile - first degree or other qualifications

26 The proportion of “good” (2:1 or above) degrees is high among the providers with higher returns are as follows:

Provider	1st	2:1	2:2	3rd	Other
J	28.3%	53.9%	15.8%	0.7%	0.7%
B	27.3%	63.6%	9.1%	0	0
G	20.3%	65.8%	11.4%	0	1.3%
H	18.2%	57.6%	18.2%	1.5%	1.5%
E	10.6%	72.3%	12.8%	0	0
A	17.6%	73.5%	8.8%	0	0
C	3.8%	65.4%	30.8%	0	0
D	10.3%	44.8%	31%	3.4%	0
F	4.8%	57.1%	28.6%	0	4.8%
I	5%	50%	35%	0	5%
Other	33.3%	33.3%	33.3%	0	0

### Student perceptions of their learning experience

- 27 Significant findings were made when students were asked whether they felt that their progress was adversely affected by the learning needs of (some) fellow students, as indicated below:

Provider	Yes	No	Total
J	68%	32%	100%
F	57%	43%	100%
H	53%	47%	100%
D	45%	55%	100%
C	38%	62%	100%
B	36%	64%	100%
A	35%	65%	100%
E	34%	66%	100%
G	28%	65%	100%
I	20%	80%	100%
Other	34%	66%	100%
<b>Total*</b>	<b>49%</b>	<b>51%</b>	<b>100%</b>

Of those who answered this question, almost half felt their progress was adversely affected, rising to 68% at one Provider.

### Overall student satisfaction

- 28 A “league table” of findings would see the BVC providers ranked in the following order (according to those who responded, and noting that some samples were statistically very small):

BVC Provider Ranked Overall		Mean Ranking (out of 5)
1	A	4.09
2	B	4.07
3	C	4.02
4	D	3.91
5	E	3.69
6	F	3.64
7	G	3.52
8	H	3.33
9	I	3.15
10	J	3.06

### Qualitative comments

- 29 The vast majority of students also provided qualitative feedback in a final section where they were invited to make written comments on the BVC in general or on any other specific aspect. This generated some 52 pages of additional comments, where key themes emerged to confirm the above findings.

- Students appeared divided on whether the course should be shorter or longer (proposals for readjustment ranged from 3 months to 2 years full time), but many complained about the cost.
- Teaching quality was overall considered high with extreme forms of praise used for some tutors. However, there do appear to be pockets and individual cases of poor teaching (in the view of the students who responded).
- There is a need (and wish) for more detailed feedback on written assessments and performance in the skills areas.
- Students are generally satisfied with materials, with some exceptions such as poorly edited case studies (with incorrect dates) and assessments.
- Students are generally satisfied with accommodation and facilities. There was scarcely any mention of library resources (either positive or negative), but comments in some areas on inadequate access to computers and printers.
- With a few exceptions (mainly in the larger providers) students are satisfied with the academic and pastoral care and support provided.
- A significant number of students objected to the rigorous attendance rule.
- Students expect more help and support in obtaining pupillage.
- There was considerable criticism of administrative support in some Providers
- A large number of students are concerned with the low standard and low level of English of some students, who would have no chance of ever obtaining pupillage or succeeding in the profession. Overall respondents supported the need for more selectivity and higher entry requirements.

### **Conclusions and key points**

- 29 The survey, although obtained an excellent response of almost 500 current and recent BVC students, covering a wide profile and including those with different backgrounds and with/without/still seeking pupillage. It was crucial in terms of triangulating findings from other sources (e.g. meetings, discussions, visits and observations) and crucial in terms of obtaining comparative material in the same way from all providers for the first time. It is recommended that a student survey of this nature for BVC students should be carried out on an annual basis.
- 30 Overall, it was confirmed that students were generally content with the length of BVC, the quality of feedback and skills development.

1. Forename

2. Surname

3. What is your gender?

Male

Female

4. What is your current age?

Under 25

25-29

30-39

40-49

50+

5. What was the subject area(s) of your first (Bachelors) degree?

Law

Accounting

Agriculture, forestry, agricultural sciences, food sciences and consumer sciences

Anthropology

Archaeology

Architectural technology

Architecture, architectural technology and landscape architecture

Area studies

Art and design / History of art, architecture and design

Biomedical science

Biosciences

Building and surveying

General business and management

Chemistry

Classics and ancient history (including Byzantine Studies and Modern Greek)

Communication, media, film and cultural studies

Computing

Criminology

Dance, drama and performance

Dentistry

Early childhood studies

Earth sciences, environmental sciences and environmental studies

Economics

Education studies

Engineering

English

Finance

Geography

Health studies

History

History of art, architecture and design / Art and design

Hospitality, leisure, sport and tourism

Housing studies

Landscape architecture

Languages and related studies

Librarianship and information management

Linguistics

Materials

Mathematics, statistics and operational research

Medicine

Music  
Optometry  
Osteopathy  
Philosophy  
Physics, astronomy and astrophysics  
Politics and international relations  
Psychology  
Social policy and administration  
Social Policy and Administration and Social Work  
Sociology  
Theology and religious studies  
Town and country planning  
Veterinary science  
Welsh/Cymraeg

6. What classification did you receive?

First (1)  
Upper second (2:1)  
Lower second (2:2)  
Third (3)  
Pass / Ordinary / Non-honours degree  
Not applicable

7. Who is (or was) your Bar Vocational Course Provider?

BPP Law School (London)  
BPP Law School (Leeds)  
College of Law (London)  
College of Law (Birmingham)  
Inns of Court School of Law  
The University of Northumbria at Newcastle  
Cardiff Law School  
University of the West of England at Bristol  
Manchester Metropolitan University  
Nottingham Law School  
Other (please specify)

8. What was your mode of study on the Bar Vocational Course?

Full time  
Part time

9. In which year did you (or do you expect to) complete the Bar Vocational Course?

2003  
2004  
2005  
2006  
2007  
2008  
2009  
Other (please specify)

10. What were your entry qualifications to the Bar Vocational Course?

Qualifying Law Degree  
Common Professional Examination  
Graduate Diploma in Law  
LLM / MA Law  
Other (please specify)

11. What was your domicile on entry to the Bar Vocational Course?

- UK
- EU
- Non EU
- Don't know

12. What would you consider your ethnicity to be?

- White (UK and Ireland)
- White (European)
- White (N American)
- South Asian
- East Asian
- Black (African)
- Black (Caribbean)
- Other (please specify)
- Prefer not to say

13. Is your first/home language English?

- Yes
- No

The following questions ask you to evaluate your experience of the individual components of the Bar Vocational Course.

14. How would you rate the training in EVIDENCE in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

15. How would you rate the training in CRIMINAL ADVOCACY in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know

Overall staff academic/professional understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

16. How would you rate the training in CIVIL LITIGATION in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

17. How would you rate the training in CONFERENCE SKILLS in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional						

understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

18. How would you rate the training in NEGOTIATION in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

19. How would you rate the training in OPINION WRITING in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the						

subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

20. How would you rate the training in DRAFTING in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

21. How would you rate the training in LEGAL RESEARCH in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						
The quality of teaching						

The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

22. How would you rate the training in ETHICS / PROFESSIONAL CONDUCT in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

23. Did you undertake an option as part of the Bar Vocational Course?

Yes

No

24. How would you rate the training in the OPTION in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						

The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

25. Did you undertake a second option as part of the Bar Vocational Course?

Yes

No

26. How would you rate the training in the second OPTION in relation to:

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Overall staff academic/professional understanding of the subject						
The quality of teaching						
The extent to which staff facilitated student participation						
The time available to cover the curriculum						
The clarity of assessment processes						
The quality of feedback by staff on work submitted						
The skills you were able to develop						
The academic level of the training (ie sufficiently demanding)						

27. How would you rate the following aspects of the course?

	Very satisfied	Satisfied	Neutral	Unsatisfied	Very unsatisfied	Don't know
Information provided about the course						

The clarity of the course aims						
The induction to the course						
The study environment offered by the provider						
The library facilities						
The computing facilities						
The range of learning materials available						
The quality of academic advice						
The quality of practitioner advice						
Academic support processes						
English language support (if required)						
The quality of information provided on the likelihood of obtaining a pupillage						
The quality of social facilities						
The length of the course						
Course administration						

28. Do you feel that your progress was adversely affected by the learning needs of (some) fellow students?

Yes  
No

29. Have you (or did you) secured a pupillage?

Yes  
No

(For those who did not secure a pupillage)

30. Please state what you did instead of taking up a pupillage:

(For those who did secure a pupillage)

31. How long was it between completing the Bar Vocational Course and taking up your pupillage?

Not yet completed the Bar Vocational Course  
Immediately  
Up to one month  
Up to two months  
Up to three months  
Up to four months  
Up to five months  
Up to six months  
Up to one year  
Up to two years  
Up to three years  
Over three years

(For those who secured a pupillage)

32. Please state what you did between completing the Bar Vocational Course and undertaking your pupillage:

(For all)

33. How well do you think the course did (or will) in preparing you for pupillage?

Very well  
Well  
Neutral  
Poorly  
Very poorly  
Don't know

34. How would you rate the course as a whole?

35. If you would like to make any additional comments about your experience of the Bar Vocational Course, please do so here:

## **Annex 6      QAA Framework for Higher Education Qualifications Level [extract]**

### **Descriptor for a qualification at Masters (M) level: Masters degree**

#### **Masters degrees are awarded to students who have demonstrated:**

i a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline, field of study, or area of professional practice;

ii a comprehensive understanding of techniques applicable to their own research or advanced scholarship;

iii originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline;

iv conceptual understanding that enables the student:

- to evaluate critically current research and advanced scholarship in the discipline; and
- to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses.

#### **Typically, holders of the qualification will be able to:**

a deal with complex issues both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences;

b demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level;

c continue to advance their knowledge and understanding, and to develop new skills to a high level;

#### **and will have:**

d the qualities and transferable skills necessary for employment requiring:

- the exercise of initiative and personal responsibility;
- decision-making in complex and unpredictable situations; and
- the independent learning ability required for continuing professional development.