Vocational Training Providers – Equality and Diversity Policies and Practices

Research report

August 2022

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BAR STANDARDS BOARD

REGULATING BARRISTERS

Contents

Executive Summary

Background

- The Bar Standards Board (BSB) has a statutory duty to encourage an independent, strong, diverse, and effective legal profession and is committed to ensuring that access to training for the Bar is open to all on an equal basis. As part of its supervisory functions, the BSB is responsible for setting training requirements for becoming a barrister in England and Wales. This includes assessing the ways in which training providers promote equality, diversity and inclusion on the Bar course, undertake recruitment and admission, and support retention, progression and attainment of students.

- This research follows on from studies that identified concerns that ethnicity and socio-economic status have a significant impact on students' performance on the course and their ability to obtain pupillage.[1] This analysis was undertaken to gather further evidence around the training providers' approaches to equality, diversity and inclusion and their implementation in educational processes and institutional procedures. The key aim of the research was to examine a wide spectrum of training providers' equality and diversity (E&D) commitments and institutional variations in the E&D policies and practices, as well as to assess their overall approach to compliance with the Public Sector Equality Duty and the Equality Act 2010.

Methodology

- The report consists of two sections - section one focuses on the review of the Authorised Education and Training Organisations' (AETOs[2]) Equality and Diversity (E&D) commitments and approaches to compliance with statutory responsibilities. The sample consisted of seven[3] E&D policies of the providers authorised to conduct training for the Bar published on their websites.

- Section two examines accessibility indicators of the applications submitted by nine vocational training providers as part of their authorisation process. The main objective of this stage of research was to get a better understanding of the providers' approaches to equality and diversity on the Bar course.

- Upon completion of this stage of analysis, we proceeded with the examination of the BSB's follow up communication and engagement with the course providers to explore outstanding questions and information requests from the BSB.

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1. See Paragraoh 1.11 "Key Findings from the Literature Review" for more information
2. AETOs are organisations authorised by the BSB to deliver the vocational component of Bar training. More information can be found here.
3. For more information, see paragraph 2.4-2.13 "E&D Policies - Sample & Data Analysis".

Key Findings

E&D Policies & Support

- The analysis shows that all seven course providers explored legislative context and addressed their strategic objective to eliminate unlawful discrimination and harassment. In addition, all providers indicated that they have complaints and grievance procedures for students and staff published on their websites. Furthermore, almost half of the providers presented detailed information on grievance procedures in their E&D policies.

- The findings of the research suggest that a minority of course providers (three out of seven) specified areas covered by their monitoring activities. However, the majority elaborated on their initiatives related to student recruitment and access, and over half referred to the assessment processes. In addition, the majority of the providers presented detailed information on staff recruitment and additionally covered this area on their websites.

- All course providers presented evidence supporting their commitment to reduce attainment gaps,[4] and increase participation and accessibility.

- All course providers presented a variety of E&D support initiatives available to students and staff and had taken the approach of covering E&D support initiatives separately from their E&D policies.

- Among the most frequently mentioned E&D awards, the research identified Stonewall Diversity Champion; Athena SWAN Bronze Award; Disability Confident Employer; and Race Equality Charter.

Key differences in the E&D policies and support

- The findings of research suggest that despite similarities in course providers' E&D policies, there are still considerable differences in almost all areas of policy implementation. This included the intention to go beyond legal compliance, the level of detail provided on grievance policies, and approaches taken to discrimination and harassment. In addition, differences were identified in the coverage of monitoring activities and the commitment to publish results, coverage of the providers' approach to fair assessment procedures, and provision of E&D training for staff.

- Major differences in E&D policies were identified in the section outlining responsibilities of students, staff, HR, and management. Significant variations were also identified in the way course providers covered the duties of the E&D committee.

- The research findings have led to the assumption that the main function of the E&D policies is to give an overview and elaborate on legal compliance rather than to present specific details, which are addressed in further documents and/or elaborated on the training providers' websites. The research also found that on average E&D support initiatives were separated from policies and were presented online in a way

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4. This research uses 'attainment gap/differential attainment' to reflect the language used by course providers as part of their policy documents. The BSB itself uses 'differential outcomes' in our own research looking at this issue.

that is more accessible to the public.

Applications for Authorisation

- Overall, the research shows that all providers implemented similar approaches to address various elements of E&D on the Bar course.

- The findings also indicate that all providers explored their E&D obligations, commitments and duties and provided information about their E&D policies. However, it was found that a commitment to conduct EIA[5] for policy decisions was covered in detail by fewer than half of the organisations. In addition, it was found that over half of the providers covered the responsibilities of the E&D team which varied from the provision of reasonable adjustments and E&D training, to the development of support initiatives including wellbeing support and counselling.

- The analysis shows that all providers mentioned their pastoral care support and submitted a detailed overview of their initiatives to support students with disabilities. Similarly, all providers addressed their financial support initiatives.

- The research also found that diversity networks[6] was the area covered in least detail in the providers' applications.

- The analysis indicates that the majority of the providers did not submit detailed information covering inclusive recruitment practices for staff. However, the responsibilities of the admissions team were addressed by all organisations in their applications. Similarly, all providers mentioned the responsibilities of the Widening Access and Participation teams and provided detailed coverage of their outreach activities.

- The research findings highlight that all organisations submitted a detailed overview of their flexible learning strategies and elaborated on their commitment to accommodate various learning needs and create inclusive learning environments.

- The evidence shows that all organisations provided an overview of their fee structures and defined their approach to fees.

- The research additionally identified three key areas of the BSB's interest when following up with the training providers, which included inclusive recruitment practices; individual pathways/flexible learning strategies and financial support initiatives available to students. The findings of the research also showed that the BSB sent additional information requests to all organisations that submitted their applications to be authorised to deliver the vocational stage of training for the Bar.

- In addition, it was found that some providers focused on addressing specific areas in more detail than others. It should be noted that several areas, such as, strategies of inclusive recruitment of staff, provision of E&D training, and diversity networks were found to be covered in the least detail in the applications submitted to the BSB.

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5. Equality Impact Assessments
6. Networks created to offer support, social events and guidance to promote diversity, equality and inclusion in higher education. Examples of diversity networks include: BAME Network; Staff Disability Network; LGBT Plus Network; Parent and Family Network

1 Introduction

1.1. The Bar Standards Board (BSB) is the regulator for barristers in England and Wales. The Legal Services Board (LSB), established by the Legal Services Act 2007, oversees the activities of the BSB. The BSB is responsible for:

– Setting the education and training requirements for becoming a barrister;
– Setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers;
– Setting standards of conduct for barristers;
– Authorising organisations that focus on advocacy, litigation, and specialist legal advice;
– Monitoring the service provided by barristers and authorised organisations to ensure quality;
– Handling complaints against barristers and authorised organisations and taking disciplinary or other action where appropriate.

1.2. The BSB is required to be a risk-based, transparent and proportionate regulator, targeting its work at the areas of most need in relation to the regulatory objectives. The BSB's regulatory objectives are laid down in the Legal Services Act 2007 and are:

– Protecting and promoting the public interest;
– Supporting the constitutional principle of the rule of law;
– Improving access to justice;
– Protecting and promoting the interests of consumers;
– Promoting competition in the provision of services;
– Encouraging an independent, strong, diverse and effective legal profession;
– Increasing public understanding of citizens' legal rights and duties; and
– Promoting and maintaining adherence to the professional principles.

1.3. The BSB Handbook sets out the regulatory framework and includes the Code of Conduct, Bar Training Rules, Practising Regulations, Authorisation Regulations and essential guidance. The Equality and Diversity Rules and Guidance are published separately but the principles run through all BSB work.[7]

Background to the research

1.4. The BSB is committed to ensuring that access to training for the Bar is open to all on an equal basis. One of the stated aims is "Improving accessibility – so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves".

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7. For more information about the BSB's Equality and Diversity Rules, see our website.

1.5. The BSB needs to ensure that course providers are able to meet their obligations to students and pupils as enshrined in the Equality Act 2010 and the requirements set in the Equality Rules in the BSB Handbook. Accessibility, therefore, is a broad concept encompassing all aspects of training for the Bar. This includes the ways in which Authorised Education and Training Organisations (AETOs) undertake recruitment, admission and selection, and support retention, progression and attainment of students and pupils.

1.6. As part of the action plan developed in response to the findings from quantitative and qualitative studies, the BSB made a commitment to undertake "qualitative research in order to assess how training providers' equality policies can have a positive impact on student experience".

1.7. This research was initiated following a BSB study that supported concerns that ethnicity had a significant impact on students' performance on the course, and that ethnicity and socio-economic status have a significant impact on students' ability to successfully obtain a pupillage,[8] which as a result can decrease diversity and inclusion at the Bar. The findings of this study also added to the evidence base regarding differential attainment in the professional and vocational stages of training for the Bar. Therefore, it was decided to undertake further research into the experiences of training providers and students to expand our understanding of these issues and identify how attainment levels among disadvantaged students can be improved.

1.8. To address this commitment, the BSB commissioned an initial literature review to gather evidence around approaches to equality, diversity and inclusion in Higher Education (HE) in the UK. The review identified a series of key issues and themes which were addressed in this research.

1.9. Following the analysis of the literature review, the research focused on the course providers' Equality and Diversity (E&D) policies and practices published on their websites to provide evidence of their commitment to implement E&D principles in educational processes and institutional procedures.

1.10. To elaborate on the findings and get a deeper insight into the training providers' approaches to E&D on the Bar course, the research additionally analysed their applications for authorisation, submitted to the BSB as part of the authorisation process. In particular, the focus was placed on the examination of the E&D elements of the BSB's Authorisation Framework. Therefore, as part of this stage of analysis, the BSB examined nine accessibility indicators set out in the BSB's Authorisation Framework.

Key findings from the literature review

1.11. The literature review conducted for the BSB in 2018 identified a series of key

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8. Exploring differential attainment at the BPTC and Pupillage (BSB, 2017)

issues and themes around approaches to equality, diversity and inclusion in Higher Education in the UK. The review found limited evidence of universities going beyond legal obligations set out in the Equality Act 2010,[9] which introduces a requirement for due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it; d) tackle prejudice; e) promote understanding; f) meet the needs of disabled persons that are different from the needs of persons who are not disabled. The review also questioned the extent to which universities invest in their written equality objectives, as required by the specific duties set out in section 149 of the Equality Act 2010.

1.12. On admissions policies, the review found that contextual admissions are used by some universities and colleges to take account of background factors and identify applicants with the greatest potential to succeed in higher education, rather than relying on exam results alone.

1.13. On student experience, concerns were raised about the Prevent Duty,[10] including that it stifles free speech and critical thinking, puts an increased burden on staff, and causes a hostile environment in universities particularly for Muslim students or those perceived to be Muslim.

1.14. The review addressed issues around discrimination and harassment in HE in the UK and presented evidence that it still affects nearly all underrepresented groups, with concerns around under-reporting, particularly among students from minority ethnic groups. It was also stressed that social class and income may have a more pronounced impact on student experience than it was previously realised.

1.15. On attainment, the review highlighted the need to eliminate differential attainment gaps, as only 16 universities set a specific target to remove them, despite the Office for Students (OfS) setting a sector-wide key performance measure of its own that focuses specifically on eliminating the attainment gap between White students and students from minority ethnic backgrounds.

1.16. A set of recommendations was made as part of the literature review that stressed the importance of a more holistic approach to eliminate differential attainment gaps and tackle inequalities. It highlighted the need to address all aspects of discrimination and help prepare students for increasingly diverse workplaces, societies and countries. The review provided evidence that to achieve this aim, it is important to pay attention to: the institutional culture; ethnic diversity among role models and staff; inclusive curriculum content, its design and delivery; prior

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9. See Section 149 of the Equality Act 2010, accessed online here.
10. In July 2015, a legal duty came into force requiring that 'specified authorities', including schools and further education colleges ('colleges'), show 'due regard to the need to prevent people from being drawn into terrorism. BUSHER. J., CHOUDHURY. T., THOMAS. P. and HARRIS. G. (2017) What the Prevent Duty means for schools and colleges. (University of Coventry, University of Durham, University of Huddersfield).

attainment; information, advice and guidance; and financial considerations.

Bar Standards Board research and statistics

1.17. The BSB's research on differential attainment[11] suggests that, even once other variables are controlled for, ethnicity has a significant predictive value for the Bar course average module scores, and that ethnicity and socio-economic status both have a significant predictive value for success at obtaining pupillage. The analysis highlights that students from minority ethnic backgrounds scored lower than White students; female students scored lower than male students; students who declared a disability scored lower than students who did not declare a disability; and students from lower socio-economic backgrounds scored lower than students from higher socio-economic backgrounds. However, for socio-economic status, gender and disability these differences were no longer significant once prior attainment had been taken into account. The research also shows that Bar course graduates from ethnic minority backgrounds, taken as a whole, are roughly half as likely to obtain pupillage as White graduates with similar prior educational attainment.

1.18. The aforementioned research on differential attainment was accompanied by a qualitative study[12] with trainees that explored barriers to entry to the Bar and discovered four broad themes underpinning participants' perceptions and experiences of the Bar course, pupillage application process, and their interaction with the Inns of Court. The study explored key aspects of trainees' experiences, in particular those from minority ethnic backgrounds and lower socio-economic status backgrounds. The research highlighted that the lack of information and clarity was a key issue, in particular in relation to the application process. Among other issues, participants identified the requirements in relation to time commitment, workload, and attendance; the content of the course; tutor and peer-to-peer interactions; and financial challenges, which include high course fees, lack of suitable loans, and lack of awareness of available funding opportunities.

1.19. In addition to the availability of information, participants also identified issues around course delivery and content. It is suggested that lack of flexibility in course delivery affected those with outside commitments and limited opportunities for work placements and mini-pupillages. The study indicates that poor experience of peer interaction, including the composition of the groups, segmentation of the groups into cliques, and a competitive atmosphere can have a negative impact on the delivery of the course. Finally, the attitude of some tutors, including negative messaging and perceived preferential treatment, were believed to be among issues impacting course delivery and content.

Bar Standards Board Handbook & Authorisation Framework

1.20. The BSB's Authorisation Framework[13] sets out the BSB's commitment to ensure

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11. Exploring differential attainment at the BPTC and Pupillage (BSB, 2017)
12. Barriers to training for the Bar - a qualitative study (BSB, 2017)
13. Authorisation Framework for the Approval of Education and Training Organisations (BSB, 2018)

that access to training for the Bar is open to all on an equal basis. The BSB aims to ensure that prospective training providers are able to meet their obligations to students as stated in the Equality Act 2010 and the requirements set in the Equality Rules in the BSB Handbook, detailed above. The BSB Authorisation Framework prescribes the standards that organisations must meet in order to provide education and training for the Bar and requires all course providers to submit evidence showing how the four key principles (Flexibility, Accessibility, Affordability and High Standards) will be demonstrated in the proposed component/approved training pathway.

2 Methodology

2.1. This research focused on the course providers' Equality and Diversity (E&D) policies and practices published on their websites to provide evidence of their commitment to implement E&D principles in educational processes and institutional procedures. In addition to this, the BSB examined E&D support initiatives provided by vocational training providers with the aim of promoting inclusion among students and staff. The research additionally analysed the providers' applications for authorisation, submitted to the BSB as part of the authorisation process to provide vocational Bar training.

2.2. The scope of the review was to:

– Analyse and compare E&D policies published on training providers' websites.
– Analyse the course providers' E&D commitments and compare them.
– Examine current E&D practices implemented to: a) address differential attainment; b) promote fair access, recruitment, equality of opportunity and good relations among students and staff; and c) increase participation and diversity of students and staff.
– Review anti-bullying and discrimination policies and complaints procedures for students and staff. The review will also include hate incident reporting schemes and alternative schemes aimed to promote inclusivity and eliminate bulling, discrimination and harassment.
– Review financial and any other types of E&D support provided by training providers to their students and staff. For instance, support groups and networks to increase diversity and promote equality; participation in E&D events and campaigns; and advancement of diversity by means of projects, programmes and best practice initiatives.
– Review training providers' E&D reports and awards. Specifically, the aim of the analysis was to look at the E&D awards received as recognition of effort; E&D annual reports and monitoring highlighting key statistics on staff and student diversity; gender pay gap reports, and other reports that illustrate legal compliance and commitment to promote E&D.

2.3. Further aims of the research were to:
– Provide evidence of the extent to which training providers' E&D policies may have an impact on student and staff experience. In particular, the aim of the research was to examine institutional variations in course providers' E&D policies and explore different ways in which they were implemented.
– Develop a better understanding of E&D practices in order to help the BSB and relevant stakeholders inform the development of further rules, guidance, and best practice.
– Develop a better understanding of the potential impact of training providers' E&D policies and practices on differential attainment and success in obtaining

pupilage.

– Inform the development of any policy response to the issues identified by previous research looking at differential attainment and training for the Bar. The research findings will input into the BSB's policy relating to E&D issues within the Bar training and contribute to the development of any relevant policy or other regulatory responses.

– Inform current decision-making about the future of education and training of barristers to help improve access to the profession and ensure that the Bar better reflects the communities it serves.

2.4.   The next stage of this research focused on the E&D elements of the applications submitted by the training providers to the BSB as part of their authorisation process. The main objectives of this stage were to get a better understanding of the differences and similarities in training providers' approaches to E&D and to further assess their approach to complying with the Public Sector Equality Duty and the Equality Act 2010. Upon completion of this analysis, we examined training providers' engagement with the BSB to explore any outstanding questions, following the submission of the applications. The aim was to understand a broader spectrum of the E&D commitments and further investigate the differences in the approaches towards E&D.

E&D Policies - Sample & Data Analysis

2.5.   The analysis of E&D policies included:
– Structure of the policy, including the date when it was updated, its length, and the review period; approaches to addressing Bullying, Discrimination and Harassment.

– Policy objectives, in particular promotion of equal opportunities, good relations and reasonable adjustments.

– Clarity and accuracy of the definitions.

– Roles and responsibilities of students and staff, management, Human Resources and E&D teams and committees.

– Areas of policy implementation, including student and staff recruitment, grievance and complaints procedures, assessment processes and monitoring of student and staff diversity.

2.6.   The sample used for this analysis consisted of:
– Seven Authorised Educational Training Organisations' (AETOs) E&D policies published on their websites. As some provisions were not fully covered in the E&D policies, the sample included additional policies and guidelines such as E&D Statements; Dignity at Work and Study policies, Strategic Equality Plans, Equality reports, Bullying and Harassment policies, Student Disciplinary Rules and Procedures, and in some cases E&D provisions outlined in the providers' Handbooks. However, it should be noted that the research primarily relied on the examination of the E&D policies available on training providers' websites. A full list of the documents examined in this research can be found in Annex II.

– Seven E&D Sections of training providers' websites which included additional information related to promotion of E&D among students, applicants and members of staff.

2.7. An initial literature review conducted for the BSB identified several key themes around E&D in higher education in the UK and explored approaches to these issues. The literature review served as the foundation for the analytical framework used to investigate and compare institutional variations in training providers' E&D policies.

2.8. Thematic analysis of the E&D policies was applied with the aim of identifying key themes and developing categories for the coding scheme agreed upon across several meetings with the BSB project team. The coding scheme was based on the aims of the research and overall objectives of the BSB's Equality Strategy. Due to a relatively small dataset, the analysis was conducted manually in Microsoft Excel.

2.9. Coding involved classification into six broad categories (see also Annex I):
– General information on the E&D policy, including its length, review period, the date when it was updated and the extent to which it covers all relevant areas examined in the research.
– Compliance information, its clarity and the extent to which the policy covers the training provider's legal duties and responsibilities.
– E&D values and objectives, including promotion of equal opportunities and good relations, and provision of reasonable adjustments.
– Definitions, their clarity and level of detail.
– Information on roles and responsibilities of students and staff, HR, Management and the E&D Committee.
– Information on the implementation of the E&D policy and its integration into the course providers' institutional processes, including data on fair recruitment and assessment, complaints procedures for students and staff, monitoring process and E&D training for staff.

2.10. The coding scheme for most categories consisted of binary criteria for which the presence or absence of data was signified with a Yes/No in the spreadsheet. The information that was not available in the E&D policies was searched in further policies and guidelines related to the promotion of E&D.

2.11. E&D policies were coded by two members of staff, with one reviewing the coded policies to ensure consistency. An intercoder reliability test was performed to check reliability of the content analysis, enhance the quality of work and assess similarities and differences in the interpretations of data. One meeting was undertaken soon after commencing the coding to enable addition of extra codes for any unexpected themes emerging from the analysis of the policies.

2.12. The findings were grouped by key institutional differences identified in the training providers' E&D policies and the key themes identified in the literature review. A detailed framework of the analysis is laid out in Annex I.

E&D Practices - Sample & Data Analysis

2.13. The sample consisted of E&D and E&D-related sections of training providers' websites which provide evidence of how E&D principles have been implemented in practice (i.e. in the educational processes and institutional procedures). Overall, seven categories listed below were analysed at this stage of research.

2.14. A mix of qualitative methods was applied to review existing data, and get a better understanding of the areas in which training providers had committed to implement E&D principles set out in their policies.

2.15. The analysis of E&D practices included:
   – Initiatives implemented to support students and staff; eliminate attainment gaps; increase access and participation, and improve student and staff experience.
   – E&D data and statistics, E&D and gender pay gap reports published by each training provider.
   – Recognition of past achievements, including awards, best practice examples and other types of recognition.

2.16. The data collected from training providers' websites were collated in a separate document and broken down into the following categories:
   – Evidence of commitment to reduce attainment gaps;
   – Evidence of commitment to widen participation;
   – Evidence of commitment to improve accessibility;
   – Evidence of commitment to improve student experience and representation;
   – Evidence of commitment to improve staff experience and representation;
   – Evidence of commitment to monitor student and staff data;
   – Recognition of prior achievements: E&D awards, best practice examples, any other types of recognition.

2.17. The categories were further broken down to specify different types of support initiatives provided by each organization. The full breakdown is given in Annex I.

2.18. The summary of the support initiatives implemented by training providers was produced at the final stage of the analysis. This approach was designed to give a detailed overview of the evidence supporting training providers' commitments covered in their E&D policies. It also aimed to get a better understanding of the interconnection between E&D policies and practices and compare them across all course providers.

Applications & Follow up - Sample and Data Analysis

2.19. The BSB analysed the coverage of the accessibility indicators in the applications submitted by training providers, along with the BSB's internal documents and information requests. In particular, the following areas were analysed:
   – **Overall approach to E&D** including implementation of the E&D policies and

strategies, and their evaluation; Equality Impact Assessment (EIA) of policy decisions; E&D monitoring activities; responsibilities of the designated E&D officers; approaches to E&D training; strategies to tackle bullying, discrimination and harassment and overall compliance with the Equality Act 2010 and the Public Sector Equality Duty.

– **E&D support initiatives** with a focus on pastoral care, reasonable adjustments and further support provided to students and staff with disabilities, diversity networks, pupillage, career and financial support provided to students.

– **Widening access and participation strategies**, including approaches to inclusive recruitment of students and staff; responsibilities of the admissions and widening participation teams along with a wider range of outreach activities.

– **Strategies for accessible delivery of learning content**, including individual and flexible learning strategies; strategies for inclusive teaching; tailored delivery of learning content and accessibility of resources.

– **Assessment and evaluation activities**, including monitoring activities, assessment of students' attainment, and evaluation of policies other than the E&D policies.

– **Fees on the vocational training course**, including approaches toward fee calculation; discount and refund possibilities, and the availability of this information.

2.20. The coding framework for this stage involved classification into six broad categories. Detailed coding can be found in Annex II:

– General information about implementation and evaluation of the E&D policies and strategies;

– Information on training providers' E&D support initiatives;

– Information on widening access and participation strategies, including inclusive recruitment strategies for students and staff;

– Information on strategies for accessible delivery of learning content;

– Information on training providers' assessment and evaluation activities (beyond evaluation of E&D policies);

– Information about the fees on the course.

2.21. The coding scheme for most categories consisted of three values, assessing whether each category had been covered in detail, had some coverage, or had little to no coverage – these three values were entered in the coding spreadsheet.[14]

2.22. To review training providers' engagement with the BSB after the submission of their applications, the following information was analysed:

– BSB's internal documents, including interim and final reports that cover requests for additional information and elaborate on data submitted in relation to all indicators, including nine accessibility indicators.

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14. For further information and explanation of how the data were coded, please Annex II

– Accessibility indicators that were considered not met at the beginning of the authorisation process.

– BSB's internal documents outlining outstanding questions to the providers.

2.23. The data from the BSB's internal reports and outstanding questions documents were collected in a separate dataset and, like the previous stages of this research, were analysed with the aim of identifying key themes and subthemes. The themes of the outstanding questions were aligned with the themes identified during the examination of the providers' applications for authorisation. Overall, the data were broken down into the following categories:

– Follow up questions related to the providers' commitment to increase diversity at the Bar;

– Follow up questions related to the providers' support initiatives in the E&D area;

– Follow up questions related to the providers' strategies to widen access and participation on the course;

– Follow up questions related to the providers' strategies for the accessible delivery of learning content;

– Follow up questions related to the providers' assessment and evaluation activities;

– Follow up questions related to the providers' approaches to fees.

2.24. Overall, the research examined nine internal documents that set out additional questions for each provider based on the results of the assessment conducted by the BSB at the initial stages of the authorisation process.

Limitations

2.25. Qualitative analysis can be open to researcher bias or subjectivity which can impact on the reliability and objectivity of analysis. In addition, coding schemes are inherently reductive (as they aim to summarise more complex documents) and thus can fail to capture key elements of the documents that are analysed. In order to address this, the coding scheme was developed collaboratively across different teams to ensure it covered all key areas of interest. In order to address subjectivity in the analysis, an intercoder reliability test was undertaken to ensure consistency of the coding patterns and validity of the results. However, despite the approaches taken to limit impact, the potential for researcher subjectivity or bias remains an inherent limitation in the qualitative approach undertaken in this research.

2.26. The first part of this research was limited to a review of the contents of the E&D policies. However, a limited coverage of the relevant provisions in some

E&D policies could have led to discrepancy in the assessment. As a result, it was decided to expand the research framework and include websites, policies and guidelines related to the promotion of E&D in order to cover provisions that were not fully addressed in the E&D policies themselves. As a result, this discrepancy in data coverage made it difficult to determine if the data found by the researchers were consistent and equivalent across all course providers.

2.27. The analysis did not involve the views of the students, applicants and members of staff or those responsible for development, monitoring and implementation of the E&D policies. Thus, certain aspects of the E&D policies were not fully explored.

2.28. This part of the research did not focus on the E&D strategies and objectives, as coding for these would require a deeper and broader analysis which would have exceeded the resources allocated to the project. In addition, this research did not look at further policies or other documents except where the institution's core E&D policy did not cover key areas of interest for this project. This implies that some policy and strategy documents that may have an impact on differential attainment and student experience, in particular on students from underrepresented groups, were not examined as part of this research. However, the analysis of the E&D strategies and objectives could be considered as an avenue for further research.

2.29. While we aimed to maintain consistency in the analysis of the E&D practices, the extent and the depth of data coverage varied across training providers. As a result, this discrepancy in data coverage made it difficult to determine if the data found by the researchers are consistent and equivalent across all providers. This limited the scope of research to the exploration of data available on different sections of each provider's website.

2.30. It is worth noting that E&D practices included initiatives and campaigns designed individually by each provider. While the research attempted to establish common patterns and general trends, further analysis may be needed to determine what types of E&D practices are the most effective and have the highest potential to have a positive impact on students' experiences, elimination of differential attainment, improvement of access and overall promotion of E&D.

2.31. It is also worth mentioning that since the beginning of this research project, some training providers may have updated their policies and websites and reviewed their approach to E&D. As a result, although this research reflects the situation at the time the analysis was carried out, it may no longer accurately reflect what information providers have in place.

2.32. The evaluation of the applications was limited to the review of the accessibility indicators. It should also be noted that the research did not examine indicators relating to the three other criteria for the assessment of applications (i.e. Flexibility, Affordability, High Standards) which included more information on categories identified in the research. Therefore, if some providers submitted additional information on the E&D elements outside of the accessibility sections, this could have led to inaccuracy in the research assessment of the topics covered in the

applications. As a result, this made it difficult to determine if data found by the researchers were consistent across all applications.

2.33. While the objective of the research was to maintain consistency in the analysis at all stages, the extent and the depth of data coverage varied across training providers' responses. Furthermore, additional information submitted by the providers in relation to further indicators, set out in the BSB's Authorisation Framework, for instance, Affordability and Flexibility Indicators, was not analysed at this stage of research.

2.34. The analysis of the BSB's follow up communication with the prospective course providers was based on the examination of the BSB's evaluation of data submitted in relation to the accessibility indications which were considered not to be met at the initial stage of the application process. Therefore, the final data set did not include outstanding questions in relation to indicators relating to the other criteria for assessment (see paragraph above) that were considered to be met.

2.35. Finally, it is important to note that just because information on a certain E&D area or activity was not covered in an institution's policies or supporting information, this is not definite evidence that they do not undertake certain activities in practice.

3 E&D Policies and Practices

E&D Policies

3.1. **Definition**: An E&D policy outlines commitments to comply with its legal obligations, support E&D and promote inclusivity in all activities and procedures. The policy also sets out a course provider's duty to establish a positive environment based on the values of dignity and respect. The policy aims to support aspiration to create an inclusive culture free from discrimination and harassment.

3.2. **Note**: The examination focuses on the provisions outlined in the E&D policies and excludes a detailed review of the E&D strategies and objectives. The findings presented in this section rely purely on publicly available information. In all, the analysis revealed notable variation across course providers' E&D policies which are detailed below and are divided into two parts.

3.3. The first part examines provisions outlined in the policies and summarises the key differences in the ways the E&D principles are implemented and integrated into the course providers' institutional and educational processes, which include:
   – Evidence of commitment to reduce attainment gaps;
   – Evidence of commitment to widen participation; overall approaches to comply with legal obligations, with a particular focus on elimination of discrimination and harassment;
   – monitoring activities used to provide evidence of training providers' legal compliance and intention to go beyond their statutory duties, and coverage of complaints and disciplinary procedures for students and staff;
   – commitment to improve student access and widen participation;
   – commitment to address students' needs and improve experience of students from underrepresented groups, including assessment procedures;
   – commitment to promote fair recruitment and enhance staff experience, including progression for all groups of staff and provision of mandatory E&D training;
   – duties of students and staff, including HR, academic staff, management, and E&D team/committee;
   – the extent to which policies cover relevant terminology and legal compliance, in addition to their review period and overall structure.

3.4. The second part is devoted to the review of the course providers' E&D practices and covers variations identified in their support initiatives and the awards they hold in recognition of their achievements in this area. The key differences in the approaches toward E&D are summarised below and demonstrate how training providers intend to implement the commitments given in their E&D policies and integrate them in the educational processes and institutional procedures.

Commitment to go beyond legal compliance

The literature review indicates limited evidence in most cases of universities going beyond legal requirements. Examples of best practice included a project which aims to tackle racial discrimination and disadvantage on a structural, cultural and individual level. This involved looking at institutional processes and issues that impact on staff and students alike; decolonising[15] all aspects of work in which staff are engaged; and enabling existing groups to better reach the students using a partnership approach to student facing activities.

3.5.   All training providers highlighted the commitment to meet their statutory responsibilities set out in the Equality Act 2010. Only two explicitly expressed an objective to exemplify best practice and exceed legal requirements. Out of these course providers, one referred to its intention to incorporate E&D issues into the School/Division planning processes, whereas another briefly stated its aim to go beyond the duties outlined in the Public Sector Equality Duty.

Addressing discrimination and harassment

The literature review highlights that discrimination and harassment is a widespread issue on university campuses, in particular for female students and students from minority ethnic backgrounds. The review also suggested that people did not speak up about such issues due to three main factors: the fear that nothing will be done, the fear of losing one's job due to speaking out, and the fear that it will make things worse in other ways. Initiatives aimed at addressing under-reporting and offering support for students were highlighted as key examples of good practice, as was providing access to staff with relevant training and expertise, and an explicit 'zero tolerance' approach taken by universities. Other research by Universities UK (UUK)[16] highlighted that many universities already implement a 'zero tolerance' approach with the aim of achieving culture change and raising awareness of students' rights and duties, and identified a good practice example which includes a Student Pride celebration used to stress a zero-tolerance approach to hate crimes, discrimination, bullying and harassment on the grounds of any protected characteristic. Another UUK report[17] stated that good practice involves students' awareness of the procedures applied to promote a zero-tolerance approach in every area of university life. Therefore, the research recommends universities raise student awareness of behavioural expectations, and the consequences if these expectations are breached.

3.6.   All training providers explored legislative context and addressed their strategic objective to eliminate unlawful discrimination and harassment. Thus, creation of an inclusive culture, free from discrimination and harassment, was assumed to be the main value of all E&D policies. However, only four out of seven policies provided

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15.   As defined in Keele University's "Manifesto for Decolonising the Curriculum", Decolonising refers to creation of spaces and resources for a dialogue among all members of the university on how to imagine and envision all cultures and knowledge systems in the curriculum, and with respect to what is being taught and how it frames the world. Accessed online here.
16.   Changing the Culture. Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students (Universities UK, 2016)
17.   Changing the Culture. Tackling gender-based violence, harassment and hate crime: two years on (Universities UK, 2019)

a clear definition of discrimination and harassment. The research also found that the majority of the providers (six out of seven) made a commitment to investigate all instances of inappropriate behaviour and breaches of E&D policies. It should be noted, however, that out of these six policies, only half explicitly referred to their objective to investigate allegations of bullying, discrimination and harassment.[18]

3.7.   Overall, all training providers have complaints and grievance procedures for students and staff published on their websites. However, only one provider made an explicit reference to these procedures in their E&D policies. One university briefly mentioned complaints procedures stating their reliance on the principles of E&D. In addition, one university provided a reference to its Dignity and Work and Study policy for further information on its procedures used to eliminate discrimination and harassment. The analysis discovered that the same course provider was the only one to mention in the E&D policy itself the duty to report any incidents of inappropriate behaviour that fail to comply with the E&D policy. One university, on the contrary, encouraged informal and local resolution of complaints providing contact information of its mediation services. The remaining two universities referred to the duty to report instances of bullying, discrimination and harassment on the websites.

3.8.   Further analysis of complementary policies found that all providers covered procedures related to elimination of bullying, discrimination and harassment. Five course providers introduced these provisions in their Discrimination and Harassment policies; one course provider addressed them in the Dignity at Work and Study policy and one referred to these issues in its Handbook. Moreover, the analysis discovered that six out of seven course providers allowed the choice between formal and informal procedures to make a complaint or report any instances of inappropriate behaviour related to bullying, discrimination and harassment. Four out of seven organisations also provided alternative reporting schemes which among others included an online reporting tool True Vision, inclusivity schemes and various reporting schemes available via the Student Union. As highlighted in the literature review, these initiatives represent good practice, as they are aimed at addressing under-reporting and offering more support for students.

3.9.   In additon, six out of seven course providers elaborated on their counselling and mediation services and published contact details of harassment advisers to help students and staff get support and raise concerns prior to proceeding with a formal complaint.

Data Monitoring

The literature review distinguished data monitoring as another important area that needs to be considered by the HE sector. To address inequalities, universities collect data

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18.   It should be noted that if training providers do not mention something explicitly in their policies, it does not imply that the institution would not deal with a situation effectively. See para 2.35 (Limitations) for more information.

on their staff and student body make-up and provide data sets of staff and students by equality characteristics. Robust monitoring and review processes were highlighted as good practice, including monitoring and reporting of gender pay gaps among staff, centralised recording and monitoring of discrimination and harassment complaints, and monitoring and reporting student attainment gaps. In addition to the aforementioned monitoring activities, research from Universities UK[19] highlights monitoring of intersectionality characteristics and ethnicity in addition to gender pay gap reports. Further research acknowledged the impact of intersectionality on racial inequalities in the UK and elaborated on the complex nature of people's identities shaped by multiple factors.[20] It was also suggested that the intersectional approach helps to understand the extent to which the current notion of academic merit disadvantages not only women, but also women and men from ethnic minorities and disadvantaged socio-economic groups.[21] Research by the Universities and Colleges Employers' Association (UCEA) gives evidence that gender and ethnicity have an impact on earnings and suggests that ethnic minorities earn and progress less than their White counterparts.[22] [23]To tackle these disparities, the Government launched the Race Disparity Audit and Ethnicity Facts and Figures website and stressed that the Ethnicity Pay reporting is an important step to increase consistency and improve reporting rates.

3.10. Although all course providers acknowledged significance of the monitoring process, the research found variations in the way monitoring activities were implemented. The first difference was identified in the purposes of monitoring along with the specific data monitored by each course provider. Some providers conduct monitoring activities to assess the implementation of policies and strategies, whereas others focus more on the attainment and diversity of the cohort. It should also be mentioned that although data monitoring and policy review are two interdependent processes, with the former giving the necessary evidence base for the development of the latter, not all course providers made this explicit and elaborated on both processes in their policies. Two course providers briefly mentioned their commitment to monitor the implementation of the E&D policy to assess its impact, whereas the remaining organisations presented a more detailed description of their monitoring obligations which included review of the E&D policy and data monitoring. This wide spread in monitoring activities can be seen as evidence of good practice. As underlined in the literature review, among HE policymakers, the focus can sometimes be too narrow or placed on the wrong metrics, for example, on access rather than on retention and progression.

3.11. It was also found that a minority of training providers (three out of seven) specified areas covered by monitoring activities, which included all stages of student life cycle, staff employment and career development. It should be noted that although

19.   Black, Asian and Minority Ethnic Student Attainment at UK Universities: #CLOSINGTHEGAP (Universities UK, National Union of Students, 2019)

20.   Intersectional approaches to equality research and data (Equality Challenge Unit, 2017)

21.   Equality, diversity and inclusion at universities: the power of a systemic approach (The League of European Research Universities, 2019)

22.   Caught at the crossroads? An intersectional approach to gender and ethnicity pay gaps (Universities and Colleges Employers' Association, 2019) quality Challenge Unit, 2017)

23.   According to data published by Advanced HE, the overall median ethnicity pay gap in HE was 2.4 per cent in 2014/15. The overall mean ethnicity pay gap in HE was 2.2 per cent in 2014/15. See here.

only one course provider explicitly stated that these areas will be monitored by protected characteristic, it is presumed that it can be applicable to all course providers.

3.12. Another key difference was the commitment to publish data. Thus, although all course providers mentioned annual monitoring processes implemented to ensure successful development of future strategies in accordance with the provisions of the Equality Act 2010, only three out of seven course providers explicitly expressed their commitment to publish the findings of their monitoring activities and provided detailed information on their achievements in meeting statutory responsibilities related to the promotion of E&D in HE.

3.13. At the time when this research was conducted, only five course providers published E&D information and monitoring reports covering the most recent academic year.

Students and staff complaints procedures

The literature review addresses the need to report harassment along with the importance of the complaints procedures which should be fit for purpose and offer effective redress. It also states that universities are now developing a range of methods to help students who have been subject to harassment or discrimination. One example of good practice identified was a Race Equality Support Panel which has been set up to encourage reporting of racial harassment and ensure students and staff are effectively supported. The Panel brings together academic and professional service staff with knowledge of such cases and of the university's processes. It gathers and reports on emerging themes to the university's equality, diversity and inclusion committee to increase knowledge across the institution. As highlighted earlier, another example of good practice identified in the literature review was centralised recording and monitoring of discrimination and harassment complaints.

3.14. Five E&D policies mentioned student and staff complaints procedures. It should be noted that all training providers additionally elaborated on their complaints procedures for students and staff in separate disciplinary policies, such as Dignity at Work and Study policies, Discrimination and Harassment policies, Handbook of Student Regulations, Grievance Procedure and HR policies, Academic Appeals Procedures, Student Code of Behaviour and Student and Staff Complaints policies and guidelines.

3.15. The key differences here were identified in the context in which the complaints procedures were mentioned, which is notable as almost every course provider explored their disciplinary procedures from different angles. Thus, one organisation highlighted the integration of the E&D principles in the complaints procedures and underlined their fair and transparent implementation. Two course providers specified that the particular focus of their disciplinary procedures was placed on dealing with allegations of discrimination and harassment.

3.16. Of all organisations, only one provided contact information and elaborated on its mediation service. Two course providers referred to the complaints procedures in light of the investigation of inappropriate behaviour and breaches of E&D policies. Finally, one university made a commitment to monitor the volume of complaints along with further annual appraisals of the quality of programme delivery. The research also found that out of all organisations, three provided detailed information on their grievance procedures. Two providers did not mention provisions related to any of their discipline procedures.

Focus on student access

The literature review referred to the Office for Students (OfS) report which stated that university admissions will need to change radically to achieve fair access. Best practice highlighted by the literature review included contextual admissions[24] to applicants with the greatest potential to succeed in higher education, rather than relying on exam results alone. One example highlighted was a university which examined applications holistically, using a variety of contextual data which is clearly set out as part of the university's admissions policies. Another was a university using contextual admissions that automatically made lower required grade offers to students from disadvantaged backgrounds. A government report[25] highlighted outreach programmes and entry schemes as developed by universities with the aim of increasing collaboration with schools and other educational institutions as a further example of good practice in widening access. This report gives evidence that many universities have taken steps to build strong links with schools, and a growing number of universities are increasingly investing in outreach activities. For instance, several Russell Group universities sponsor academies and support a wide range of other forms of partnerships with schools with the aim to improve access.

3.17. Of all the websites, five elaborated on outreach programmes with an emphasis on collaboration with schools and other educational institutions to help young learners and adults find out more about their course and the role of Higher Education in general. Two course providers mention entry schemes developed to increase applications from underrepresented learners and empower them to succeed in higher education. The entry scheme mentioned by one course provider was designed for Year 12 students who attend schools or colleges in England and Northern Ireland. It gives students an opportunity to develop skills for successful undergraduate study and earn 16 Entry Points, which are the equivalent to UCAS tariff points, when applying to the university. These initiatives can be seen as an example of good practice, as they provide additional support and address some of the barriers faced by certain groups of students.

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24. As defined by Fair Education Alliance, Contextualised admissions refer to information and data used by universities and colleges, to assess an applicant's prior attainment and potential, in the context of their individual circumstances. The aim is to form a more complete picture of the applicant. See here.
25. Higher Education: the Fair Access Challenge (Social Mobility and Child Poverty Commission, 2013).

Commitment to improve student experience

The Office for Students (OfS) study, explored in the literature review, recognised that the backgrounds and characteristics of students affect their satisfaction with the academic experience and whether they achieve the best grades. The literature review also highlights differences in satisfaction levels with the course – where students from minority ethnic backgrounds were less satisfied with it in comparison to White students. The Disability Enhancement Programme (DEP) was given as an example of best practice in addressing the experience of disabled students, which has received praise from the Department for Education. Further examples of good practice around student experience included matching students with trained mentors to help them develop their confidence; and initiatives which provide all students with a variety of ways of engaging with their learning and teaching experience and ensuring that lecturers account for the different learning styles of individual students wherever possible. Reverse mentoring schemes are also used by some universities, which allows students to take on the role of mentors and coach senior members of staff on various topics. Despite being a recent phenomenon, reverse mentoring has already become popular both inside and outside academia. For instance, the Collaborative Knowledge Exchange for Learning Impact (Crannóg) Universities Partnership successfully implements reverse mentoring schemes to match a student with a head of school or dean, which promotes knowledge exchange and helps the universities implement changes in work culture, in particular in relation to the advancement of technology and social communication.[26]

3.18. The research identified variations in commitments to improve student experience. As mentioned earlier, five out of seven providers covered fair access for students irrespective of their background. Most frequently course providers (three out of seven) mentioned monitoring of student life cycle to ensure appropriate actions are taken when necessary, and reasonable adjustments are provided to disabled students and those from diverse religious and ethnic backgrounds. Two course providers made only one commitment to monitor and collect student E&D data. One course provider provided contact details for the dignity and respect team. One organisation mentioned neither monitoring nor reasonable adjustments but made a commitment to ensure equality of access for students irrespective of their protected characteristics.

3.19. To support students and improve their experience, the majority of the course providers (five out of seven) referred to their grievance policies and procedures to ensure they have frameworks in place to deal with any complaints. Out of these five providers, one listed its complaints procedures used to report breaches of E&D policies. One university made no references to further policies used to assist students. Another course provider listed five documents which included two policies, one strategy and one plan, devoted to widening access and participation, support for disabled students, student recruitment and selection. This can be considered as another example of good practice, as this approach gives students access to various E&D-related policies and guidance.

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26. Focus on - Reverse Mentoring (Collaborative Knowledge Exchange for Learning Impact - Crannóg, 2018)

Assessment Process

The literature review mentioned the importance of universities addressing the attainment gap, in particular between White students and students from minority ethnic backgrounds. In order to address attainment gaps in Higher Education, the review highlights both teaching, learning and assessment methodologies, and an institution-wide approach to address disparities between groups. Good practice examples identified by the literature review included implementation of a value-added score which provides meaningful data at subject and module level, introducing early warning/diagnostic information, awareness raising and planning targets for the university. Among other strategies, the review distinguished universities using an inclusive curriculum framework (embedding inclusivity principles within all aspects of the academic cycle), and initiatives to decolonise university curriculums involving both staff and students.

3.20. The academic assessment process was covered by over half of the training providers (four out of seven). Similar to other areas of policy implementation, assessment processes were referred to in various ways. For instance, two out of four course providers specified assessment methods used to address the diverse needs of students and help them reach their full potential. Two course providers referred to curriculum review, while another course provider stressed its plans to implement contextualised learning and enhance co-curricular opportunities to improve students' academic experiences.

3.21. Of the two universities that referred to the assessment processes, one highlighted the requirements of disabled students and mentioned equality assessments to ensure accessibility of all services. The other made a commitment to adhere to a wide range of assessment methods. Therefore, the Equality Impact Assessment (EIA) is seen as an important tool which can enable universities to consider the likely impact of their work on different groups of students.

3.22. A third of course providers explored the Heads of Schools' duty to ensure that all assessment methods are fairly applied to all students. One course provider briefly alluded to its commitment to publish the trends arising from the assessment.

Staff Recruitment

The literature review illustrated a broader picture of the effects of racial discrimination on staff experience and performance. It also expressed concerns around recruitment strategies and "all-White" interview panels and gave evidence that 84 per cent of academic staff in UK higher education were White and 93 per cent of university professors were White.

3.23. Over 80 per cent of the E&D policies (six out of seven) provided clear information on this area. The course providers mainly referred to their responsibility to ensure that procedures related to staff recruitment, selection and career development are carried out in accordance with the statutory duties to promote equality and eliminate discrimination. One course provider presented a detailed list of its selection practices to ensure that applicants are not discriminated against on any

grounds.

3.24. Although not all course providers addressed staff recruitment in their E&D policies, it is worth mentioning that all of them presented detailed coverage of their recruitment practices online.

Commitment to addressing staff progression

The Literature review stresses that staff from minority ethnic backgrounds faced a pay gap and often felt unsupported and "blocked" in their careers, with inequal access to career opportunities. Among measures used to motivate Higher Education Institutions (HEIs) to do more with regard to representation and equal pay, the review distinguished mandatory reporting on the gender pay gap, projects by the Athena Swan and Race Equality Charter, the government Disability Confident scheme and Stonewall Workforce Equality Index. In addition to mandatory gender pay gap reports, another good practice example identified in this area includes ethnicity pay gap analysis. Data show that in 2017-2018 staff from minority ethnic backgrounds were subject to a pay gap of 9 per cent compared to White academic staff. Staff from a Black background experienced a greater pay gap (14 per cent), compared to their White colleagues.[27] The research also found that the causes of the ethnicity pay gap are not well addressed. It was suggested that as ethnic minority staff in HE are likely to be of a non-UK nationality compared to White staff, this can add additional factors that need to be examined.[28] To achieve progress in equal pay reporting, Advanced HE set a list of recommendations, which among others includes enhanced data gathering, training on E&D, promotion of reasonable adjustments and usage of positive action to promote staff diversity.[29] One further example given in the literature review was initiating staff networks for staff from minority ethnic backgrounds, auditing their employment data in greater detail, and developing positive action[30] and career tracking plans. Another case study is the Freedom to Achieve project implemented by De Monfort University in partnership with five other universities. Particularly relevant is the second work stream of the project which moves away from considering curriculum development and design, to looking at decolonising all aspects of work in which staff are engaged.

3.25. All policies stated the duty to support members of staff with equal and fair access to the facilities. One provider mentioned its strategy to conduct monitoring to ensure that members of staff are not discriminated against in terms of opportunities available to them. One university focused on fair access to employment, whereas the majority of the course providers (five out of seven) identified career development as an area of significant importance.

3.26. All course providers made a commitment to ensure that procedures related to

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27. https://www.ucu.org.uk/article/10360/Black-academic-staff-face-double-whammy-in-promotion-and-pay-stakes
28. Caught at the crossroads? An intersectional approach to gender and ethnicity pay gaps (Universities and Colleges Employers' Association, 2019) quality Challenge Unit, 2017)
29. https://www.advance-he.ac.uk/guidance/equality-diversity-and-inclusion/employment-and-careers/equal-pay
30. As defined by Equality and Human Rights Commission, Positive Action is about taking specific steps to improve equality in workplace. It can be used to meet a group's particular needs, lessen a disadvantage they might experience or increase their participation in a particular activity. See here.

staff recruitment and career development are carried out in accordance with their statutory obligations to promote equality and eliminate discrimination. In addition, all course providers complied with their legal obligation to publish gender pay gap reports on their websites. When this analysis was carried out, the majority of the providers (five out of seven) published an up to date version of this report, whereas two covered the previous academic year (2018-2019) and delayed the publication of the most recent data due to COVID-19.

3.27. Although a detailed exploration of the workforce makeup demonstrated gradual changes and narrowing of the gender pay gap, only one course provider presented evidence that its female staff earn slightly more than their male colleagues and more frequently occupy upper-quartile jobs. For one provider half of their senior roles were taken by women. However, for over 70 per cent of the course providers male staff still outnumbered their female colleagues in the highest paid roles. Similarly, over 85 per cent of the course providers (six out of seven) reported lower average hourly wages earned by women.

E&D Training for staff

Relying on evidence presented in the EHRC report,[31] the literature review stressed insufficient dedicated anti-racism training for staff and students. Good practice includes provision of unconscious bias training, and training on dealing with discrimination and harassment to ensure staff are effectively trained in identifying and responding to E&D issues. It should be noted that in some cases this training is mandatory.

3.28. Only two out of seven policies mentioned mandatory E&D training for staff. A further three referred to training events and development opportunities for staff to ensure that all members of staff adhere to E&D principles and meet their statutory responsibilities.

3.29. However, it should be mentioned that although one training provider did not explore details related to staff training opportunities in its E&D policies, its website gives full coverage of staff development events and highlights mandatory E&D training for all new members of staff. Two course providers specified training opportunities for staff on the Teaching and Learning Sections of their Equality Diversity and Inclusion websites. One university additionally stressed this commitment in its Staff Development policy.

3.30. It is noteworthy that most course providers did not fully address staff training in their E&D policies but covered them in the related procedures and guidelines available on their websites.

Coverage of Policy Implementation

3.31. The depth and the extent of coverage also differed across course providers.

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31. Tackling Racial Harassment: Universities Challenged (Equality and Human Rights Commission, 2019)

Thus, some universities provided detailed information on all areas of policy implementation, others addressed certain provisions in separate policies and guidelines, and a small number of course providers did both. Policies also varied depending on whether they included up to date references to relevant contact information, institutional procedures, and legislation. There was variation in the degree to which the areas of policy implementation had been adjusted to the profile of the university to address its unique needs. Thus, some policies referred to the individual targets of the university, whereas others briefly mentioned the main provisions of the Equality Act 2010.

3.32. Major differences were also identified in the section outlining the responsibilities of students, staff, HR, management and the E&D committee. Specifically, there were significant differences in the coverage of the duty to report instances of bullying, discrimination and harassment for students and staff, mentioned by only one course provider in the E&D policy itself. However, two universities referred to the duty to report on their websites. Four course providers underlined staff responsibility to undertake E&D training to increase staff awareness of inclusivity and ensure they comply with the university's policies and relevant legislation. Two training providers referred to compulsory E&D training for new staff on their websites.

3.33. The majority of training providers broadly covered HR responsibilities, among which the analysis distinguished the provision of E&D training and promotion of fair recruitment.

3.34. It should be noted that although six out of seven course providers covered management's responsibility to oversee procedures and the implementation of the E&D policies, fewer than half (three out of seven) mentioned their duty to provide reasonable adjustments. Most frequently highlighted was the role of the specific teams in the provision of support, mentioned by five out of seven providers.

3.35. Significant variations were identified in the way course providers covered the duties of the E&D committee. Although over half of the course providers (four out of seven) referred to the committee's responsibility to provide advice on legal compliance, fewer providers (three out of seven) referred to its duty to develop policies. Although all course providers stated that they aim to undertake data monitoring, five of them specified that monitoring E&D data is the responsibility of the E&D committee.

3.36. The most explicit difference identified in this section was the difference in how the E&D Committee's responsibilities were set out. Although all universities covered them, these duties varied significantly, specifically in comparison to other groups (staff, students, HR, management) whose responsibilities seemed to be more consistent across all policies. Among other differences, this research identified different ways of referring to an E&D Committee or equivalent; for instance, the course providers mentioned an E&D Team, an Equality, Diversity and Inclusion Group, a Widening Participation and Access Committee, Equality Units, etc.

3.37. Some policies did not include detailed and clear information on the definitions used. Four out of seven course providers fully defined relevant terminology, whereas the rest did not have this section in their policies and addressed all definitions in other related documents (e.g. Bullying and Harassment policy, Dignity at Work policy and Student Disciplinary Rules and Procedures).

3.38. Regarding the structure of the policies, major differences were identified in the review period given for the policies themselves. At the time when the research was conducted, it was found that more than half of the providers (five out of seven) indicated a review period in their policies. However, only a quarter of them (two out of seven) were up to date and had been updated in the last 3 years. The most common review period for policies among providers was 1-3 years. The length of the policies varied from 4 pages to 13 pages, with the average being 7 pages.

3.39. The extent to which all elements of provision were covered was identified as a major difference across all course providers. Over half of the policies (four out of seven) were considered to go beyond the bare minimum, providing detailed contact information and further references to relevant policies and procedures.

E&D Practices

3.40. In this research, the term 'E&D practices' mainly referred to support initiatives available to students and staff. There were seven websites in the sample, each including an E&D section and several subsections elaborating on each course provider's E&D support initiatives.

3.41. The analysis identified several key variations across E&D practices, among which was the depth of coverage and connection to the E&D policies. One provider presented detailed information in its E&D Policy and other associated policy and guidelines documents. However, the online coverage lacked contact details and background information on the types of support available for students and staff. The other six providers presented detailed coverage of various support groups and networks on their websites but did not include this information in their policy documents. Overall, it can be assumed that most providers have taken the approach of covering E&D support initiatives separately from their E&D policies. Six out of seven universities mentioned contact information of the E&D team and listed support groups/networks and further initiatives on the E&D section of their websites and/or on the student union website.

3.42. The range of the E&D support initiatives available to students was considered to be another difference across course providers. The analysis of the providers' websites indicated that all seven provide E&D support initiatives for students. It was found that all of them provide support for LGBT and disabled students, female students and students from minority ethnic backgrounds. There were fewer support programmes available to mature students, parents and carers, and asylum seekers. Two course providers mentioned country/region/ethnic specific support groups.

3.43. The research identified some variations in E&D support initiatives available for staff. Overall, three course providers included information on a wide spectrum of support groups available for staff. Most frequently, initiatives are provided to support disabled members of staff. The universities also provide family-orientated policies (for instance, pregnancy/paternity policies) and initiatives to support LGBT, female staff and staff from minority ethnic backgrounds. Less frequently, support was expressly available for young members of staff and staff with minority languages.

3.44. Further differences were identified in the types of support available for students and staff. Although there was one course provider that focused more on the financial support for students, including programmes and external awards, the majority of training providers focused more on support groups and networks. For instance, over a quarter (two out of seven) listed a wide spectrum of support groups for international students. More precisely, they provided various country-specific support networks. The research also showed that two out of seven course providers participated in E&D campaigns and projects. A quarter also regularly hold various E&D events and conferences.

3.45. All training providers published evidence supporting their commitment to reducing attainment gaps, widening participation and improving accessibility. The analysis identified references to the entry schemes, widening participation programmes (which include collaboration with schools and other educational institutions) along with further relevant strategies and guidelines. None of this information was included in the providers' E&D policies, but was covered on their websites.

3.46. Variation was also identified in the types of the E&D awards and other forms of recognition. All course providers except one provided information on their achievements and listed their E&D awards on the websites. Among the most frequent awards were:
  – Stonewall Diversity Champion (programme for ensuring all LGBT staff are accepted in the workplace) – the majority of course providers hold it (five out of seven);
  – Athena SWAN Bronze Award (recognises that the institution has a solid foundation for eliminating gender bias and developing an inclusive culture that values all staff) - held by five course providers;
  – Disability Confident Employer (scheme designed to encourage employers to recruit and retain disabled people and those with health conditions) – held by five universities; and
  – Race Equality Charter (aims to improve the representation, progression and success of staff from minority ethnic backgrounds and students within higher education) - held by three training providers.

3.47. At the time when this research was conducted, only two out of seven organisations held all four types of awards. Nearly half of the providers (three out of seven) also held alternative awards as an acknowledgement of their commitment to support women, students and staff from minority ethnic backgrounds and disabled students

and staff. These awards include the Social Mobility Award, membership of the Equality Challenge Unit, Sponsorship of Pride Events, the QAA award for best Practice for Mental Health Support.

Key Findings - Policies and Practices

3.48. Several trends emerged from the analysis, which indicate that despite similarities in approaches to E&D, there were still considerable differences in a number of areas of policy implementation. In particular, the research distinguished the depth and the extent of coverage of the implementation section, as some universities provided detailed information on all areas of policy implementation, others addressed certain provisions in separate documents, and a small number of course providers did both.

3.49. Only two course providers explicitly referred to their objective to go beyond legal requirements, whereas all of them highlighted their commitment to meet statutory responsibilities set out it the Equality Act 2010. This suggests that course providers may need to do more to exemplify best practice and give commitments to go beyond their minimum statutory duties and enhance their strategies used to tackle disadvantage on various levels.

3.50. Although the research found that all course providers addressed their strategic objective to eliminate unlawful discrimination and harassment, the findings highlight that only three of them explicitly mentioned how they investigate instances of bullying, discrimination and harassment. This number is lower than the number of providers that made a commitment to investigate all instances of inappropriate behavior and breaches of E&D policies.

3.51. It is an encouraging finding that all course providers covered procedures related to the elimination of bullying, discrimination and harassment in complementary policies (Bullying and Discrimination policies, Dignity at Work and Study policies, and Student Handbooks) and provided information on formal and informal ways of making a complaint. In addition to this, it is positive that almost all organisations elaborated on their counselling and mediation services and published contact details of their harassment advisers to help students and member of staff get support and raise concerns prior to proceeding with a formal complaint.

3.52. The analysis of E&D policies also indicated significant differences in monitoring activities, including purposes of monitoring and data collected by each provider. This finding possibly indicates a wide spread in universities' monitoring obligations which varied from monitoring student life cycle and staff employment/promotion, to E&D data monitoring and evaluation of policies. Across all policies, there was a lack of clarity in this area, as some course providers did not specify categories and/ or aims of their data monitoring and did not mention their commitment to publish the findings of their monitoring exercises and actions taken as a result.

3.53. The findings highlight that although the majority of the providers covered their disciplinary procedures in their E&D policies, almost every course provider

explored their complaints procedures from various angles. Thus, different contexts in which these grievance policies were explored, make it difficult to establish their overarching objectives and application.

3.54. The majority of the universities referred to the approaches taken to ensure fair access to the course, which included subject and curriculum development and initiatives used to support admissions of students from a wide range of backgrounds, based on merit and free of bias. It is worth noting that all course providers presented detailed widening access and participation plans and covered additional recruitment strategies on their websites.

3.55. Similarly, across all E&D policies there were variations in teaching and assessment methods which leads to the conclusion that the majority have individual strategies in place to address the diverse needs of students and help them reach their full potential. Among strategies most frequently applied by the providers, the research distinguished curriculum review, contextualised learning and equality assessments to ensure accessibility of all services. However, it should be noted that not all universities specified their assessment methods in their E&D policies.

3.56. It is encouraging that almost all course providers stress their commitment to ensure that procedures related to staff recruitment, selection and career development are carried out in accordance with the statutory duty to promote equality and eliminate discrimination. Although not all E&D policies presented detailed information on recruitment practices, all course providers published them on their websites. This finding may suggest that universities prefer to provide online coverage of certain information, as it ensures easier access for potential and current staff.

3.57. In a similar way, it is good to see that all policies referred to the duty to support members of staff with equal and fair access to the university's resources. In addition, all course providers complied with their legal obligation to publish gender pay gap reports. However, despite gradual changes and narrowing of the gender pay gap, only one course provider presented evidence that its female staff earn slightly more than their male colleagues and more frequently occupy upper-quartile jobs. These findings show that there may still be a need for improvement. In addition, it is worth noting that the publication of the ethnicity pay gap reports is seen an area of best practice. However, the research found that only two providers published ethnicity pay gap reports on their websites.

3.58. The analysis has also shown that mandatory E&D training for staff was only mentioned in the E&D policies of a few providers. However, the research suggests that instead of being covered in E&D policies, development opportunities for staff were more frequently published on course providers' websites. Thus, similar to the above, another finding is that certain areas (for instance, staff recruitment and training events) are seen as something that is better elaborated online rather than in policies and guidelines.

3.59. It is important to note the differences in the responsibilities of students, staff, HR, Management and the E&D Committee. In particular, notable variations were found

in the coverage of the duty to report for students and staff, which was mentioned by one course provider in its E&D policy. A further two universities mentioned student duty to report on their websites, and one university referred to staff duty to report. This finding implies that some course providers could do more to raise awareness of the importance of addressing instances of discrimination and harassment among students and staff, either by introducing a 'duty to report' for students and staff, offering more training, or promoting initiatives to increase awareness of reporting.

3.60. Terminology and definitions was another area which was not covered in E&D policies by the majority of the providers but was addressed in other policies, which again indicates that E&D policy, being an overarching policy, contains general information which is further elaborated in other relevant policies and guidelines that cover more specific areas in greater detail.

3.61. Similarly, the finding that some policies had not been updated in the last three years suggests that the providers possibly placed more emphasis on the E&D strategies and objectives which are required to be up to date, in contrast to the overarching E&D policies which are reviewed when there is a need to do it.

3.62. The research has also shown that over half of the policies were considered to go beyond the minimum requirement, as they provided detailed contact information and references to further policies and procedures. This confirms the assumption that the main function of the E&D policies is considered to be the provision of a general overview and elaboration of legal compliance rather than presentation of specific details on different areas which are addressed in further relevant documents or elaborated online.

3.63. It is encouraging to note that all E&D policies covered legal compliance and mentioned bullying, discrimination and harassment. This again suggests that the main function of the E&D policy is to state values related to the promotion of E&D and highlight commitment to statutory duties. Moreover, although fewer than half of the providers addressed reasonable adjustments in their E&D policies, all of them covered this area in other policies. This suggests that even if some provisions were not fully covered in E&D policies, they were specified in further related documents.

3.64. The majority of course providers did not elaborate on their support initiatives in their E&D policies, but presented them on their websites instead. This implies that practices are generally separated from policies and are presented online in a way that is considered more accessible. Variations found in support initiatives for students suggest that the extent of dedicated support varies across providers. Similarly, differences were found in support initiatives for staff. Not all universities covered support groups for staff or published annual statistical reports on staff diversity.

3.65. It is promising to see that all organisations provided information to support their commitment to reduce attainment gaps, widen participation and improve accessibility. However, none of this information was included in the providers' E&D policies, but was covered on their websites which again suggests that for the

majority of the universities E&D policy is seen as an overarching document that sets out legal compliance and introduces information that is further elaborated in other policies or is published online.

3.66. Another significant finding is that all providers hold awards related to E&D as an acknowledgement of their achievements in promotion of inclusivity and equality.

4 Applications for Authorisation

4.1. The section is divided into two parts. Part one examines the key themes covered in the accessibility section of the training providers' applications for authorisation and highlights common areas covered in each theme across different training providers. It also includes the analysis of the outstanding questions from the BSB and examines key areas that most frequently requested to be clarified.

4.2. The second part provides a deeper insight into the BSB's follow up communication with each provider. The findings are accompanied by a short summary and cover all requests for additional information in relation to accessibility indicators considered to be both met and not met, along with the information requests to clarify further indicators (Affordability, Flexibility and High Standards).

Applications

4.3. The sample used for this stage of research consisted of nine training providers' applications for authorisation, with a particular focus on nine accessibility indicators set out in the Bar Standards Board's Authorisation Framework.

4.4. To be consistent with the approach implemented during the previous stage of this research (review of the E&D policies), a thematic analysis was undertaken to examine prospective providers' applications for authorisation. This approach helped us identify the key themes and develop categories for the coding framework. Where possible, the coding scheme was aligned with the themes identified at the previous stage. In addition, the aim was to align these categories with the questions set out in the BSB's Authorisation Framework and the objectives of the BSB's Equality strategy. The analysis was conducted in Microsoft Excel.

4.5. The research findings were grouped by key institutional similarities and differences in the approaches to E&D covered by the providers in their applications.

BSB Follow-Up

4.6. As some E&D elements were not fully addressed in the providers' applications, the sample included internal reports prepared by the BSB. The reports were prepared with the aim of summarising each provider's application, identifying evidence gaps and preparing a list of outstanding questions for each provider. The internal reports included all requests for additional information and examined data submitted in relation to all indicators, including accessibility indicators.

4.7. The analysis of the BSB's engagement with the providers covers both a) information requests and recommendations given in relation to the accessibility indicators that were marked as "likely not to be met yet" at the initial stage of the application process and b) outstanding questions which cover all indicators set out in the BSB's Authorisation Framework (considered both met and not met at the

initial stage of the providers' authorisation process).

4.8. It should be noted that the research examined outstanding questions in relation to the accessibility categories and analysed only those indicators that were considered not to be met by the providers at the initial stage of the application process.

Findings - Applications for Authorisation

4.9. This section provides an overview of the main areas that were related to training providers' commitment to increase diversity, promote inclusion at the Bar and comply with their legal obligations arising under relevant legislation, including the Equality Act 2010. Overall, the research identified six general themes:
   – Theme 1: General E&D commitments and policies aimed to increase diversity at the Bar;
   – Theme 2: Support initiatives;
   – Theme 3: Widening access and participation;
   – Theme 4: Accessible delivery of learning content;
   – Theme 5: Assessment and evaluation activities;
   – Theme 6: Fees.

Theme 1: Commitment to increase diversity at the Bar

4.10. **Implementation of the E&D policies** - All training providers explored their E&D obligations, commitments and duties and provided information about their E&D policies. In this section the organisations elaborated on the main provisions of their E&D policies and stressed their values and commitment to increase diversity at the Bar. Several organisations included information on the awards they received in the equality, diversity and inclusion area and referred to their past achievements, providing links to relevant parts of their websites. The majority of the providers (seven out of nine) discussed the implementation of their E&D policies in detail. One provider gave no substantive information that covered the implementation of its E&D policy and one organisation provided limited detail to address this area.

4.11. **References to the E&D strategy** – Similarly, this category was covered by all providers, as they referred to their specific E&D-related strategies, guidance and objectives. In addition, this section of the applications included references to the provisions from the university strategy, Handbook, Student Charter and Code of Conduct along with the provisions from further strategies and guidance aimed at increasing equality, diversity and inclusion on the Bar course. Among further documents mentioned by the providers, the research identified references to the Equal Opportunities statements and schemes. The majority of the organisations elaborated on their objectives in the E&D area and submitted further information on the projects and programmes they were implementing to promote E&D. It should be noted that while all providers referred to their E&D strategies, not all of them covered this area in detail. Six of the nine organisations provided detailed

information on their strategies, whereas the remaining three discussed it without providing detailed information.

4.12. **Evaluation of the E&D policies** – For the majority of the organisations, this included E&D data collection and monitoring of protected characteristics.[32] Most providers submitted information in relation to their annual monitoring reports, which contained the latest E&D data on the Bar course. Among further evaluation activities implemented by the providers, the research identified monitoring of students' feedback on E&D related matters and further projects aimed at gathering students' views on their provider's approach to E&D. Among these activities were, for instance, focus groups, discussions and meetings with student representatives and student committees. In addition, some providers elaborated on the review of their E&D policies, frequency of the review periods and duties of the teams responsible for policy review. Some organisations made a commitment to review their policies annually. Furthermore, the research found that data collection and data monitoring processes were centralised for some providers and were the responsibility of the HR team, whereas for others it was the remit of a dedicated E&D team/committee that receives E&D data from each School. The responses also included references to the evaluation of policies and compliance with statutory duties and responsibilities. Over half of the providers presented detailed information on how they evaluate their E&D policies. One third provided limited detail, and one provider submitted no substantive information.

4.13. **Equality Impact Assessments (EIA) for policy decisions** – Several organisations referred to their commitment to conduct EIA and elaborated on the key objectives and functions EIAs were intended to address. The responses addressed the steps training providers aim to undertake to identify the circumstances which may have an impact on students' experiences. One provider submitted detailed information on the definition of EIA, their development of EIA Guidance to support Schools in assessing impact of their policies on staff and students, and referred to EIA review process and its frequency. This category was covered in detail by four providers, and three of the providers briefly referred to it. Finally, two organisations provided no substantive information.

4.14. **E&D Monitoring** – The section covered various E&D related monitoring activities, which included data collection to determine E&D objectives and assess impact of the E&D strategy, admissions and recruitment. Among the main aims of providers' E&D data monitoring, the research identified the most common objectives as identification of evidence gaps, evaluation of attainment, and review of progress of various groups of students to improve evidence-base interventions. In addition to this, all providers highlighted their commitment to monitor data to improve employability of certain groups of students and ensure maintenance of diversity and inclusivity. The category was covered in detail by the majority of the responses - six out of nine applications included a detailed clarification of the providers' monitoring activities. Two organisations briefly referred to them and one provider

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32. Protected characteristics as set out in Section 4 of the Equality Act 2010, available here.

submitted no substantive information.

4.15. **E&D Team/Designated E&D Officer**– In this section training providers mainly focused on the responsibilities of the E&D team/officer/manager/consultant/ head of E&D. The data show that the responsibilities varied from the provision of reasonable adjustments and E&D training to the development of various support initiatives, including wellbeing support and counselling. Most of the providers presented the E&D team as the first point of contact for any E&D-related issues. Interesting to note is that in some cases data monitoring and provision of E&D training were presented as the responsibilities of the HR team rather than the E&D team. One third of the providers did not mention the duties of the E&D team, five providers covered this area in detail, and one provider briefly mentioned it.

4.16. **E&D Training** –With regards to E&D training, the providers submitted information on training opportunities for staff which included online and, in some cases, face to face training. Among most frequently mentioned types of training identified by the research were unconscious bias training and anti-discrimination training. The majority of the responses stressed that E&D training for staff was regular and mandatory. In some cases, the providers specified whether all staff were required to attend it or just members of specific teams (for instance, E&D, Admissions, Widening Access and Participation teams, etc.). More than half of organisations (six out of nine) provided detailed information in relation to the provision of mandatory E&D training. One third did not mention whether they implement mandatory E&D training. The frequency of training was covered in detail by most of the providers (six out of nine). One application briefly mentioned it and two responses did not provide any substantive information.

4.17. **Approaches to address bullying, discrimination and harassment** – In this category the analysis noted references to various policies focused on addressing bullying, discrimination and harassment. For example, the research identified references to the Dignity at Work and Study policy, Student and Staff Code of Conduct, Bullying, Discrimination and Harassment policy, and the E&D strategy and policies. Several providers elaborated on bullying, discrimination and harassment complaints procedures and reporting along with the commitments to investigate any instances of bullying, discrimination and harassment. In addition, the organisations referred to their statutory responsibilities to eliminate bullying, discrimination and harassment and promote E&D. Nearly all providers (eight out of nine) submitted detailed coverage of their commitment to address bullying, discrimination and harassment. One provider mentioned it but did not explore this area in detail.

4.18. **Addressing Legal Compliance** –In this area, the research attempted to get a better insight into the providers' compliance with their statutory duties. To highlight their commitment to meet legal responsibilities, the organisations referred to the

Equality Act 2010,[33] Public Sector Equality Duty[34] and GDPR regulations.[35] In addition, the research noted references to further pieces of legislation, for instance, Accessibility Regulations[36] and Special Education Needs and the Disability Act 2001.[37] Nearly all providers (eight out of nine) submitted detailed coverage of their legal compliance to promote E&D and tackle bullying, discrimination and harassment. One provider mentioned it but did not explore this area in detail.

Commitment to increase diversity at the Bar - BSB Follow Up

4.19. **Implementation of E&D policies** – The analysis shows that the BSB requested that the providers elaborate on the review period of their E&D policies, clarify key provisions of their E&D policies and strategies, and explain how they expect to achieve their E&D objectives. Over half (five out of nine) of the providers were asked to give examples of how they intend to implement their E&D policies and strategies to increase diversity, support accessibility and address the attainment gap.

4.20. **EIA for policy decisions** – Two providers were asked to provide additional information on their approach to EIAs, particularly in relation to fees and selection process/admissions.

4.21. **E&D monitoring** – The BSB requested two organisations to submit additional information clarifying the impact of student data on the Bar course and how it would be used to improve its delivery. Additional information was requested in relation to different types of underrepresentation and changes that could be implemented to make the student body more diverse.

4.22. **E&D training** – Three providers were asked to clarify the types of training offered to staff, in particular in relation to anti-bullying and harassment. One information request referred to the availability of staff training on blended learning approaches.

4.23. **Addressing bullying, discrimination and harassment** – One provider was asked to provide additional examples and clarification of the implementation of bullying, discrimination and harassment policies.

Theme 2: Support Initiatives

4.24. **Pastoral care/extracurricular support** – In this section training providers elaborated on peer support initiatives, and the duties and responsibilities of personal tutors (which included provision of pastoral care, personal advice and support). All responses submitted to the BSB mentioned pastoral care - the majority (seven out of nine) provided detailed information on their extracurricular

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33.   Equality Act 2010 is available here.
34.   Background information and purposes of the Public Sector Equality duty are available here.
35.   Guide to the general Data Protection Regulation is available here.
36.   Guidance to understanding accessibility requirements for public sector bodies is available here.
37.   The text of the Special Education Needs and Disability Act 2001 is available here.

support activities. Two providers briefly mentioned them.

4.25. **Disability support** – This category included references to Disability policies, services, support initiatives and the provision of reasonable adjustments[38] (including special equipment; requests for extra time; rest breaks; small rooms and separate rooms; equipment to assist with physical difficulties; read and write software; alternative formats of exam papers, etc.). Some applications also provided an overview of the Disability/Special Adviser's[39] responsibilities (which included the provision of reasonable adjustments and a duty to review reasonable adjustments requests). All providers submitted a detailed overview of their initiatives to support students with disabilities.

4.26. **Diversity networks** – This category most frequently included references to various support initiatives to promote networking opportunities and support underrepresented students and staff. Among the most frequently mentioned diversity support networks, the research identified: LGBT allies, LGBT staff networks, disability staff networks, Gender Equality Working Groups, leadership groups for women and support groups for alumni. Diversity network initiatives were the area covered in the least detail by providers' applications, with only one third of the providers addressing it in detail. One third briefly mentioned them and the rest of the organisations provided no substantive information.

4.27. **Financial Support** – In most cases the organisations highlighted their commitment to support students and increase affordability. Some providers referred to the relevant provisions in their policies, such as Fee policies and Tuition guidelines. This category included information on the scholarship programmes, merit-based awards (for instance, Dean's Awards for Excellence), postgraduate scholarship programmes available to international students, partial fee reductions, and opportunities to apply for the hardship funds. Similar to the support initiatives for disabled students, all providers addressed their financial support initiatives - the majority (six out of nine) explored them in detail and the remainder briefly referred to them.

4.28. **Pupillage support** – In this category, the organisations referred to the responsibilities of personal tutors, employability teams, and pupillage and career advisers. Among their main duties, the research distinguished interview preparation, organisation of network events, workshops, panel sessions and lectures with practitioners, "path to pupillage" programmes, and compulsory courses for pupillage (including modules on Negotiations and Advocacy). Some responses included links to the websites or relevant sections of further policies – such as their Handbook, Tutors' guidelines, or career support services. Five of the organisations provided a detailed overview of their pupillage support initiatives,

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38. Background and more information on reasonable adjustments is available here.
39. Disability advisers are trained professionals working with students with all kinds of impairments. They may have information about types of support and ways of studying and should be able to provide information about the services for disabled students, including accommodation and support arrangements. For more information, see Disability Rights UK, A Guide to Additional Support in Higher Education Report, available here.

two providers briefly mentioned them and remaining two provided no substantive information.

4.29. **Career support** - Similar to pupillage support, the majority of the organisations referred to the responsibilities of personal tutors, employability teams and pupillage/career advisers and consultants. Their applications highlighted that students can be given an opportunity to join mentoring schemes and discuss their career paths with their personal tutors, employability team members and career advisers. Career support services covered in the applications included networking with practitioners, mock interviews, seminars, CV reviews, career in law workshops and lectures (delivered by practising barristers). Career support initiatives were covered in detail by almost all organisations (eight) with one provider covering them briefly.

Support Initiatives - BSB Follow Up

4.30. **Pastoral care/Extracurricular support** – The BSB's follow up in this area included information requests around extracurricular opportunities available to students and the availability of resources after the course has been completed. These requests were sent to two organisations.

4.31. **Disability support** – The BSB requested clarification in relation to certain aspects of disability support, in particular in relation to reasonable adjustments and access to online learning environment for students with disabilities. Three organisations were requested to clarify these areas.

4.32. **Diversity networks** – The BSB's follow up included information requests in relation to support initiatives available to a diverse cohort of students. Two providers were asked to submit additional information to cover these areas.

4.33. **Financial support** – Additional information was requested in relation to scholarship programmes (particularly for underrepresented groups), hardship funds, bursaries and any other types of financial assistance available to students. Five providers were asked to submit more information on forms of awards, eligibility criteria, and the number of students who receive scholarships and apply for financial support.

4.34. **Pupillage support** – Clarification was requested on progression of students (with the focus on students from ethnic minority groups and first generation students[40]) and their success in obtaining pupillage. Four providers were asked to clarify eligibility criteria for pupillage, pupillage success rates, and the connection between a higher rate of success in seeking pupillage and the extra-curricular support initiatives available to their students.

4.35. **Career support** – Additional information was requested from two organisations around availability of information on career options and integration of students in

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40. Students who are the first generation of their family to attend university

Chambers' work. One more specific query referred to the availability of research that would explore the extent to which LLM qualification leads to careers in and out of the legal profession.

Theme 3: Widening access and participation

4.36. **Inclusive recruitment (students)** – In this category the organisations elaborated on data monitoring, in particular the monitoring of E&D and admissions data, and addressed their commitment to update and review entry requirements. The majority of providers specified their commitment to fair and transparent recruitment, and provided an overview of how they assess applications and recruit students. The responses included information on relevant policies (for example, Recruitment and Admissions policies and reasonable adjustments). The responses additionally elaborated on recruitment initiatives and programmes, and clarified the responsibilities of the recruitment and admissions teams and other members of staff who are involved in the recruitment process (such as the E&D team, international office, disability support team). Among key responsibilities the research distinguished attendance of E&D training sessions. All organisations provided detailed coverage of their strategies of inclusive recruitment for students.

4.37. **Inclusive recruitment (staff)** – Despite detailed coverage of inclusive practices for students, it is worth noting that the majority (seven out of nine) of organisations did not provide substantive information in relation to their inclusive recruitment practices for staff. The rest of the providers (two out of nine) briefly referred to the activities they implement to ensure fair recruitment of staff. For instance, the research distinguished one reference to the feedback provided by students who were involved in staff recruitment processes. In addition, the category included references to commitment to fair and transparent recruitment of staff – for instance, provision of reasonable adjustments and other support initiatives available to staff.

4.38. **Responsibilities of the Admissions team** – Among key responsibilities of the Admissions team, the research distinguished provision of specialist advice, support initiatives and admission policies, review and update process of policies, review of the requests to transfer between courses and supervision of the application process (including consideration of evidence, review of appeals and complaints, and monitoring of E&D data). The research additionally noted references to the responsibility of staff involved in admission to attend unconscious bias training and other relevant E&D workshops and events. Responsibilities of the admissions team were covered by all organisations – six responses provided a detailed overview, the remainder briefly mentioned them.

4.39. **Responsibilities of the Widening Participation team** – This category included references to the key duty of the team to run outreach activities (school visits, and law fairs). Further responsibilities included development and implementation of Widening Access and Participation strategies and other programmes and projects aimed at widening access and increasing E&D. Other duties included development of relations with local schools and colleges to support students and motivate them to consider a career at the Bar. Most providers aimed to increase collaboration

with local courts, law societies and justice museums. Five applications included information on the responsibilities of the International Office and elaborated on their cooperation with schools, colleges, and universities to attract students from overseas. All providers mentioned the responsibilities of their Widening Access and Participation teams. Two briefly referred to them, however, the majority (seven out of nine) covered this area in detail.

4.40. **Outreach activities** –This category mainly covered on campus and off campus events, school visits, law fairs (including law fairs abroad), networking events, and online events aimed at attracting students and increasing collaboration with local courts and societies. Some organisations referred to their Widening Access and Participation plans, and strategies to highlight their commitment to attract talented students from underrepresented groups by means of effective outreach schemes and activities. All organisations provided detailed coverage of their outreach activities.

Widening access and participation - BSB Follow Up

4.41. **Inclusive recruitment (students)** – Additional information was requested from the majority of the providers (eight). The most frequent request was in relation to the Accreditation of Prior Experiential Learning (APEL), including admission requirements and assessment of APEL applications. More information was requested from some providers to clarify the review process of entry requirements and admission processes, along with information on their impact on diversity and equitability for students from all backgrounds. Some organisations were asked to clarify how they intend to apply their policies in this area.

4.42. **Responsibilities of the Admissions team** – In this category, two organisations were requested to elaborate on the responsibilities of the Bar course leaders and the support they can offer. More information was also requested from these organisations in relation to the activities they undertook to ensure fair recruitment and selection processes.

4.43. **Responsibilities of the Widening Participation team** – One organisation was requested to clarify the role its staff have in promoting access or reaching out to the wider community.

4.44. **Outreach activities** – The information requested in this category related to the outreach work undertaken by the organisations and any examples of outreach activities aimed at increasing diversity on the Bar course. One training provider was asked to specify outreach activities aimed at recruiting students from minority ethnic backgrounds and those from lower socio-economic groups (in particular, the activities targeting those at school age). In addition, one organisation was recommended to take active steps to increase diversity at the Bar through outreach activities that result in a diverse intake, and was advised to reflect on the effectiveness of such outreach activities and their impact on the admissions profile.

Theme 4: Accessible delivery of learning content

4.45. **Individual pathways/flexible learning** – All organisations provided a detailed overview of their flexible learning strategies. In addition to this, almost all providers referred to their commitment to accommodate various learning needs/styles and develop individual pathways for students. The responses elaborated on the responsibilities of personal tutors to provide individual feedback and learning plans, and highlighted opportunities for self-studying, including implementation of various devices and Virtual Learning Environment (VLE) to get access to online modules, recorded lectures and workshops. Among further approaches, the research identified references to distance learning opportunities, and projects allowing students to shape the delivery of learning content and develop their own learning plan. In addition to this, the responses made references to the recognition of prior learning. The majority of the organisations (eight of nine) elaborated on their flexible learning strategies. One provider briefly mentioned its activities in this area.

4.46. **Inclusive curriculum** – In this category, the organisations highlighted their commitment to create an inclusive learning environment and referred to the key principles of the inclusive curriculum framework. Most frequently, the responses elaborated on pedagogic approaches and strategies aimed at developing inclusive teaching. Strategies aimed at developing inclusive teaching were addressed by all organisations – five providers briefly mentioned their work in this area and the rest of the organisations provided detailed information on their activities.

4.47. **Tailored delivery of learning content** – The research identified references to a range of learning and teaching approaches and learning technologies. These included delivery of sessions in small groups, and delivery of learning content via VLE platforms which give access to teaching materials uploaded in written and audio formats. Among other approaches, the research found references to blended learning approaches that combined online educational materials and opportunities for study and interaction online with traditional classroom methods. Responses also mentioned policies and strategies that set out approaches to learning, including delivery of learning content by means of technology. A number of organisations highlighted that their students are able to leave feedback for their personal tutors who are responsible for the development of individual learning plans. The majority of the universities (six out of nine) provided a detailed explanation of how they intended to tailor the delivery of learning content to students' needs. Three applications briefly mentioned these strategies but did not provide a detailed description.

4.48. **Accessible resources** – All organisations mentioned their commitment to develop more accessible learning content by means of various learning styles and different approaches to content delivery (for instance, audio, visual, reading and writing). In most applications, accessibility of resources was described as being delivered by means of VLE platforms, usage of mobile devices, and adjustments made for students who request them. All organisations submitted information to clarify their approach to more accessible learning content– the majority (seven out of nine) provided a detailed overview, the rest of the organisations briefly mentioned it.

Accessible delivery of learning content - BSB Follow Up

4.49. **Individual pathways/flexible learning** –The BSB's most frequent requests for additional information in this category were around transferring from one part of the course to another. Additional information was requested from four providers in relation to the modular/credit structure of the course. More information was requested from five providers in relation to their approach to APEL and Recognition of Prior Learning (RPL). Three organisations were requested to elaborate on the impact of flexible learning approaches on students' experience on the course. The research also identified two requests to clarify the duties of personal tutors and any challenges for personal tutoring if students are learning flexibly (for instance, part-time or online). One organisation was asked to produce a discrete document which clearly sets out flexible learning options available to students.

4.50. **Inclusive Curriculum** – Additional information was requested from two organisations in relation to inclusive curriculum strategy. In three cases, information was requested about specific examples of how training providers' policies and strategies (for instance, Teaching and Assessment strategy; Teaching and Learning strategy and Success for All strategy) supported inclusivity and ensured that there was no discrimination towards underrepresented groups. One provider was requested to clarify whether it conducted research to support its approach to implementing an inclusive curriculum on the course.

4.51. **Tailored delivery of learning content** – The BSB sought clarification from one organisation in relation to several aspects, including the development of an induction process tailored to students' needs. One organisation was requested to clarify its approach to teaching and learning and how it took into account the needs of various students.

4.52. **Accessible resources** – Clarification was requested from five organisations in relation to VLE, including requests to clarify accessibility of learning materials and off campus access to VLE; the IT support available for students; the use of devices to access learning materials; and what adjustments of online resources were available to students with different needs. The universities were also asked to provide more information on their strategies to increase the accessibility of virtual learning resources.

Theme 5: Assessment and Evaluation Activities

4.53. **Monitoring activities** – The applications provided an overview of the monitoring reports produced by the providers, including annual reflective reviews, periodic course reviews, and other data monitoring reports. Among further monitoring activities, the research identified the monitoring of particular policies (for example, Admissions and Recruitment, Widening Access and Participation, and E&D policies and strategies) to ensure they were successfully implemented on the course. Other monitoring activities mentioned included monitoring of inclusive curriculum design; appeals and complaints; assessment of student engagement and performance; course and module reviews; and implementation of the course development

plan with the objective to inform future approaches to learning and teaching. In addition, the research found references to surveys used to analyse data by E&D characteristics and understand demographics of each cohort. The majority of the responses (eight out of nine) elaborated on various types of their monitoring activities, and one provider mentioned them in less detail.

4.54. **Monitoring attainment** – Most applications referred to the activities implemented to monitor retention data and student success to evaluate the progress of students from protected groups (with a particular focus placed on attainment of students from ethnic minority groups). Monitoring of attainment data included the analysis of student performance along with the overall results upon the completion of the course. In addition, four organisations mentioned their commitments to develop evidence-based interventions and elaborated on the duties of staff (for example, their student experience manager or student liaison officer) responsible for monitoring and analysing data related to students' performance. In addition, all organisations referred to their commitment to conduct annual attainment reviews, and develop and implement projects aimed at reducing the attainment gap. The majority of the universities (six out of nine) provided a detailed explanation of how they intended to monitor students' attainment. One third of the organisations briefly mentioned these strategies but did not provide a detailed description.

4.55. **Evaluation of policies** – In their applications, organisations referred to their commitment to evaluate implementation of policies and review them on a regular basis (1-3 year review period). Most frequently, the applications included a detailed overview of their evaluation approaches, which included regular board meetings, and the analysis of the applications to review recruitment, selection and admissions policies. Evaluation processes mentioned also included data collection to review Widening Access and Participation policies and outreach programmes, and collection of student performance data and student feedback to review and update Learning and Teaching policies and curriculum design strategies. Furthermore, areas covered in the applications included information on providers' approaches to reviewing fees. The analysis found that all organisations submitted information to clarify how their policies are evaluated – the majority (seven out of nine) of applications provided a detailed overview, the rest briefly referred to these activities.

Assessment and Evaluation Activities - BSB Follow Up

4.56. **Monitoring activities** - Requests for further information were primarily related to the monitoring of providers' fee structures and their impact on students. More information was requested from two organisations to clarify the review of recruitment patterns and any actions arising from this.

4.57. **Monitoring attainment** – Several organisations were asked to submit additional information on attainment gap analysis, including the review of students' progress and performance on centralised assessments. Three organisations were asked to provide evidence of any identifiable attainment gap amongst students (with the focus on the groups that are more likely to underperform on the course) that might

have implications for the design and marketing of the Bar course. One provider was recommended to take a more data-driven approach to identifying students at risk of underperformance.

4.58. **Evaluation of policies** – Additional information was requested from three organisations to clarify the evaluation of their recruitment policies and approaches towards admissions, with a request to submit additional evidence that underpinned their choice of entry requirements. One organisation was asked to submit more evidence to clarify their approach to evaluating their Recognition of Prior Learning (RPL) policy[41] and reviewing its effectiveness. Additional information was requested to clarify the approach to adjustments for students with a disability and evaluation of its success. One information request was related to the review of the learning and teaching approach and amendments of the provisions based on student feedback. A similar request for another organisation referred to the evaluation of the success of its approach to teaching.

Theme 6: Fees

4.59. **Flexible fees** – All organisations submitted evidence to support their approach towards flexible fees. Most applications mentioned an opportunity to spread the costs and pay in instalments, and referred to a regular fee policy review and flexible payment methods. Several providers gave an overview of payment opportunities and circumstances under which payment can be cancelled, reduced or amended. For instance, several providers allowed flexible study models and provided different cost options for different parts of the course. Thus, students can be given an option not to pay and commit to Part 2 before passing Part I. Alternatively, there was an option to make a payment after taking 2-3 exams. The responses also included references to the duties of the Income team or other departments responsible for review of the fee policy and financial planning services. The majority of the providers (seven out of nine) submitted detailed coverage of their flexible fees strategies. The remaining two organisations referred to them but did not provide detailed coverage.

4.60. **Discount options** – The analysis distinguished the following discount options available to students: alumni discount (the most frequently mentioned discount in the applications); discounts for students transferring from one course to another; university card discounts; discount options for affiliated organisations and discounts on certain products. Five of the organisations submitted detailed information on their discount policies, three briefly covered this area, and one provider did not provide any substantive information. It is worth noting that two providers highlighted an absence of any discounts in their Bar training programme.

4.61. **Refund options** – The research found references to the tuition and fee guidelines which outlined fee adjustments in case of withdrawal from the course, as well as

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41. RPL is a method of assessment that considers whether a Learner can demonstrate that they can meet the assessment requirements for a unit through knowledge, understanding or skills they already possess and do not need to develop through a course of learning. More information is available here.

refund procedures and the responsibilities of the refund team. Most applications provided information on timeframes within which the refunds would be processed, the frequency of processing (for instance, on a weekly basis), and additional charges and methods of payment. In addition, four organisations provided a detailed overview of the conditions on which the refund may be requested (for instance, if a student withdraws from the course). Three applications did not include any substantive information to clarify refund opportunities, and two providers briefly mentioned them.

4.62. **Visibility of refund information** – Less than a quarter of the organisations stated that their fee, discount and refund information was available online. Over half of the applications briefly referred to the relevant sections of their websites without providing detail. Most frequently, the organisations provided information on the online support resources available (for instance, student hubs) and the commitment to provide students with access to general support and advice on finance and fees. Among further areas of interest, the research noted that several providers covered provisions from their Academic Regulations and Handbook which elaborated on fees and refund options.

Fees - BSB Follow Up

4.63. **Flexible fees** – Four providers were asked to clarify their proposed fee structure (including the structure of fees for each element of the proposed course provision) and provide an explanation on how the fees were arrived at, what they cover, how they supported the principle of affordability and what impact they might have on accessibility for those from the least advantaged backgrounds. Furthermore, more information was requested from one organisation on the fee credit for students who were joining via Recognition of Prior Learning process (RPL) that exempted them from the requirement to undertake some elements of the Bar course.

4.64. **Discount options** –The BSB sought clarification from two providers in relation to discount options for certain provisions - for instance, discounts for those undertaking online learning or other innovative options for course delivery. Two organisations were asked to clarify the form in which scholarships were paid (cash or discounted fees).

4.65. **Refund options** – Two organisations were asked to clarify arrangements they had in place to provide refunds for student deposits.

4.66. **Visibility of information** – The research identified one follow up request related to publication of the RPL and APEL policies and their impact on the Bar students. One organisation was required to submit more information on its Professional Statement Competences.[42]

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42. The knowledge, skills and attributes all barristers need on their first day of practice, and how this underpins Bar training. More information can be found here: https://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html

BSB Follow Up – Summary of key areas

4.67. The findings below are based on the analysis of information requests and recommendations given in relation to the accessibility indicators that were marked by the BSB as "likely not to be met yet" at the initial stage of the application process. The key objective of this part of the analysis was to identify information most frequently requested by the BSB in each category and highlight the categories that were most frequently asked to be clarified.

4.68. The research identified three key areas that were often asked to be clarified - inclusive recruitment practices (clarification was sought from nearly all organisations); individual pathways and flexible learning strategies (information requests were sent to over half of the training providers); and financial support initiatives (requested from half of the providers).

4.69. Among further areas of interest, the research distinguished flexible fees, implementation of E&D policies and strategies, monitoring activities, outreach activities, approaches to inclusive teaching and accessibility of resources.

4.70. All information requests are summarised in Table 1 below.

Table 1

Clarification requested from more than a half of organisations	Clarification was requested from three or four organisations	Clarification was requested from two organisations	Clarification was requested from one organisation
Inclusive recruitment processes (eight organisations) Individual pathways/flexible learning (six organisations) Financial support (five organisations)	Approach to flexible fees (4 organisations) Requested from 3 organisations: Implementation of the E&D policies and strategies Outreach activities Monitoring attainment Approaches to inclusive curriculum and teaching Approaches to accessibility and accessible resources Monitoring activities	EIA for policy decision E&D Monitoring Career support initiatives Tailored delivery of learning content Evaluation of policies (except E&D policies)	Disability support Diversity networks Pupillage support Responsibilities of the Admissions team Responsibilities of the Widening Access and Participation team

Key Findings – Applications and Follow Up

4.71. The analysis showed that all providers addressed their E&D duties in their

applications. Similarly, all organisations submitted information in relation to their E&D policies and elaborated on its main provisions. In addition, all providers discussed relevant E&D strategies and mentioned other diversity-related strategies (university strategy, Handbook, Student Charter and Code of Conduct, Equal Opportunities statement). This implies that all organisations have necessary policies in place and aimed to ensure diversity on the Bar course.

4.72. All organisations submitted detailed coverage of their legal requirements to promote E&D and tackle bullying, discrimination and harassment. The majority of training providers referred to various policies in this area, for instance, Dignity at Work and Study policy, Student and Staff Code of Conduct, Bullying, Discrimination and Harassment policy, and relevant provisions of E&D strategy and policy. These findings suggest that all organisations elaborated on their approach to tackle bullying, discrimination and harassment and comply with their statutory duties.

4.73. The research also indicated that the responsibilities of the admissions and widening access and participation teams were covered by all organisations. This suggests that outreach work is another area of focus for all providers.

4.74. Flexible learning strategies and individual learning pathways were another area covered by all organisations. It should be noted, however, that the research identified differences in coverage of some elements. For instance, some providers emphasised opportunities for distance learning and self-studying, whereas others highlighted implementation of technology and access to a Virtual Learning Environment (VLE). Similarly, to make the delivery of learning content more tailored and accessible, all providers made a commitment to implement a diverse range of learning and teaching approaches and adopt new learning technologies. This suggests that all organisations aimed to adapt to changing priorities in training provision and work on new methods of teaching and content delivery, focusing more on online teaching and the use of technology, although there were differences across providers in the approach they used to deliver this.

4.75. The research additionally noted differences in the responsibilities of provider's E&D teams, which varied from the provision of reasonable adjustments and E&D training to the development of various support initiatives. The findings of the analysis suggest that the most noticeable differences in the applications were around which areas were the responsibilities of the E&D team, and which were the responsibility of the HR teams.

4.76. The findings of this stage complement the earlier findings from this research, that determined that providers implemented various initiatives to support different groups of students. Most frequently, these initiatives involved peer support, pastoral care, personal advice, provision of reasonable adjustments, diversity support networks, scholarship programmes and fee reductions, and career and pupillage support initiatives. While all organisations provided coverage of pastoral, career and financial support initiatives, and addressed their work to support disabled students, other areas were not covered by all providers. For instance, only one third of the organisations fully covered their diversity network initiatives and

only five discussed their pupillage support initiatives in detail.

4.77. Although all organisations provided detailed coverage of their strategies of inclusive recruitment for students, the research showed that the vast majority of the providers did not submit information that covered inclusive recruitment practices for staff. Similarly, it is important to note that four of the providers did not cover their approach to undertaking Equality Impact Assessments (EIA) for policy decisions in detail.

4.78. The research also identified a wide range of monitoring activities implemented by the providers, which varied from monitoring activities to assess implementation of policies and strategies, to periodic and reflective reviews of different data sets. Importantly, all organisations provided an overview of their activities used to analyse and monitor recruitment and retention data to assess progress of students from the protected groups. However, not all providers explicitly detailed E&D related monitoring activities beyond those focused on recruitment, retention and attainment data. While some providers gave detail of other monitoring areas, such as student satisfaction data or their approaches to the evaluation of policies, others did not. Therefore, it would be encouraging to see more providers giving details of how their monitoring and evaluation goes beyond recruitment, retention and attainment.

4.79. There were variations in the provider's approaches to flexible fees, which were covered by all organisations and varied from providing an opportunity for students to spread costs or pay in instalments, to the provision of flexible study models and different cost options for different parts of the Bar course. Discount possibilities varied for different providers, with two organisations highlighting the absence of discounts in their programmes. In terms of availability of this information on the providers' websites, the research shows that only small number of organisations referred to the coverage of this information in the relevant sections of their websites, which may suggest that this information is not easily accessible to students .

4.80. In terms of outstanding questions from the BSB, the research identified several trends, with the most frequent being requests to clarify recruitment processes, strategies of flexible learning and financial support initiatives, including approaches to flexible fees. Less frequently, organisations were asked to submit more evidence in relation to their support initiatives and the responsibilities of the admissions and widening access and participation teams. This suggests that the BSB identified certain areas of concern in terms of a lack of detail covering certain areas when evaluating the applications of the organisations that wished to deliver training for the Bar.

4.81. Available evidence also suggests that all organisations were required to submit additional information to clarify different provisions of their course, with variations in the numbers of indicators that were considered not to be met across individual providers. For instance, one provider was requested to submit additional information in relation to all nine indicators. However, there were two providers that

were requested to clarify only two or three indicators. This may suggest that there were several providers that submitted more detailed applications and were better at covering areas set out in the BSB's Authorisation Framework.

4.82. In terms of the focus of each application, some areas were covered in more detail than others, with some variation across different organisations. The research identified one application that addressed all areas identified in the coding framework used for this research, and one application with the least detailed coverage when compared to the others, with the rest falling somewhere in between.

5 Summary and Conclusions

5.1. Equality and Diversity policies and support initiatives are generally set centrally by universities rather than by the department/law schools running the Bar courses. The BSB sets minimum requirements for the provision of Bar course training in its Authorisation Framework and its regulatory role is limited to ensuring that those requirements have been met. In addition, it is worth acknowledging that the size and structure of the organisation, which can range from large multi-department universities, to specialist for profit organisations and small organisation (which are in a validation agreement with a large university) may have an impact on how E&D policies are developed and what activities they are intended to encompass.

E&D Policy and Implementation

5.2. Overall, the research made it clear that all organisations provided different level of detail and focused on various areas in their applications for authorisation, their policies, and the relevant sections of their websites. The research also noted that despite overall similarities in some areas, providers adopted individual approaches to E&D. In particular, the research found variations in the responsibilities of different teams. For instance, in some cases data monitoring and provision of E&D training were presented as centralised processes and were seen as the responsibilities of the HR team. For other providers data monitoring was conducted on the School/Bar course level and was the duty of the E&D team.

5.3. The literature review conducted for this research indicated limited evidence in most cases of UK universities going beyond their minimum statutory duties required under the Equality Act of 2010 and the Higher Education and Research Act of 2017. Examples of best practice included aiming to tackle racial discrimination and disadvantage on a structural, cultural and individual level. While all training providers highlighted their commitment to meet their statutory responsibilities, only two explicitly referred to the objective to go beyond legal requirements in their publicly available policies and documents. This suggests that more could be done to exemplify best practice, clarify their intention to go beyond minimum statutory duties, and enhance strategies used to tackle disadvantage on various levels.

5.4. Examples of good practice and a possible indicator that universities are seeking to do more than meet minimal requirements is a form of recognition for their work on race, disability, LGBT+ or sex equality via one of the charter mark schemes or awards for Higher Education. It is encouraging to see that all training providers presented information on awards they possess as an indicator of their achievements in promotion of inclusivity and equality. Among the most frequently mentioned E&D awards, the research identified such awards as Stonewall Diversity Champion; Athena SWAN Bronze Award; Disability Confident Employer; and Race Equality Charter.

5.5. The findings from both stages of research suggest that all training providers comply

with their duty to provide reasonable adjustments. It is positive to see that this area has been substantially covered by all organisations both in their E&D policies and in the applications for authorisation.

5.6. The findings from the literature review suggested that discrimination and harassment remains a widespread issue on university campuses, in particular for female students and students from minority ethnic backgrounds. Initiatives aimed at addressing under-reporting and offering support for students were highlighted as key examples of good practice, as was providing access to staff with relevant training and expertise, and an explicit 'zero tolerance' approach taken by universities (including raising student awareness of behavioural expectations, and the consequences if these expectations are breached). It is encouraging to see that the majority of training providers made explicit commitments to investigate all instances of inappropriate behaviour and published their complaints and grievance procedures for students and staff online. In addition to this, it is positive that almost all organisations elaborated on their counselling and mediation services and published contact details of their harassment advisers to help students and member of staff get support and raise concerns prior to proceeding with a formal complaint. Finally, it may also be valuable for the providers to consider having an explicitly stated duty to report instance of inappropriate behaviour and publish more information about it or consider doing more to raise student awareness of behavioural expectations, and the consequences of inappropriate behaviour from students or staff.

5.7. Equality Impact Assessments (EIA) are seen as another important tool which can enable universities to consider the likely impact of their work on different groups of students. The research found that half of the providers did not cover their approach to undertaking Equality Impact Assessments (EIA) for policy decisions in detail which suggests more can be done to raise awareness of the EIA process and ensure it remain an integral part of the decision-making process.

5.8. Finally, the literature review emphasised the importance of student involvement in the development of E&D policies and initiatives. However, the findings of the research suggest that some providers were less clear on the role of students in their E&D programmes. Therefore, there may be more that some training providers can to either increase student involvement in the delivery of their E&D initiatives and support, or make existing student involvement more visible.

Available Support

5.9. The literature review provided evidence that the backgrounds and characteristics of students affect their satisfaction with the academic experience and whether they achieve the best grades. The review also highlighted differences in satisfaction levels, where students from minority ethnic backgrounds were less satisfied with their experience in comparison to White students. Therefore, provision of support initiatives that help address inequalities and promote E&D on the Bar course was another central theme of this research.

5.10. The analysis noted various support initiatives available at each training provider, which most frequently included peer support, pastoral care, personal advice, provision of reasonable adjustments, scholarships and fee reductions and career support. While all organisations provided coverage of pastoral, career and financial support initiatives, and addressed their work to support disabled students, other areas (such as for instance, diversity networks and pupillage support) were discussed in less detail. This suggests that some providers may want to consider if they can do more to support the progression of their students, particularly given the findings from other BSB research that certain groups appear to face considerable disadvantage in obtaining pupillage.

5.11. In addition, all organisations presented more detailed coverage of their support initiatives on their websites than they did in their applications, including a more substantial coverage of diversity networks. This suggests that training providers possibly focused more on providing this information to staff and students, whereas they saw it as less of an area of focus for the BSB. Similarly, more information on training providers' E&D campaigns and awards was available on their websites than in the applications for authorisation.

5.12. The literature review highlighted the importance of universities creating racially diverse and inclusive environments in order to improve the experiences of students on the course. The review suggested focussing on the institutional culture and improving ethnic diversity among role models and staff, with senior leaders taking steps to embed an inclusive culture where staff and students feel confident and supported. However, the literature review also illustrated a broader picture across UK Higher Education of the effects of racial discrimination on staff experience and performance, with staff from minority ethnic backgrounds often facing a pay gap and feeling unsupported in their careers. In order to address these issues, best practice examples given included initiating staff networks for staff from minority ethnic backgrounds, auditing their employment data in greater detail, and developing positive action and career tracking plans. The research findings suggest that although training providers' E&D policies covered their duty to support members of staff with equal and fair access to the university facilities, more could be done to elaborate on their approaches to supporting staff on their websites. For instance, providing more information on mandatory E&D training, reasonable adjustments, and further actions taken to promote staff diversity.

Access and participation

5.13. The literature review suggested that UK universities needed to do more to achieve fair access, and highlighted contextual admissions as an example of best practice in this area. It also stressed the importance of outreach programmes and Entry Schemes in ensuring fair access. The analysis of E&D policies and applications to the BSB suggests that approaches to fair access were covered in detail by all organisations, which represents an encouraging focus among providers on the importance of ensuring fair access to their courses.

5.14. The research found that the majority of training providers' websites and E&D policies elaborated on the initiatives related to student recruitment and access. Among strategies implemented to improve student access, the analysis identified examples of subject and curriculum development that addressed diversity and inclusion issues, and equal access to career planning support for students.

5.15. On widening access and participation, the analysis distinguished various support and outreach activities ranging from funding opportunities and provision of reasonable adjustments to contextual admissions for undergraduate UK applicants. Most frequently, the emphasis was placed on collaboration with schools and other educational institutions to help young learners and adults find out more about their course and the role of Higher Education in general. Among further activities, the research noted entry schemes developed to increase applications from underrepresented learners and empower them to succeed in higher education. These initiatives can be seen as an example of good practice, as they provide additional support and address some of the barriers faced by certain groups of students.

Teaching and Assessment

5.16. The literature review mentioned the importance of universities addressing the attainment gap, in particular between White students and students from minority ethnic backgrounds. The review highlighted the value of both teaching, learning and assessment methodologies, and taking an institution-wide approach to address disparities between groups, as good practice in addressing attainment gaps. It is encouraging to note that all providers' E&D policies covered the commitment to address the attainment gap. In addition, in their applications to the BSB, all organisations referred to their duties to conduct annual attainment reviews and implement projects aimed at reducing the attainment gap and monitoring student attainment data. However, looking at the findings of this research in relation to the recommendations of the literature review, there may be scope for providers to consider implementing a more holistic approach to address differential attainment gaps and tackle inequalities. The literature review highlighted the value of paying attention to the overall institutional culture; the development of an inclusive curriculum; and the development of further guidance. Evidence from the literature review also highlighted the key role students from minority ethnic groups play in the co-creation of the attainment gap strategies. Therefore, the providers may also want to consider increasing the involvement of students in the development of their approaches to addressing any attainment gaps.

5.17. Flexible learning strategies were another area of best practice covered by all organisations. It should be noted, however, that the research identified differences in coverage of some elements. For instance, some providers emphasised opportunities for distance learning and self-studying, whereas others highlighted implementation of technology and access to a Virtual Learning Environment (VLE). Similarly, to make the delivery of learning content more tailored and accessible, all providers made a commitment to implement a diverse range of learning and

teaching approaches and adopt new learning technologies. This suggests that all organisations aimed to adapt to changing priorities in training provision and work on new methods of teaching and content delivery, focusing more on online teaching and the use of technology, although there were differences across providers in the approach they used to deliver this.

Monitoring and evaluation

5.18. The literature review distinguished data monitoring as another important area that needs to be considered by the HE sector. Robust monitoring and review processes were highlighted as good practice in the literature review, in particular universities moving beyond solely monitoring of E&D data covering the makeup of their student cohort. This included monitoring and reporting of gender pay gaps among staff, centralised recording and monitoring of discrimination and harassment complaints, and monitoring and reporting student attainment gaps. The research shows that some organisations provided less detail about various aspects of their monitoring activities, focusing more on monitoring the diversity of the cohort and attainment. This suggests that there may be more that some organisations can do to consider providing more information online to clarify their monitoring activities, or expanding the areas where they implement data monitoring to inform policy development and implementation. More information could also be provided to clarify further aspects of data monitoring, such as, robust monitoring and review processes of student satisfaction and progression after the course, monitoring and reporting of gender pay gaps among staff, and centralised recording and monitoring of discrimination and harassment complaints. In addition to this, the review highlighted the importance of monitoring of intersectionality characteristics, which could be another area of focus for providers.

5.19. Overall, the findings of the research suggest that the vocational training providers have a wide variety of initiatives and approaches in place to promote E&D on their courses, and that despite some similarities in procedures, training providers adopt individual approaches to E&D. For some providers, there may be more they can do to address certain areas where limited information was covered in their policies and applications, such as explicitly committing to go beyond legal compliance, providing more detail of their approaches to monitoring and evaluating their approaches to E&D, and clarifying or improving the level to which students are involved in the development, implementation and evaluation of E&D related policies and initiatives.

6 Appendices

Annex I – Coding Framework - Analysis of the AETOs' Publicly Available Policies and Practices

Category	Code		Course Provider 1	Course Provider 2	Course Provider 3	Course Provider 4	Course Provider 5	Course Provider 6	Course Provider 7
Policy	**Up to date**		Y	N	NC	NC	N	Y	NC
	Beyond Minimum		Y	Y	N	N	Y	Y	N
	Review Period		1-3 Years	NS	1-3 Years	NS	1-3 Years	3-6 Years	1-3 Years
Compli-ance	**Covers Legal Compliance**		Y+	Y+	Y	Y+	Y	Y	Y+
	Covers BDH		Y+	Y	Y+	Y+	Y+	Y+	Y+
	Clear		Y	Y	Y	Y	Y	Y	N
	Detailed		Y	Y	Y	Y	Y	Y	N
Objectives / Values	**Covers Legal Compliance**		Y	Y+	Y	Y+	Y	Y	Y+
	Promotes Equality of Opportunity		Y+	Y+	Y	Y	Y	Y	Y+
	Promotes good relations		Y+	Y	Y	Y	Y	Y	Y+
	Covers reasonable adjustments		Y+	NC	NC	NC+	Y	Y+	Y
Definitions	**Clear**		Y	Y	NC	NC	Y	NC	Y
	Detailed		Y	N	NC	NC	Y	NC	Y
Roles	**Staff**	Undertake E&D Training	Y+	Y+	Y	NC	NC+	Y+	NC+
		Duty to report	NC	Y	NC	NC	NC	NC	NC+
	Students	Duty to report	NC	Y	NC+	NC	NC	NC	NC+
	HR	Provide E&D Training	NC+	Y	Y	NC	NC+	Y	NC
		Promote Fair Recruitment	NC+	Y	Y	Y	Y	Y	Y+
	Management	Oversee Procedures	Y	Y	Y	Y	Y	NC	Y
		Provide Reasonable Adjustments	NC	NC	NC+	NC+	Y	Y	Y
		Provide Support	NC	Y	Y	NC	Y	Y	Y+
	E&D Committee	Advise on compliance	NC	Y	Y	NC	Y	NC	Y+
		Develop Policies	NC	Y+	Y+	NC	NC	NC	Y+
		Monitor Data	NC	Y+	Y	Y	Y	NC	Y+

Implemen-tation	**Recruitment**	Clear	N	Y	Y	Y	Y	Y	Y
	Grievance and Complaints	Students - student code	NC+	Y+	Y+	Y+	Y+	NC+	Y+
		Staff - Disciplinary Policies	NC+	Y+	Y	Y+	Y+	NC+	Y+
	Assessment		Y	Y+	Y+	NC	NC	Y	NC
	E&D Training	Mandatory for Staff	NC+	Y+	NC+	NC	NC+	Y+	NC+
	Monitoring	Clear	Y	Y	Y	Y	Y	Y	Y
		Detailed	Y	Y	Y	N	N	Y	N
Other	**Analysed Documents / websites**		E&D Policy, Discrimination and Harassment Policy, E&D website, Disability Support Policy, Handbook, Access and Widening Participation Statement, Complaints Policy	E&D Policy, Discrimination and Harassment Policy, Equality Plan, Strategy for future development, Dignity at Work and Study Policy, Equality Annual Report, Complaints Policy	E&D annual report, student and staff data, E&D Impact Assessment, Equal Opportunities Statement, Disability Policy, E&D webpage, Complaints Policy, E-learning website	E&D Policy, Discrimination and Harassment Policy, Single Equality Scheme, E&D Annual report, E&D webpage, Complaints Policy, Disability Policies, Handbook and Student Regulations, HR Policies	E&D Policy, Discrimination and Harassment Policy, E&D website, E-learning website, Complaints Policy, Academic Appeals Procedure, Equality Annual Publication	E&D Policy, Discrimination and Harassment Policy, Equal Opportunities Protocol, E-learning website, Widening Participation and Access Strategy, Complaints Procedures, Staff Development Policy	E&D Policy, Discrimination and Harassment Policy, Single Equality Scheme 2016–2020, Dignity at Work and Complaints Policy, Strategy 2030, E-learning website, BDH website; Students Conduct Policy

Coding Categories

Y: Covered in E&D Policies
Y+: Covered both in E&D Policies and other supporting documents
NC+: Not covered in E&D Policies, but covered in other supporting documents
NC: Not covered in any of the documents examined
N: Information not clear/detailed

Annex II – Coding Framework - Analysis of the Accessibility Criteria of the AETOs' Applications for Authorisation

Theme	Sub-theme		AETO 1	AETO 2	AETO 3	AETO 4	AETO 5	AETO 6	AETO 7	AETO 8	AETO 9
Increasing diversity at the Bar	Implementation of E&D Policies		Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y-	N
	E&D Strategy		Y+	Y+	Y+	Y+	Y+	Y-	Y-	Y-	Y+
	Evaluation of Policies		Y+	Y-	Y+	Y+	Y+	Y-	Y+	Y-	N
	EIA for Policy decisions		Y+	Y-	Y+	Y+	Y+	Y-	Y-	N	N
	E&D Monitoring		Y+	Y-	Y+	Y+	Y+	Y-	Y+	Y+	N
	E&D Team/Designated E&D Officer Responsibilities		Y+	Y+	Y+	Y+	Y-	Y+	N	N	N
	E&D Training	Mandatory	Y+	Y+	N	Y+	Y+	N	Y+	Y+	N
		Regular	Y+	Y+	Y-	Y+	Y+	N	Y+	Y+	N
	Addressing BDH		Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y-
	Addressing Legal Compliance		Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y-
Support Initiatives	Pastoral care/Extracurricular support		Y+	Y-	Y+	Y+	Y+	Y+	Y+	Y-	Y+
	Disability support		Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+
	Diversity networks		Y+	N	Y+	N	Y+	N	Y-	Y-	Y-
	Financial Support		Y+	Y+	Y+	Y-	Y+	Y+	Y+	Y-	Y-
	Pupillage Support		Y+	Y-	Y+	Y+	Y+	Y+	N	Y-	N
	Career Support		Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y-
Widening access and participation	Inclusive recruitment process	Students	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+
		Staff	N	N	N	N	Y-	Y-	N	N	N
	Responsibilities of the Admissions Team		Y+	Y+	Y+	Y-	Y+	Y-	Y-	Y+	Y+
	Responsibilities of the Widening Participation Team		Y-	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y-
	Outreach activties		Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+

Accessible delivery of learning content	Individual pathways/flexible learning	Y+	Y-	Y+	Y+	Y+	Y+	Y+	Y+	Y+
	Inclusive curriculum/teaching	Y+	Y-	Y+	Y-	Y+	Y+	Y-	Y-	Y-
	Tailored delivery of learning content	Y+	Y-	Y+	Y+	Y+	Y+	Y-	Y-	Y+
	Accessible resources	Y+	Y-	Y+	Y+	Y+	Y+	Y+	Y+	Y-
Assessment and Evaluation activities	Monitoring activities are in place	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y+	Y-
	Monitoring attainment	Y-	Y+	Y+	Y-	Y+	Y+	Y+	Y+	Y-
	Evaluation of Policies (apart from E&D Policies)	Y+	Y-	Y+	Y+	Y+	Y+	Y+	Y+	Y-
Fees	Flexible fees	Y+	Y-	Y+	Y+	Y+	Y+	Y+	Y-	Y+
	Discount Possibility	Y+	Y- (no dis-counts)	Y+	Y-(no dis-counts)	Y+	Y+	N	Y+	Y-
	Refund Possibility	Y+	N	Y+	Y+	Y+	Y-	Y-	N	N
	Information is publicly available	Y-	Y+	Y-	Y-	Y+	Y-	Y-	N	N

Coding Categories

Y-: Briefly mentioned in the documents (not detailed) - the documents provide less than three pieces of substantial information related to this indicator

Y+: Covered in the documents (detailed) - the documents provide three or more pieces of substantial information related to this indicator

N: Not covered in the documents - the documents provide no information, or no pieces of substantial information, related to this indicator