



BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

# Annual Report on Bar Training 2023

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# Contents

<b>Purpose of Report</b>	<b>1</b>
<b>Executive Summary</b>	<b>1</b>
<b>Equality, diversity and inclusion</b>	<b>2</b>
<b>Background</b>	<b>2</b>
<b>Vocational Component</b>	<b>3</b>
High Standards	4
Flexibility and Accessibility	8
Affordability	14
<b>Role of the Inns of Court during the Vocational Component</b>	<b>15</b>
High Standards	15
Flexibility, Accessibility and Affordability	15
<b>Pupillage Component</b>	<b>16</b>
High Standards	17
Flexibility	21
Accessibility	22
Affordability	24
<b>Annex 1</b>	<b>25</b>
<b>Annex 2</b>	<b>29</b>
<b>Annex 3</b>	<b>32</b>
<b>Annex 4</b>	<b>34</b>

# Purpose of Report

1. To provide the Board with strategic oversight of the operation and outcomes of Bar Training. The report draws together the work of teams from across the organisation.

# Executive Summary

2. The report offers an overview of Bar training covering the period from September 2022 to November 2023. It offers the Board insight into how standards in Bar training during both the vocational and pupillage components have continued to be set, met, and assured specifically in the following ways:
  - (a) how the four key principles of Bar training (Flexibility, Accessibility, Affordability and High Standards) continue to be sustained in the delivery of Bar Training and in our decision-making and further developments;
  - (b) how the processes for authorising, assessing, monitoring and evaluating Bar training are working now that training reforms have become 'business as usual';
  - (c) how we have dealt with issues that have arisen during the year.
3. The paper overall indicates a range and variety of measures of assurance that are in place to give the Board confidence that regulatory oversight of Bar training is being managed in a way that ensures the integrity of delivery by the training providers. Where relevant we indicate where further detail can be found should any Board members wish to explore a particular topic in more depth.
4. Key points of note since September 2022 and considered in more detail below are:
  - (a) the decision to vary the authorisation of the University of Hertfordshire to deliver vocational Bar training;
  - (b) allegations of cheating in online assessments;
  - (c) commencement of the Thematic Review of vocational AETO admissions arrangements and how they support student progression;
  - (d) the impact of the resit policy on diversity;
  - (e) the impact on prospective vocational Bar training students of the University and College Union (UCU) marking boycott;
  - (f) the development of a barrister apprenticeship;
  - (g) the possibility of authorising a work-based learning (pupillage) provider outside of England and Wales;
  - (h) the development of advocacy and negotiation courses during pupillage; and
  - (i) commencement of research into barriers to diversity in pupillage recruitment.

## Equality, diversity and inclusion

5. The BSB believes that the Bar should be inclusive and reflect the diversity of society across all levels of the profession. Our equality objectives are to:
  - (a) clarify the BSB's expectations of the Bar concerning equality, diversity and inclusion and to highlight opportunities for change;
  - (b) hold the Bar to account for reducing racial and other inequalities across the profession;
  - (c) promote a culture of inclusion at the Bar and in legal services more generally; and
  - (d) build a diverse and inclusive workforce ensuring that the BSB is itself an example of the approach the BSB is promoting.
6. Our equality strategy sets out how we aim to meet those objectives which include: encouraging an independent, strong, diverse and effective legal profession; eliminating discrimination; advancing equality of opportunity; and fostering good relations between people who share a protected characteristic and those who do not.
7. Further information about the way we are advancing equality of opportunity and therefore enabling the Bar to reflect society can be found at:

Para 40-47      The impact of the resit policy on diversity Annex 4

Our analysis shows that if opportunities to resit assessments are limited, this directly impacts on students from an ethnic minority background, particularly Black students.

Para 101      Evidence of issues raised during pupillage that may affect access to a suitable learning environment.

Para 104-106      Commencement of research into barriers to diversity in pupillage recruitment.

This will provide additional evidence to help improve the BSB's knowledge of factors contributing to issues highlighted in previous research ie that prior academic attainment is the most common criteria for sifting pupillage applicants, which may favour those from more privileged backgrounds.

## Background

8. Last year the Board received a report on Bar training covering the period from the start of the new Bar training courses in September 2020 to September 2022. The reforms to Bar training resulting from the Future Bar Training programme have almost all now been implemented and are subject to an ongoing programme of evaluation. The four key principles of reform were flexibility, accessibility, affordability and sustaining high standards and these principles continue to inform our approach to our ongoing work. Authorised Education and Training Organisations (AETOs) are authorised on the basis that they can assure us that they can meet the indicators of compliance relating to these principles, as set out in the Authorisation Framework. Last year's report on Bar training was the first opportunity to reflect on how well these principles had been implemented and were being realised through Bar training between 2020 and 2022. This year's report is therefore the first 'business as usual' report and covers just the period from September 2022 to November 2023. The series of annual reports will develop a longitudinal view of the operation of Bar training supported by research and by the activities of all teams involved in the authorisation, and monitoring of, and the assessments taken during Bar training.

# Vocational Component

9. Since the implementation of our training reforms, we have authorised [ten providers across 21 locations](#).
10. No new providers have been authorised in the past year; however, in May 2022 the University of Law was granted authorisation to run their Bar Practice Course from Newcastle University, with whom the University has a partnership arrangement. This was the second such application from the University of Law; an application in relation to their partnership arrangement with the University of Liverpool was approved in March 2021.
11. The University of Hertfordshire was granted authorisation by the Bar Standards Board in November 2021 to deliver vocational Bar training and the University went on to commence its first Bar course in September 2022. This year, we took the decision to vary its authorisation, meaning that its intended September 2023 intake was deferred to January 2024. This is discussed in further detail below.
12. We continue to engage closely and regularly with vocational AETOs through our quarterly Bar Training Forum and at the annual Bar Training Conference. These fora provide opportunities for sharing of best practice, for ensuring that there is a common understanding of our requirements, and therefore help to promote consistency of student experience across AETOs. In the period covered by this report, subjects for discussion have included:
  - Security of assessments
  - Resit policy
  - Ensuring consistency of assessment standards
  - Artificial Intelligence (AI).
13. Where workstreams across the BSB are likely either to be of interest to or to impact on AETOs, we ensure that they are aware of them. For instance, at the recent Bar Training Conference, colleagues from Strategy and Policy who are leading on Technology and Innovation at the Bar spoke to AETOs about their work; we also invited an external expert, Dr Kryss Macleod from Manchester Metropolitan University, who gave an overview of 'Exploring ethics and regulation in an age of AI'.
14. A project to review the decision-making framework in Authorisations has now reached a point where the first phase of its proposals is nearing readiness for consultation. Since these proposals may involve new ways of thinking about completion of the academic component of training, we took the opportunity of the conference to workshop some ideas with the vocational AETOs with the lead consultant for the project, Professor Mike Molan, running the session. This approach of workshopping ideas with AETOs at an early stage was very successful in the Future Bar Training programme and resulted both in better buy-in of AETOs and more operationally workable proposals.

## High Standards

### University of Hertfordshire

15. The University of Hertfordshire was granted authorisation by the Bar Standards Board in November 2021 to deliver vocational Bar training and the University went on to commence its first Bar course in September 2022. Our Supervision monitoring activity of vocational AETOs led to the identification of risk to the standard of delivery of the Bar course at the University. We were initially alerted to risks by our External Examiners during the course of their review of the standard of the assessments drafted by the University.
16. Following a period of engagement with the law school leadership team, a decision was made, in the interests of students, to vary the University of Hertfordshire's authorisation to deliver vocational Bar training. The BSB's decision meant that the University had to defer its next Bar course intake to January 2024, subject to satisfying us that sufficient remedial action has been taken.
17. As part of this decision, we sought assurance from the University that alternative arrangements and support for the students due to start their Bar course in the autumn was in place (including pastoral support, support to transfer to other courses or defer their entry to 2024, and financial compensation where relevant). We have continued to monitor this, as well as how the University is supporting students from the 2022/23 cohort to successfully complete their qualification, given the [low pass rates](#).
18. The University has cooperated with us and put a plan in place to strengthen a number of aspects of its course delivery to ensure that it is complying with the mandatory requirements in the Authorisation Framework. The actions that the University is taking are being monitored by the Supervision team. A final decision on recommencing the Bar course in January 2024 will be made this month.

### Authorisation

19. While we did not receive any authorisation applications from new providers this year, we have continued to consider requests from vocational AETOs for material changes to individual assessments of their authorised Bar courses and to their modes of delivery.

### Assessments

20. In April, we received allegations of cheating (supported by clear evidence) in computer-based exams taken at home. We immediately suspended delivery of online exams in Bangladesh and Pakistan, where we believed the risk to be. In May, we received further evidence and took the interim decision to suspend delivery of all online exams due to the threat to the security of any online assessment in any location.
21. Since that time, we have commissioned a comprehensive cyber security investigation, consulted with stakeholders and completed an Equality Impact Assessment. We were concerned at the potential impact of a decision to prioritise high standards over flexibility and accessibility. However, our Equality Impact Assessment produced following consultation with relevant stakeholders concluded that this was a proportionate action to take given the risks that needed to be managed. Stakeholders were clear that what was important to them was the availability of the adjustments that they might need to do the exams, rather than the platform on which the exam was delivered. The ability of AETOs to provide adjustments is not affected by this decision. The Supervision team also liaised with the AETOs which were affected and monitored the actions that the AETOs took.

22. In November, we confirmed our position not to allow online assessments; all written exams will now be pen and paper exams taken in invigilated examination halls unless authorised otherwise. This applies equally to the centralised assessments and to the provider-set ones. It is important to note that online assessments are not the same as taking an examination on a computer. Therefore, if an assessment such as Drafting is delivered as a timed, invigilated exam, students may use a computer to write their answers as long as they are given a hard copy of the examination paper, and their work is submitted via a plagiarism detection system. Students who have a learning agreement stating that they require the use of a computer for their assessment because of their disabilities may still use one. The decision does not impact on the ability of AETOs to provide reasonable adjustments for those who need them.

### Centralised assessments

23. We have now had nine sittings of the new format of the centralised assessment in Civil Litigation – the first was in December 2020. (The format of the centralised assessment in Criminal Litigation did not change in the Future Bar Training reforms.) We have assessed 8,753 candidates in total, and 3,489 candidates in the academic year 2022/2023. During this time, the passing rates have varied from 65.6% for Criminal Litigation in April 2023 to 39.9% for the same subject in August 2023. We have continued to publish [a Chair's report](#) after each sitting of the Litigation assessments which details the quality assurance processes undertaken, as well as how the passing standard has been set. The report notes the performance of the cohorts at each course provider. The report also sets out the role of the exam board and the operation of the assessment. The independent observer for centralised exams and the independent psychometrician attend final exam boards and have approved our processes and methodologies. The independent observer also attends subject boards.

24. December 2022 saw the first cohort of candidates entered by the University of Hertfordshire, and April 2023 saw the first cohort of candidates entered by the University of Law Newcastle; this brought the total number of AETO assessment centres to 21.

25. The whole cohort passing rates for each of the two litigation subjects across the last three sittings held to date are as set out in table 1 below:

**Table 1.**

	August 2023	April 2023	December 2022
<b>Civil Litigation</b>			
No. of candidates	889	1,671	929
Passing rate	45.1%	59.8%	56.4%
<b>Criminal Litigation</b>			
No. of candidates	840	1,583	596
Passing rate	39.9%	65.6%	49.8%

26. Variations in overall passing rates are to be expected as the mix of candidates will depend on the structure of AETO courses and whether the first sit offered is December or April, and the balance between those sitting for the first time and those resitting following a previously failed attempt. However, a pattern is starting to emerge whereby the August sits have a preponderance of candidates resitting (in August 2022, 59% of candidates were resitting; in August 2023, 59% of candidates were resitting). A marked difference in the passing rates between candidates sitting for the first time and those resitting can be clearly seen and this results in a lower overall passing rate; for example, the passing rate for Civil Litigation first sitters in August 2023 was 57%, for resitters it was 38%.

## Locally set assessments

27. In addition to the centralised assessments, students take assessments that are set and marked by the AETOs (Advocacy, Professional Ethics, Opinion Writing and Legal Research, Drafting, and Conference Skills). We appoint External Examiners (EEs) to provide us with assurance on the consistency of standards of the assessments set by the vocational AETOs. They assess whether:
- the assessment process measures student achievement rigorously and fairly in line with our Curriculum and Assessment Strategy; and
  - the standards and the achievements of students are consistent between AETOs.
28. The overall themes reported by the EEs during the last academic year reflect that the vocational AETOs have now settled into the delivery of the new Bar courses after the very challenging environment in which they were launched (during the COVID-19 pandemic).
29. The EEs equally have evolved their role, reaping the benefits of working in subject teams, with subject leads co-ordinating with each other and the Supervision team to ensure a consistent approach to decision making.
30. The Supervision team holds regular subject lead meetings, drop-in sessions and other training events for EEs, and issues regular newsletters throughout the year to ensure that EEs can raise any questions or concerns promptly and to ensure consistent standards and sharing of information. With the support of one of the subject leads who stepped down this year, the team has developed a mentoring programme in addition to the induction training for new recruits to the pool of EEs. Periodic newsletters are also issued to AETOs to keep them up to date with any changes or developments.
31. In August, we issued subject reports to AETOs. The themes clearly indicated that, generally, assessments were of high quality, appropriately challenging and in line with the Curriculum and Assessment Strategy and the Professional Statement. EEs also reported that there was improved communication between them and AETO staff, with their recommendations being incorporated without difficulty. Where issues persisted, Supervision visits were conducted.
32. A 'quality collaboration' event is planned for the new year to discuss some common themes in relation to marking and moderation processes, bringing together AETOs and EEs.

## Risk assessment and monitoring of standards in the delivery of courses

33. In the Supervision team, our assessment of risk is formed using information we gather to determine whether a regulatory response (such as a visit) is needed. The information we gather is taken from a variety of sources, including:
- Reflective reviews submitted by AETOs.
  - Reports from External Examiners.
  - Data that we collect, such as those reported in the key statistics reports.
  - Reports from students and other stakeholders who have a concern about an AETO.
34. Now that several cycles of assessments in the new Bar courses have taken place, we are also starting to monitor trends in results of both centralised and local assessments.



35. This information is gathered into each AETO's risk profile, which we monitor on an ongoing basis. At specific times in the year, each profile is thoroughly reviewed. Throughout the year to September 2023, two vocational AETOs previously rated as High Risk were re-assessed as Medium Risk, as a result of their response to actions that we set to improve internal controls in their Bar Course delivery. We will continue to monitor these AETOs closely until their internal systems and procedures satisfy our regulatory requirements. Of the ten authorised vocational AETOs, seven are rated as Low Risk, two as Medium Risk and one as High Risk.
36. AETOs submitted their reflective reviews in March 2023. These provided information regarding their reflection on the delivery of the Bar course, lessons learnt and how the AETOs have responded to student feedback. We also gathered reflections on students' performances at the centralised assessments and consequent adjustments made to course delivery. This, together with students' performances in the locally set assessments, will continue to be a focus of future reflective reviews.

### **Thematic Review of vocational AETO admissions arrangements and how they support student progression**

37. We have commenced a thematic review of vocational AETOs' admissions arrangements and how they support student progression. The aims are:
- To review AETOs' admissions policies and processes to obtain assurance that they meet the standards required in the Authorisation Framework.
  - To review AETOs' policies and processes to obtain assurance that they enable standards to be maintained once a student is admitted and that systems are in place to ensure that each student develops to their full potential, whatever their starting point.
38. This follows discussion at the Board last year and is being conducted against a complex backdrop:
- The new courses are now into the third year of operation and some emerging trends are evident, captured in a number of reports:
    - o data on results and student progress at each AETO;
    - o research (by both the BSB and, separately, the Solicitors Regulation Authority (SRA) in relation to their courses) that indicates that ethnicity and socio-economic status have a significant impact on students' performance on the course and their ability to obtain pupillage;
    - o evaluation of the Bar training reforms;
    - o research and data reports published by the BSB about AETO approaches to equality and diversity policies and student experiences of these.
  - Removal of the Bar Course Aptitude Test (BCAT) as a condition of enrolment and concerns about this expressed by some.
  - The greater flexibility introduced as a fundamental part of the Bar training reforms in how courses are designed and implemented.
39. We are currently conducting desk-based research, including information provided at authorisation, and will be conducting visits to AETOs and liaising with other stakeholders. We expect to finish the review in August 2024.

## Flexibility and Accessibility

### Resit policy

40. The new vocational Bar training courses that commenced from September 2020 allow a student a maximum of five years in which to successfully complete the course so that they can be Called to the Bar. Each training provider has its own sets of regulations relating to the university academic awards, such as Postgraduate Diploma, LLM etc, within which Bar training is embedded. These local regulations determine the number of re-sits permitted for each assessment as the BSB does not regulate the academic awards of the training providers, only the elements which are required to be passed for Call to the Bar. As far as the BSB is concerned, there is no limit to the number of times those elements can be retaken within five years.
41. In practice the AETOs have not made the conceptual separation between their own academic awards (in which we take no regulatory interest) and the elements required for Call to the Bar. Therefore, once students have reached the maximum permitted number of resits for the academic award, they fail the academic award and leave the AETO. Only one AETO permits unlimited resits within 5 years for their academic award.
42. We have therefore discussed with training providers the best way to enable students to continue to take further re-sits once they have reached the maximum number permitted under the regulations of their academic awards. All providers were invited to propose solutions and BPP came forward to offer a solution which is being trialled with a pilot in December 2023.
43. These arrangements for further sits would be on a non-award basis. That means that although students may be Called to the Bar if they successfully complete all the elements of vocational Bar training prescribed by the BSB, they will not receive any academic award such as a Postgraduate Diploma or LLM either from their original training provider or from BPP (if BPP is not their original provider).
44. If the December 2023 pilot is successful, all students who have undertaken Bar training at other providers since September 2020 and who are deemed to have reached the maximum number of resits under the regulations of their academic award will be invited to apply to take further re-sits of any outstanding assessments. These may be taken with BPP from Spring 2024.
45. The rationale for the original policy position and for seeking to find a solution for those students whose AETOs do not permit additional sits within the five-year period is to align with the key principles of Bar training reform of accessibility and flexibility. This solution does not compromise on the principle of high standards, since the same level of competence must be met whichever route to qualification has been taken. Furthermore, completion of the vocational component is not the final hurdle before practising as a barrister as pupillage must also be completed and competence to the threshold standard of the Professional Statement must be demonstrated before a full practising certificate is issued.
46. The Exams team has undertaken research which shows that there is a compelling case for enabling students to access multiple resit opportunities as there is evidence that restricting the number of attempts has a marked adverse impact on some groups with protected characteristics.
47. The key findings of the research are that:
- The percentage of candidates who eventually pass is higher than the average of single-assessment pass rates, thus demonstrating the importance of resits to eventual overall results;

- The gap between the highest and lowest ranking AETOs closes over time;
- Students continue to pass when they are given opportunities beyond the 2-3 attempts permitted at all providers other than the one that permits multiple sittings;
- Where attempts are limited to 2-3, this disproportionately affects students from a minority ethnic background.

This emerging data indicates that our existing policy of permitting unlimited attempts within five years, when applied in the way we originally intended, does promote diversity. Fuller information and data can be found at **Annex 4**.

### **Bar course applicants affected by University and College Union marking boycott**

48. In July, we published guidance for students affected by the University and College Union (UCU) marking boycott who wished to commence training for the Bar from September 2023. We gave discretion to vocational AETOs to allow students to enrol who had results pending from an undergraduate law degree or a Graduate Diploma in Law, on the understanding that (1) providers will satisfy themselves that students are likely to meet the normal admissions criteria, and (2) that both sides understand the risks and the consequences of the student failing the degree or the Graduate Diploma in Law.

49. A student cannot be either Called to the Bar or progress to pupillage unless they have successfully completed both the academic and vocational components of training.

### **Outcomes**

50. The BSB has a statutory duty to encourage an independent, strong, diverse, and effective legal profession and accessibility was one of the four key principles of training reform. Previous BSB research has identified that ethnicity and socio-economic status have a significant impact on students' performance on the vocational Bar training courses and their ability to obtain pupillage.<sup>1</sup>

51. The new course does not appear to correlate with any standout changes in the proportions enrolling by demographic (see **Annex 2**). For the variables we have good data on, there is a continuation of longer-term trends seen throughout the years of the Bar Professional Training Course (BPTC), and little substantive change this year from earlier cohorts on the new course.

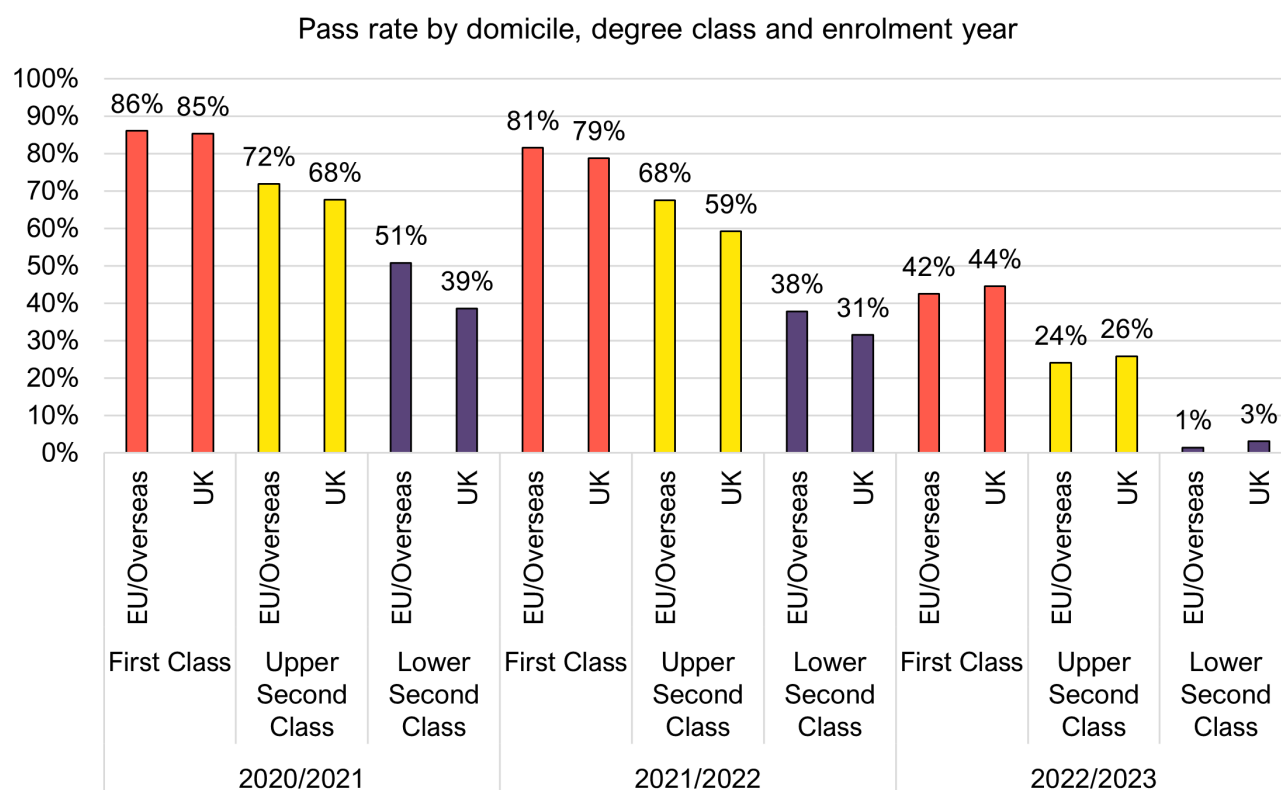
52. Each year, we publish a report on [key statistics](#) relating to vocational Bar training and progression to pupillage. These reports contain a lot of data about student demographics and performance. Last year we decided to restructure the reports, in particular to provide more accessible information for prospective students that they can use to help inform them about their choice of AETO and their chances of success in obtaining pupillage. There are now two reports, [one focussing on results by provider](#), and one covering [enrolment, results, and student progression across the course as a whole](#). We are in the process of finalising the latest edition of the report on results by provider and will be publishing it later this year.

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<sup>1</sup> See our research on differential outcomes published in 2022, and 2017, found on our website here: <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/bsb-research-reports.html>

53. The chart below shows pass rates by enrolment cohort, domicile and degree class as of 15 November 2023. Its accuracy depends upon providers having provided us with the most up to date results data. Note – domicile is inferred based on nationality in some cases in the below charts, as for the 2020/21 cohort there is a substantial amount of domicile data missing.

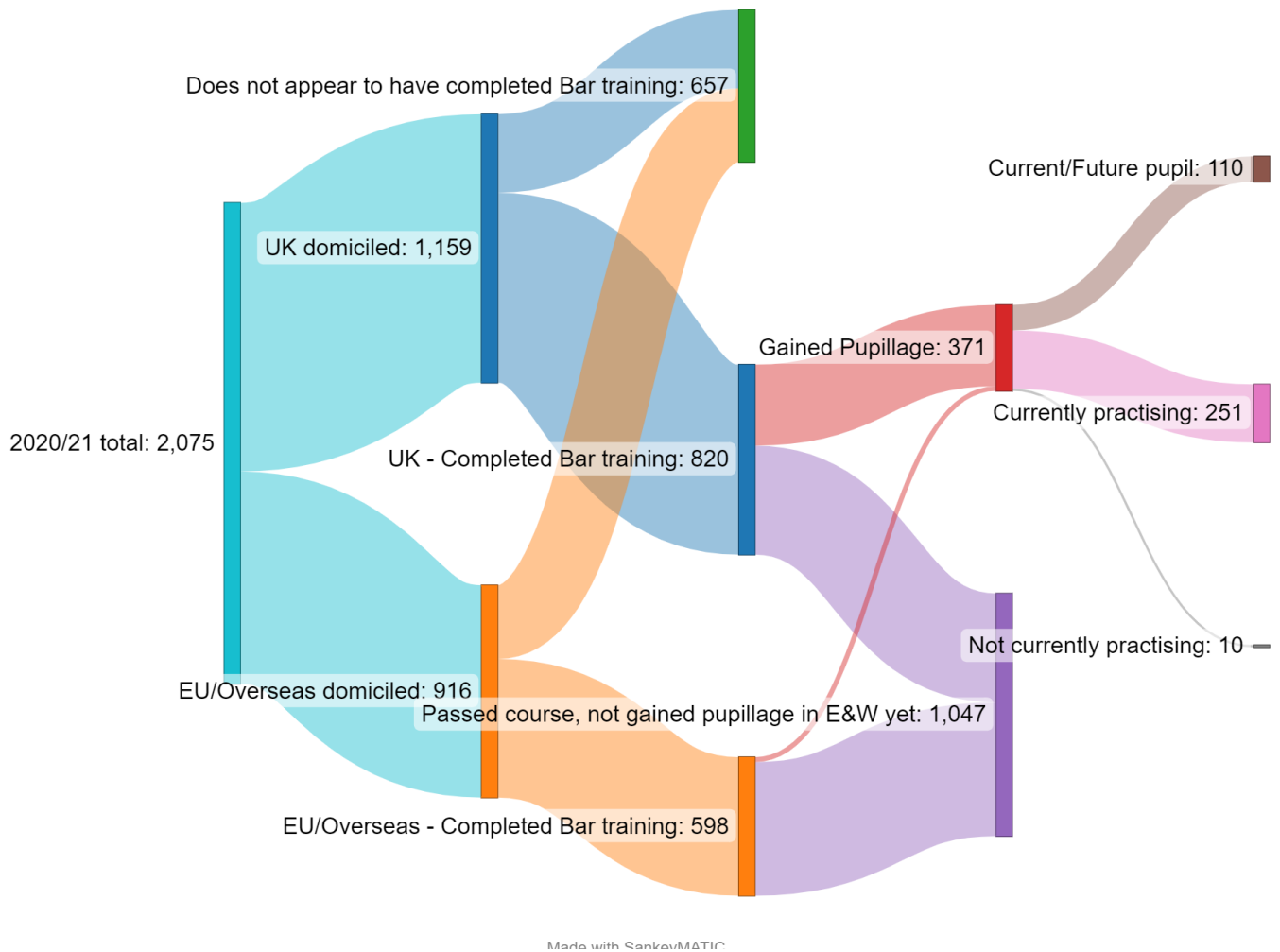
**Chart I.**



54. As of 15 November 2023, overall pass rates by cohort stand at 68% for 2020/21 enrolled students, 63% for 2021/22 enrolled students, and 24% for 2022/23 enrolled students (results data for the 2022/23 cohort is not yet complete, and those enrolled in January 2023 and after would not yet have been able to pass the course at the time of writing).

55. Generally, pass rates appear to be quite similar for overseas and UK students. UK and overseas students differ quite markedly in the proportion that go on to pupillage in England and Wales however. For example, only 2% of overseas domiciled students enrolled in 2020/21 had gained pupillage in England and Wales as of 15 November 2023, compared to around 30% of UK domiciled bar training students who enrolled in the same year, though this may reflect the fact that some overseas domiciled students have no intention of practising at the Bar of England and Wales. For those in the same cohort who had completed Bar training, the pupillage rate is 4% and 42% respectively. The diagram below aims to give an idea of the flow of the progression of Bar training students by domicile. It shows this for the 2020/21 cohorts as of 15 November 2023.

Figure 1.



56. In addition to differing by domicile, the proportion of a cohort gaining pupillage also differs quite markedly by first degree classification, and university attended. This can be seen in the three charts below. Chart 2 shows the current status for those that gained pupillage out of the entire cohort of UK domiciled students (including those who have not yet completed vocational training), and Chart 3 shows the current status of UK domiciled students who have completed vocational Bar training only. In Charts 2, 3 and 4 a group is only represented where there were 15 or more students in it. So, for example, in Chart 4 only in the "Other UK university" grouping were there more than 15 UK domiciled Bar training graduates with a Lower Second Class degree who enrolled in 2020/21 and 2021/22 respectively. And in Charts 2, 3 and 4 for 2022-23 we so far have data for fewer than 15 students with a Lower Second Class degree.

Chart 2.

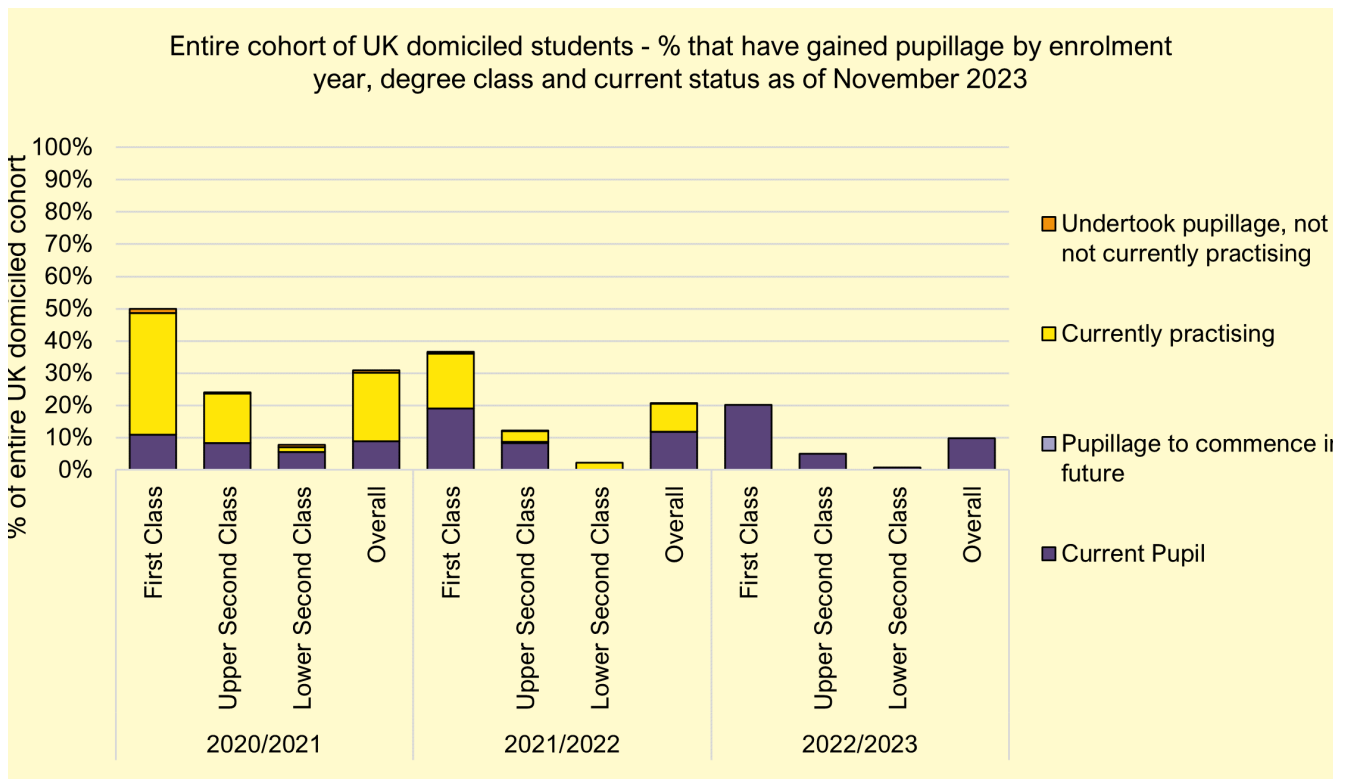
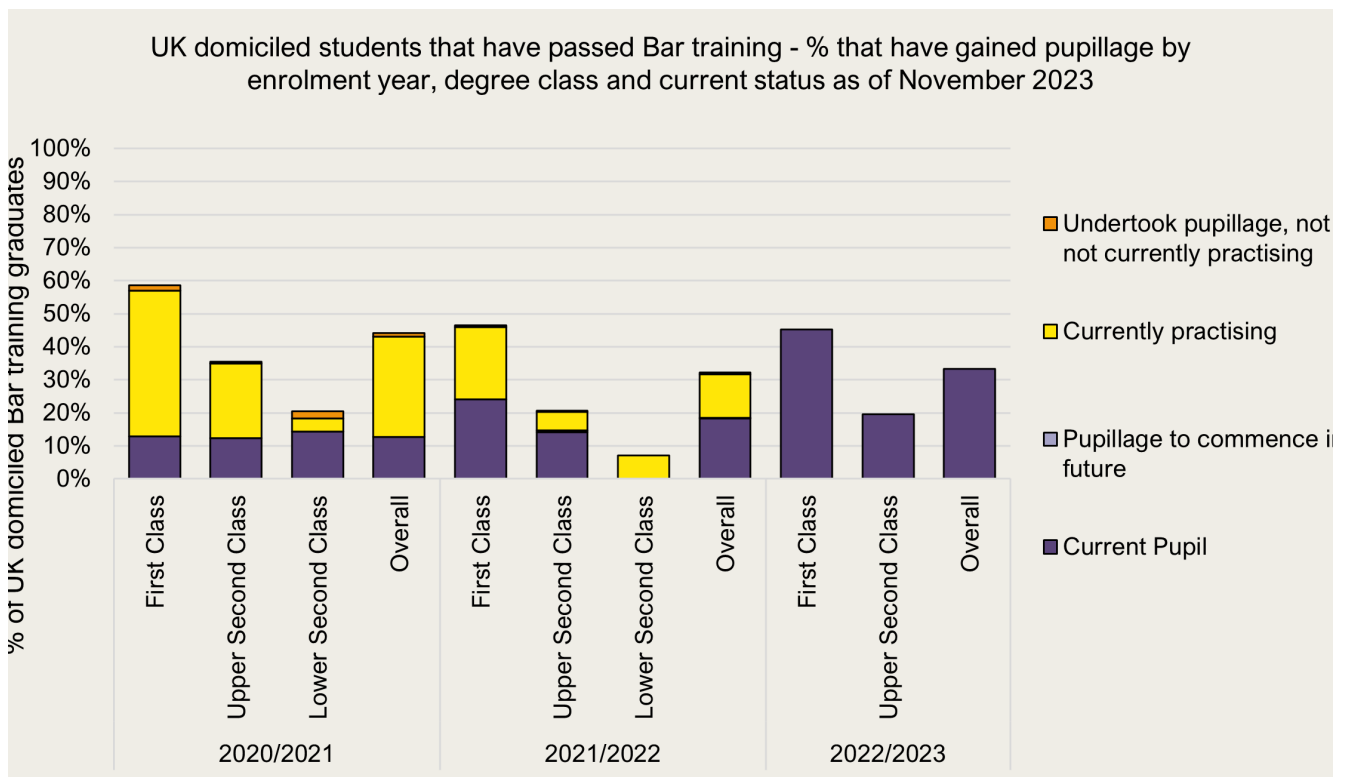


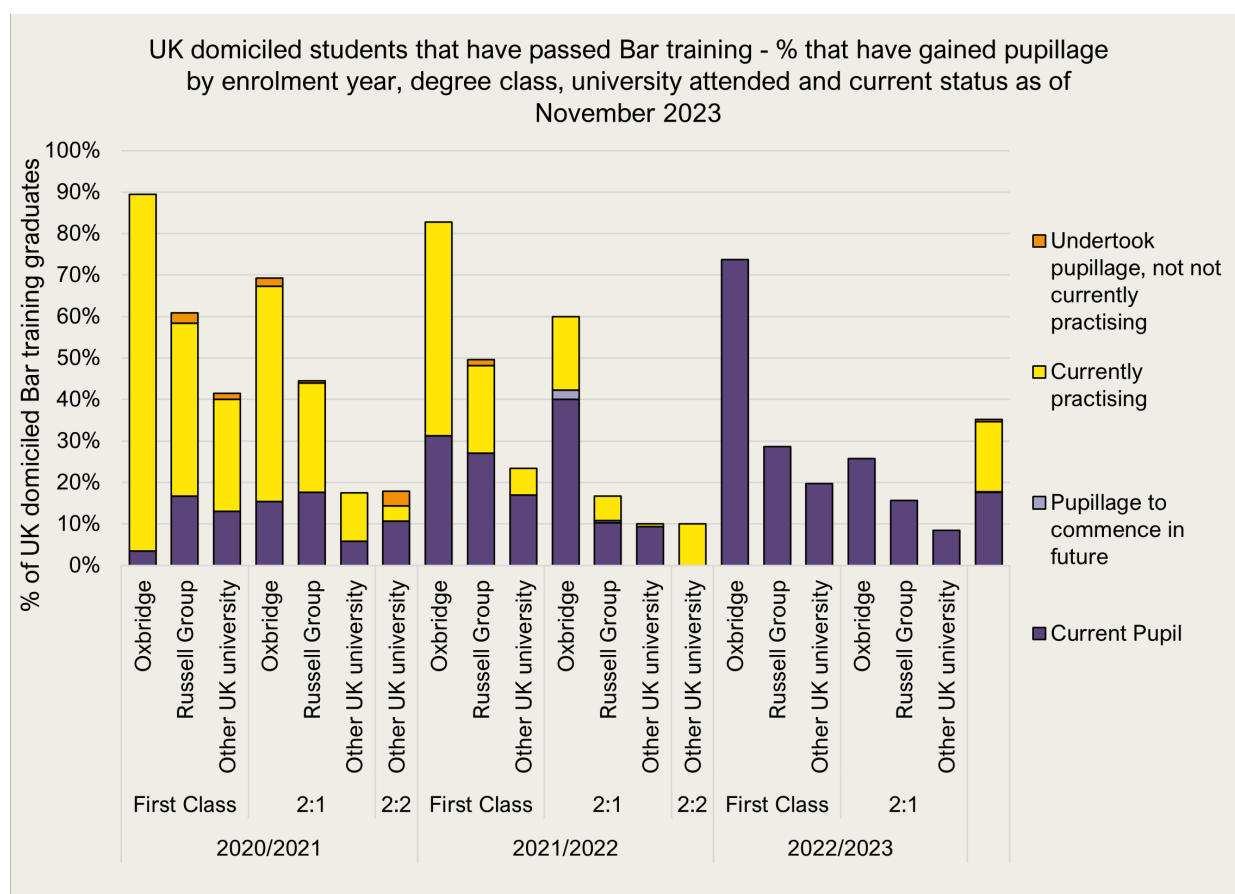
Chart 3.



57. Most of those that have completed pupillage are currently practising. There are relatively few barristers that have completed pupillage from these cohorts who are not currently registered.

58. Also worth noting is the continuation of a trend seen for those completing the Bar Professional Training Course which presented for the last time in 2019/20 where by the university attended for undergraduate study shows a strong relationship with the proportion going on to pupillage. This is shown in the chart below, which relates to UK domiciled vocational Bar training graduates only.

**Chart 4.**



## Apprenticeships

59. When the Authorisation Framework was published, among the four permitted pathways was provision for an apprenticeship route. The requirements for apprenticeships are governed by the Institute for Apprenticeships and Technical Education (IfATE). One of these requirements is that the apprenticeship standard must be developed by a “trailblazer group” that is led by potential employers of apprentices under the new pathway. Professional and regulatory bodies can be part of this group but are not permitted to lead it. A trailblazer group has been set up and is chaired by Tim Coulson of the Law Incubator. The group includes representatives from:

- vocational AETOs, some of whom already deliver solicitor apprentice training;
- the employed Bar, including the Government Legal Department and Crown Prosecution Service;
- chambers;
- the Council of the Inns of Court; and
- the Bar Council.

60. We have been working with the trailblazer group and IfATE over the last year to develop the documents required under IfATE's processes. We have agreed an occupational proposal for barristers with IfATE and are now developing an occupational standard which sets out the knowledge, skills and behaviours expected of a barrister and is heavily based on our Professional Statement. The next phase of development includes agreeing an end-point assessment plan, which details the independent assessment that apprentices must take after their training, and an application to the Secretary of State for Education for funding for the apprenticeship. In the meantime, we will be working with the trailblazer group to discuss how an apprenticeship route would work in practice, ensuring that any proposals align with our regulatory requirements, since potential providers will need to apply to the BSB for authorisation under the Authorisation Framework.

## Affordability

### Fees

61. The BSB collects a per capita fee from all AETOs in line with full cost recovery principles. The original fee of £870 was reduced to £705 in 2021 when it became clear that enrolment figures had been underestimated and remained buoyant despite the impact of the pandemic. We expect AETOs to pass any saving on to students, though apparent savings may be taken up by increases in costs of salaries and overheads. We undertook not to change the fee more frequently than necessary, but we will review it again in 2024.
62. AETOs charge different fees for their Bar training courses. Several differentiate between fees for UK domiciled students and overseas students. The University of Law also has different fees for students attending their London and regional centres. Current fees information can be found on our [AETO factsheet](#).
63. The cost of courses for the three-step pathway for UK domiciled students in the 2023/24 academic year ranges from £11,900 at Nottingham Trent University, to £18,950 at Cardiff University. For overseas students on the three-step pathway, the course fees range from £11,900 at Nottingham Trent University (the same as their UK fee) to £22,700 at Cardiff University. Of the AETOs offering the four-step pathway, the fees for Part 1 range from £3,075 at Northumbria University to £6,500 at the University of Hertfordshire (currently, suspended from delivery, see above). The fees for Part 2, excluding the University of Hertfordshire which has the same fees for Parts 1 and 2, range from £9,225 at Northumbria University to £11,801 at the Inns of Court College of Advocacy (ICCA).
64. With one or two exceptions, course fees have increased from those of the 2022/23 academic year, with increases ranging from £200-300 to approximately £2,000. The highest of these increases is at the ICCA, with their Part 1 course fee rising from £1,895 to £3,934, although the Part 2 fee reduced slightly from £12,095 to £11,801.



# Role of the Inns of Court during the Vocational Component

65. The role of the Inns of Court is set out in a [Memorandum of Understanding](#) (MoU) and data share agreement. Anyone starting a vocational Bar training course must become a Student Member of an Inn. The Inns are responsible for student conduct prior to Call and for conducting 'fit and proper person' checks to make sure that only suitable individuals become Student Members and, ultimately, practising barristers. This includes conducting a criminal record check prior to Call (which is conducted through an accredited 'umbrella body'). The Inns also provide Qualifying Sessions for those undertaking the vocational component of Bar training, in line with the framework set out in the MoU.
66. The Inns Call students to the Bar once the vocational component has been successfully completed. Only those Called to the Bar may call themselves 'barristers' (although only those who successfully complete the pupillage component may apply to us to become practising barristers).

## High Standards

67. We continued to strengthen our relationship with the Inns of Court. In March 2023, the Inns of Court submitted their annual Self Evaluation reports, as required by our MoU. These reports provide insight into the trends of a growing membership, risk mitigation and management and consistent evidence of high standards, demonstrated in the delivery of Qualifying Sessions as evidenced in External Observer reports.
68. Under the data sharing arrangements, the Inns receive data about enrolments (needed to plan for Qualifying Sessions and criminal record checks) and results (needed to plan for Call). Some challenges were highlighted in respect of data transfer between the Inns, vocational AETOs and the BSB. The BSB hosted a collaborative meeting with all three parties in September, where examples of approach and process were shared and discussed. We look forward to continuing to work together to improve these processes in the coming year.
69. The Inns continue to question the proportionality of the criminal record checks for so many non-domiciled, unregistered barristers who do not plan to practise in England and Wales. We have requested data about this from the Inns so that we can evaluate this policy. However, it is related to a wider and more fundamental question increasingly being raised by the Inns and Bar Council about the timing of Call. If they press for early consideration of this principle, it will need to be factored into our business plans as it is a potentially extensive piece of work.

## Flexibility, Accessibility and Affordability

70. As a result of the COVID-19 pandemic, some international students, or those currently practising overseas who were looking to transfer to the Bar of England and Wales, were unable to comply with the identification requirements necessary for the criminal record checks to be undertaken prior to their Call to the Bar ceremony. The BSB provided a waiver from the requirement to have criminal record checks undertaken for candidates for Call to the Bar in certain circumstances. This waiver did not remove the requirement for candidates for Call to disclose relevant criminal records on the Call Declaration.

71. This waiver was introduced on a one-off basis specifically for any student member applying for Call in 2023. It will also apply for those who may need to resit exams later in 2023 or in 2024, should they not be able to comply with identification requirements closer to these dates. The waiver will not, however, apply to students or transferring qualified lawyers taking first sittings in 2024. The waiver eligibility criteria were for circumstances where it is unlawful for candidates to send the original identification documentation from the country where they are residing and/or where a candidate's circumstances were such that sending their original documents would represent a threat to their personal safety or freedom.

## Pupillage Component

72. Pupillage numbers have fluctuated over recent years as a result of the pandemic in 2020 and the knock-on effect in 2021. Numbers of pupillages and numbers of AETOs providing pupillages are now relatively consistent. We continue to believe that there is greater scope for more pupillages in the larger organisations at the employed Bar and will continue to support BACFI (the Specialised Bar Association for employed barristers) in promoting this. We have now published [dedicated guidance](#) for prospective pupillage providers in the employed Bar to support them in preparing their applications and to address some frequently asked questions.

Table 2.

Calendar year	Total number of pupillages	Pupillages in chambers	Number of chambers	Pupils in employed Bar	Number of employers
2018	522				
2019	504	452	210	52	19
2020	400	327	157	73	18
2021	577	526	214	51	19
2022	538	483	213	55	18
2023 (registered up to to 3 November)	544	479	204	65	18

73. This year we have seen some innovative ideas being presented and we are currently considering an application from a potential AETO that wishes to offer a pupillage overseas. This application has raised questions as to whether it is possible for a chambers or other organisation based wholly outside of this jurisdiction to offer a pupillage which meets the requirements of the Authorisation Framework and discussion of these points is ongoing. The essential resourcing and training requirements remain the same, regardless of the location of the prospective AETO. It is less certain however, if a pupillage provider based outside of England and Wales (particularly, if the jurisdiction is not based mainly or entirely in Common Law) will be able to offer appropriate and wholly equivalent experience to its pupils. We will also need to determine whether there are appropriate safeguards and contingency arrangements in place in the event that pupils are unable to complete their pupillage in an overseas AETO (eg whether their experience would be directly transferrable to an AETO in this jurisdiction).

## High Standards

### Strengthening standards through the new Authorisation Framework

74. There have been considerable challenges for the Authorisations team in keeping this project on track given changes in resourcing and management of the team and very high volumes of 'business as usual' applications. We remain conscious of the critical importance of ensuring that all AETOs meet the expected standards consistently at the point of authorisation and are held to account against the requirements through our supervision activity.
75. The process of authorising chambers and organisations previously granted Pupillage Training Organisation (PTO) status in line with the Authorisation Framework is ongoing, but we expect to draw this to a close at the end of 2023. By that date, we intend to issue decisions to all transitional PTOs that have submitted a completed AETO application. The decision may be to authorise (with or without conditions) or, in the rare instances where we have serious concerns about suitability, to continue to engage with them until we are either satisfied that they are suitable to become an AETO, or we decide that they are not suitable to progress to AETO status at this time. To date, we have only refused AETO status outright on one occasion: this was in respect of a proposal for a new structure of pupillage provider which did not ultimately satisfy the mandatory indicators of the Authorisation Framework, despite engagement from the Authorisations and Supervision teams to support the applicant in reaching the required standard.
76. We have authorised 246 pupillage provider AETOs, with a further 40 applications in some stage of processing (eg initial assessment, awaiting outstanding information, pending a decision, etc). Existing PTOs have been advised that they will only be able to continue offering pupillages if they apply for, and are granted, AETO status. Any existing PTO that does not submit an application before 31 December 2023 and does not have current pupillages at that time will have their pupillage provider status terminated from 1 January 2024. The Authorisations Team is continuing to engage with existing PTOs on a regular basis to support them in submitting their applications and to ensure that they can comply with the Authorisation Framework.
77. Whatever stage of authorisation a pupillage provider is currently at, all are already expected to deliver pupillage in accordance with the Professional Statement, the Curriculum and Assessment Strategy, and Part 4 of the Bar Qualification Manual.

### Supervision of standards

78. In the year to September 2023, Supervision responded to fourteen reports made to the BSB relating to pupillage. This compares to eight in the previous year. This covered a range of topics. Half included aspects relating to standards of training, provision of reasonable adjustments and allegations of bullying, harassment, or discrimination – in some cases these issues were interlinked. This is further described in the section on the accessibility principle below. In most cases, AETOs co-operated well with engagement by Supervision and actions were set to ensure improvement to pupillage arrangements.
79. Other cases involved a range of issues, including provision of written agreements, managing pupillages as a result of chambers closure, and practising without authorisation. Often these were self-reported by AETOs.

## Professional Ethics assessments

80. We have now had six sittings of the assessment (April, July and October 2022, and January, April and July 2023), and have assessed 469 candidates in total (this includes re-sitters). 421 candidates have passed, of whom seven are not currently deemed competent. We assessed 146 candidates in 2022, and 323 candidates in 2023. The numbers taking the assessment will increase again in 2024; we currently have 238 pupils eligible to sit for the first time in January (not all pupillages will have been registered at the time of writing).

81. This year, six candidates have required a third sit, and one has required a fourth attempt. Candidates requiring a third sit are given personalised feedback on their previous attempts to help them (and their pupil supervisor) better prepare for their next attempt.

82. The outcomes of the 2023 sittings were:

**Table 3.**

	July 2023	April 2023	January 2023
Total no. of candidates	51	59	213
No. passing	46	42	196
Passing rate (%)	90.2%	71.2%	92.0%

The January 2023 sitting involved the largest cohort to date; the April 2023 sitting had the lowest passing rate to date.

83. Trend data on candidate performance

**Table 4.**

	Candidate Journey					
	Apr-22	Jul-22	Oct-22	Jan-23	Apr-23	Jul-23
Candidates First Sitting	112	21	7	212	44	36
Candidates Resitting	0	4	2	1	15	15
Total No. of Candidates Sitting	112	25	9	213	59	51
First Sitting Candidates Passing	107	19	5	196	33	33
Resitting Candidates Passing	N/A	4	2	0	9	13
First Sitting Candidates Failing	5	2	2	16	11	3
Resitting Candidates Failing	N/A	0	0	1	6	2
Failing Candidates who had Accepted Extenuating Circumstances	1	0	1	0	1	0
Total No. of Candidates to Date	112	132	139	351	394	427
Total No. of Candidates Passing to Date	107	130	137	333	375	420
Candidates not yet deemed Competent	5	2	2	18	19	7

84. The table above shows that, across the six sittings to date, there have been 432 first sit candidates, 393 passing on their first attempt – a first sit passing rate of 91%. There have been 37 resit candidate attempts, with 28 passing, giving a cumulative resit pass rate of 76% (note that some candidates may have had more than one resit attempt; and some candidates may have been registered as ‘first sitters’ more than once due to earlier attempts being set aside). In total there have been 469 individual candidate attempts at the Professional Ethics assessment (either first sit or resit) producing 421 ‘Competent’ grades, a passing rate of 89.8% for all candidates across all sittings. Following the July 2023 sitting, there will be 7 candidates still in the system needing to achieve a ‘Competent’ grade in the January 2024 sitting.
85. In instances where pupils have failed their exam for the second or third time, the Supervision team has liaised with pupils and, in some cases, the AETOs concerned, all of which have been chambers. The aim was to identify whether they felt that the pupils had been given adequate support to prepare for the exam. Each of the pupils told us that they were receiving sufficient support from their AETO, with regards to assistance and time in preparing for the exam. Some said that they had struggled to complete their responses within the allocated times and needed to practise their technique. In some cases, the pupils felt that they had not prepared sufficiently, but took personal responsibility for that.
86. AETOs are being signposted to the detailed guidance on the BSB website, with emphasis on the importance of ensuring that their written pupillage agreements include information on the exam and the approach they intend to take should pupils fail. All AETOs should check their written pupillage agreements to ensure that they address what happens if a pupil fails to pass their ethics exam within the usual period of pupillage. In particular, will the pupillage be extended and, if so for how long, and will the pupillage continue to be funded?
87. We have had one case of academic misconduct; the finding of the Misconduct Panel was upheld by the Appeal Panel.
88. All 2023 assessment sessions have run smoothly and to plan; we have trusted teams of markers and standard setters who were fully trained in the new systems before we went live; direct communications with pupils has been helpful as we have been able to assist with queries and allay any concerns.
89. We continue to publish a [Chair’s report](#) after each sitting of the assessment which details the quality assurance processes undertaken, as well as how the passing standard has been set. The report also sets out the marking processes, the role of the exam board and the operation of the assessment. The independent observer for centralised exams and the independent psychometrician attend each exam board and have approved our processes and methodologies.
90. After consultation with the Legal Services Board, in July we publicised the new requirement that Bar Professional Training Course (BPTC ie the previous iteration of the vocational component) graduates must take the Ethics exam in pupillage; BPTC providers were asked to inform their students, the details were published on our website and in the Regulatory Update and Counsel Magazine. Previously, as BPTC graduates had passed a centralised Professional Ethics exam as part of their vocational component, they were not required to take the Ethics exam during their pupillage. Now BPTC graduates who start pupillage in May 2024 or after that date will need to take the pupillage Ethics exam; their first opportunity to do so is July 2024. The requirement supports the principle of high standards; as graduates have five years to take up pupillage, their ethical knowledge becomes increasingly stale. The requirement to pass the Ethics exam also supports our stated aim to ensure a strong, ethical profession, and to safeguard the public.

**Curriculum and Assessment Strategy: competence in advocacy and negotiation skills**

91. As part of our Bar training reforms, our Board agreed a series of recommendations on all aspects of barrister training put forward by our Curriculum and Assessment Review (CAR) group, comprising legal education experts. The vast majority of these recommendations have been implemented. The two remaining are to review the requirements for the current compulsory course in advocacy skills during pupillage, and to introduce a compulsory course in negotiation skills during pupillage. The Board agreed that provision of this training should be opened up beyond the Inns and Circuits to encourage innovation, opportunity and wider provision for pupils. We have made significant progress with these recommendations.

**Advocacy**

92. The current advocacy training during pupillage is delivered by the Inns and Circuits and we expect this to continue though we will be open to proposals for delivery from others who may wish to come forward. Reforms will not be radical. The aim is to ensure a consistent and reliable outcome for pupils no matter which training course they undertake. Currently, the BSB does not have any oversight over these courses. The CAR group reviewed course materials supplied by the course providers and attended some sessions delivered the Inns and Circuits. The findings of this review were:

- Courses differ in length, content, feedback methodology and quality and mode of delivery amongst the different providers. There is clear potential for differing learning experiences and outcomes depending on which training course pupils attend.
- There is no identifiable element of individual assessment across many of the providers.

93. The recommendations put forward by the CAR group were that:

- the BSB should provide outcomes for the courses, which must all be met in order for the pupil to be considered competent;
- the grading for the courses will be Competent/Not Competent; and
- there must be an explicit element of individual assessment.

94. Training providers will design their courses around the prescribed outcomes and assessment criteria, subject to a proportionate accreditation process that takes into account the four principles of the Authorisation Framework. Pupils may retake the courses, if required, in order to achieve a Competent grading, which is required before a pupil can apply for their Provisional Practising Certificate.

95. The CAR group has drafted the outcomes for the advocacy course. A series of workshops were run over the summer to engage with key stakeholders, including representatives from the Council of the Inns of Court and all four Inns, the Circuits, representatives from both pupillage and vocational AETOs, recent pupils, advocacy trainers and legal academics. We are now finalising the criteria for the courses and the assessment criteria for accreditation, reflecting the feedback from the workshops. These will be published shortly. The requirement for pupils to undertake the new advocacy course during pupillage will not come in before September 2024.

## Negotiation skills

96. There is currently no provision of a course in negotiation during pupillage, nor is there any teaching or other formal instruction relating to negotiation skills at any point in the curriculum for Bar training. This is despite the Professional Statement including competences in negotiation (1.7). The CAR group recommended that a course be introduced during pupillage as this is the most appropriate stage in a prospective barrister's career to learn, consolidate and demonstrate the required competences to the Threshold Standard. As with the advocacy course, there should also be a consistent and reliable outcome for pupils undertaking the course.
97. The CAR group has drafted the outcome criteria for negotiation courses. A further series of workshops were run over the summer to engage with key stakeholders listed above, as well as negotiation experts. We are pleased with the creative ideas that these stakeholders have brought about how the courses should be delivered and assessed. We will be publishing further information as we refine the feedback from the workshops. The requirement for pupils to undertake the new negotiation course will not come in before September 2025.
98. In addition to the above workshops, we have also engaged with a range of people from our race, disability and religion and belief taskforce groups in order to develop our Equality Impact Assessment of the above changes. This has been particularly helpful in developing the assessment criteria for accrediting course providers in relation to the accessibility, affordability and flexibility principles, and ensuring that an inclusive approach to training is embedded. In our guidance to training providers we will give particular thought to reasonable adjustments and ensuring that course providers consider how to provide these for all participants who need them.

## Pupil Supervisor training

99. We regularly present at the pupil supervisor training delivered by some of the Inns and Circuits to ensure that pupil supervisors understand the regulatory requirements and would welcome the opportunity to do so at others. These forums provide an opportunity for us to meet pupil supervisors and share examples of good practice, as well as the common themes seen by the Supervision team, as set out above.

# Flexibility

## Centralised exams

100. We continue to offer pupils three opportunities to take the Professional Ethics exam. The examination calendar has now been established with sittings in January, April and July.

# Accessibility

## Bullying, harassment and discrimination

101. We know that it can be very difficult for pupils to come forward in circumstances where there have been bullying, harassment or discrimination. However, it is important that they feel able to do so to access work-based training in a suitable learning environment. This year, six cases concerning bullying, discrimination or harassment have been referred to the Supervision team. The most serious cases have also been referred for investigation for possible disciplinary action. The following themes have emerged, and we would encourage all AETOs to consider how they might respond if an incident or concern were to be reported:

- We have found that whilst policies are in place, the practical processes for responding to complaints is unclear – victims are unclear who they can turn to and AETOs are unclear what the process is for dealing with allegations. This can cause a situation to escalate quickly due to disagreement and delay.
- Policies do not give enough weight to how victims should be treated, particularly while an internal investigation is in progress. For example, how is the victim communicated with? Who is responsible for keeping the victim informed? Might a victim and the harasser end up booked as opponents in court because the clerks do not know about the allegations?
- The policies and processes do not always empower the Equality and Diversity Officer (EDO) in chambers to take a lead. The EDO is often not a senior member of chambers, so is at an immediate disadvantage in internal discussions about how to respond. Often, they do not play a discernible role in pupillage.

## Reasonable adjustments

102. There has been a small increase in reports being made by both pupils and AETOs regarding reasonable adjustments. Some of the reports have been from AETOs requesting guidance on how to handle these matters, which we regard as a positive indication that AETOs are considering their obligations. More often, they have been from pupils who have had concerns about the approach taken by their AETO in implementing the necessary adjustments or in reaching an agreement about breaks being taken from training.

103. We do not specify what the arrangements should be when a pupil needs to take a break from pupillage, other than that they should be covered in the mandatory written pupillage agreement. It is best to be clear about this in advance rather than chambers/employers trying to work it out when the scenario arises. For example, they should consider:

- What happens to the duration of pupillage? Is it extended and, if so, for how long?
- How will the chambers/employer communicate with the pupil during any extended periods of absence?
- What adjustments might be needed to transition them back to their pupillage?
- What are the funding arrangements?



- Is the EDO routinely involved in pupillages, for example as part of the induction process?
- Do pupils have an opportunity to tell their chambers/employer about any reasonable adjustments that they might need?

## Barriers to diversity in recruitment

104. We have published research reports<sup>2</sup> which show that both ethnicity and socio-economic status are strongly linked with success at obtaining pupillage. Qualitative research with students<sup>3</sup> also shows that students view the Bar as largely the preserve of an elite, privileged group and that a number of barriers disadvantage certain groups. Prior academic attainment was identified as the most common criteria for sifting applicants, which has the potential to favour those from more privileged backgrounds.<sup>4</sup> Our annual Key Statistics reports have also shown that students from minority ethnic backgrounds are less successful than white students at obtaining pupillage.
105. We will be publishing two further pieces of research looking at pupillage recruitment – a quantitative study that looks at recruitment outcomes by organisational characteristics and approaches to recruitment, and qualitative research with pupillage providers looking at the experiences of AETOs using different approaches to recruitment of pupils. These two pieces of research will give us further evidence around approaches to the recruitment of pupils and how they can promote more diverse outcomes.
106. The drivers behind differential outcomes in professional training are likely to be wide-ranging, covering early life experience, primary/secondary education and higher education, as well as the vocational and work-based components of training for the Bar. As such, research into approaches to pupillage recruitment will not be able to provide a complete picture of the reasons for the outcomes observed in previous research. However, it will provide additional evidence to help improve the knowledge of the BSB around factors contributing to the issues highlighted in previous research and statistics and to enable us to share good practice that meets the Equality priority in our strategic plan – promoting diversity and inclusion at the Bar and the BSB and the profession’s ability to serve diverse customers.

## Centralised exams

107. All pupils taking the Professional Ethics exam do so using computer-based testing (CBT) (either at a test centre or at home) with our CBT supplier, Surpass. We continue to manage the adjustments that pupils need during the exam. We have agreed and have given every adjustment that has been asked for.

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<sup>2</sup> [Bar Training 2023 - Statistics on enrolment, results, and student progression](#) (BSB 2023); [Differential Attainment at BPTC and Pupillage](#) (BSB 2017)

<sup>3</sup> [Barriers to Training for the Bar](#) (BSB 2017)

<sup>4</sup> [Review of Pupillage Advertising and Selection Criteria](#) (BSB 2019)

# Affordability

## Pupillage funding award

108. The UK has experienced a prolonged period of high inflation, which will have had the most impact on pupils receiving funding at the minimum level that we specify for pupils in chambers. The minimum award is set having regard to the Living Wage Foundation's hourly rate recommendation, rather than the statutory minimum wage to reflect the real cost of living. The annual increase in the pupillage award applies from January each year, regardless of when pupils started pupillage.
109. We recently announced that the rate for the minimum pupillage award that will apply from 1 January 2024 will be £23,078 for 12-month pupillages in London and £21,060 per annum for pupillages outside London. This is an increase of over 11% compared to 2023. The increase in the funding rate in 2022 was 8% for pupillages in London and 10% for pupillages outside London. This has the potential to affect the affordability of pupillage in parts of the Bar most likely to recruit diversely, because these represent practice areas that are funded by legal aid or where earnings are generally lower. Criminal law practices have higher proportions of pupils who are women, are from minority ethnic backgrounds, and who attended state school. Family law practices have a considerably higher proportion of female pupils. Immigration law practices have a considerably higher proportion from minority ethnic backgrounds, than other areas of practice. However, the statistics shown above do not indicate any reduction in pupillage numbers, but we will continue to keep this under review.

# Annex I

Table 5: Bar training pathways offered across AETOs from 2020/21-2022/23

Provider	2020/21				2022/23				2023/24			
	3-step	4-step	LLM	Part Time	3-step	4-step	LLM	Part Time	3-step	4-step	LLM	Part Time
BPP Birmingham	X	X	X		X		X		X		X	
BPP Bristol	X	X	X		X		X		X		X	
BPP Leeds	X	X	X		X		X		X		X	
BPP London	X	X	X	X	X		X	X	X		X	X
BPP Manchester	X	X	X		X		X		X		X	
Cardiff	X		X		X		X		X		X	
City Law School	X		X	X	X		X	X	X		X	X
Hertfordshire					X		X		X		X	
The Inns of Court College of Advocacy	X	X			X	X			X	X		
Manchester Metropolitan University	X			X	X		X	X	X		X	X
Nottingham Trent	X				X		X		X		X	
University of Law Birmingham	X	X	X	X	X		X	X	X		X	X
University of Law Bristol	X	X	X		X		X		X		X	
University of Law Leeds	X	X	X	X	X		X	X	X		X	X
University of Law Liverpool	X	X	X		X		X		X		X	
University of Law London	X	X	X	X	X		X	X	X		X	X
University of Law Manchester	X	X	X		X		X		X		X	
University of Law Nottingham	X	X	X		X		X		X		X	
University of Northumbria at Newcastle	X			X	X	X	X	X	X	X	X	X
University of the West of England	X	X	X		X	X	X		X	X	X	

The three-step pathway includes the vocational Bar training being taken as a one-part course, and the four-step pathway includes the two-part vocational Bar training course. The number of providers offering the four-step pathway over time has decreased, and this appears to be due to demand. Relatively few students appear to be taking the course in this way, although the number has increased in 2022/23 and 2023/24 compared to 2021/22.

This has been driven by an increase in enrolments at ICCA, who appear to be the only provider enrolling students on the four-step pathway currently. City Law School ceased to offer the course in the four-step format from 2021/22 onwards, and BPP no longer appear to offer the course in this format as of 2022/23 onwards. UNN and UWE have the four-step pathway listed on their website, so it could be the case that they are not sending through the correct pathway data for each student through to us.

Table 6 below gives a summary of enrolment at providers that have offered pathways other than the three-step one by year.

**Table 6. Number of students enrolling by pathway at providers offering pathways other than the three-step one.**

Enrolment year	Training provider	Three-step pathway	Four-step pathway	Integrated academic and vocational pathway	Grand Total
2020/2021	<b>Total - all providers</b>	<b>1920</b>	<b>159</b>	<b>41</b>	<b>2120</b>
	BPP Bristol	39	1		40
	BPP London	486	12		498
	BPP Manchester	137	3		140
	CLS	326	56		382
	ICCA		86		86
	UNN	47		41	88
2021/2022	<b>Total - all providers</b>	<b>2028</b>	<b>134</b>	<b>18</b>	<b>2180</b>
	BPP Birmingham	82	1		83
	BPP Leeds	34	3		37
	BPP London	433	8		441
	BPP Manchester	126	2		128
	ICCA		119		119
	UNN	42	1	18	61
2022/2023	<b>Total - all providers</b>	<b>2174</b>	<b>137</b>	<b>12</b>	<b>2323</b>
2023/2024 (note-enrolment year is not yet over)	ICCA		137		137
	UNN	58		12	70
	<b>Total - all providers</b>	<b>1762</b>	<b>174</b>	<b>8</b>	<b>1944</b>
	ICCA		174		174
	UNN	74		8	82

Enrolment figures have increased compared to the numbers enrolled on the former Bar Professional Training Courses (BPTC). In 2022/23 almost 500 more students enrolled on Bar training courses than in the year of the BPTC with the greatest number of students (2018/19).

While students on the new Bar training courses appear to start the course most frequently in and around September, there are many students who have enrolled in and around January, and this number has increased each year since 2021. This is shown in Chart 5 below.

**Chart 5. Enrolments on Bar training by quarter and year**

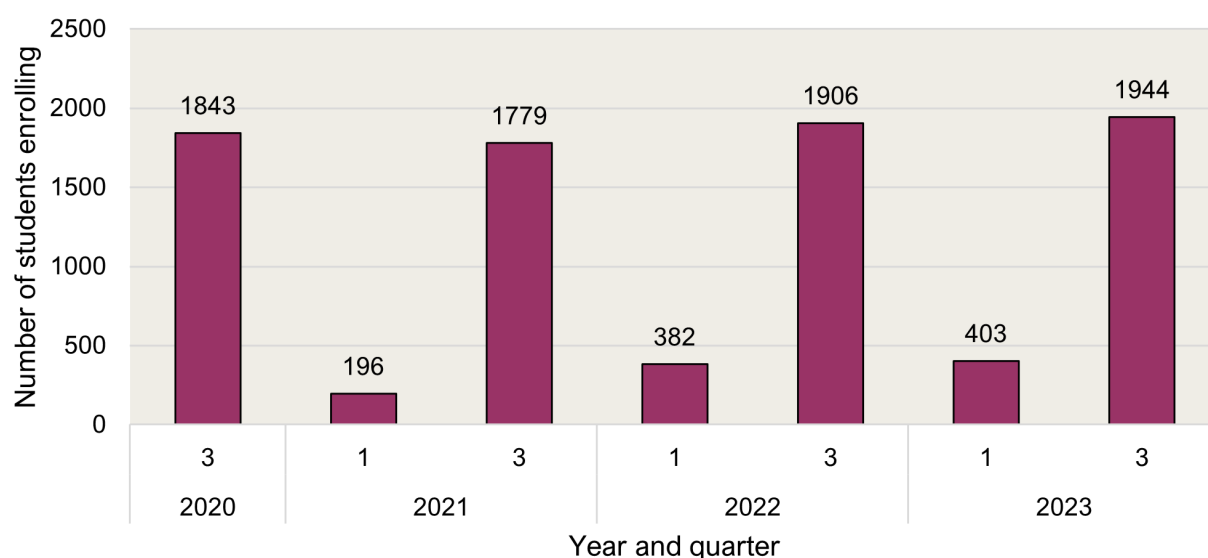


Chart 6 shows the number of students enrolling from 2020/21 to 2022/23 by the type of training pathway they were on.

**Chart 6. Enrolment on different pathways on Bar training courses for 2020/21 - 2022/23**

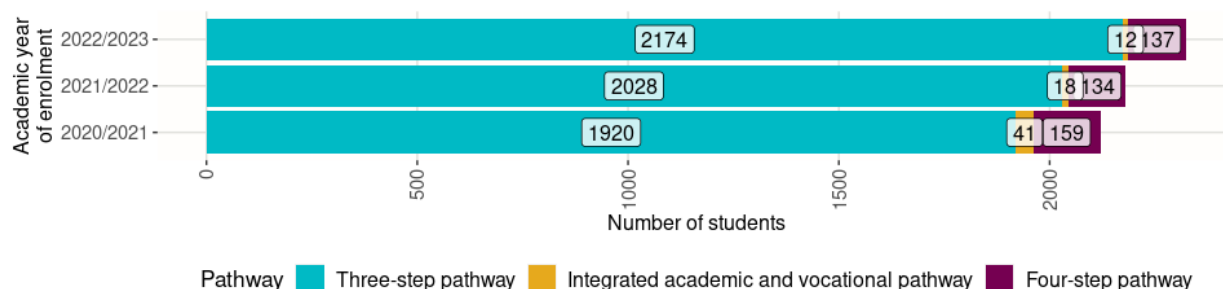
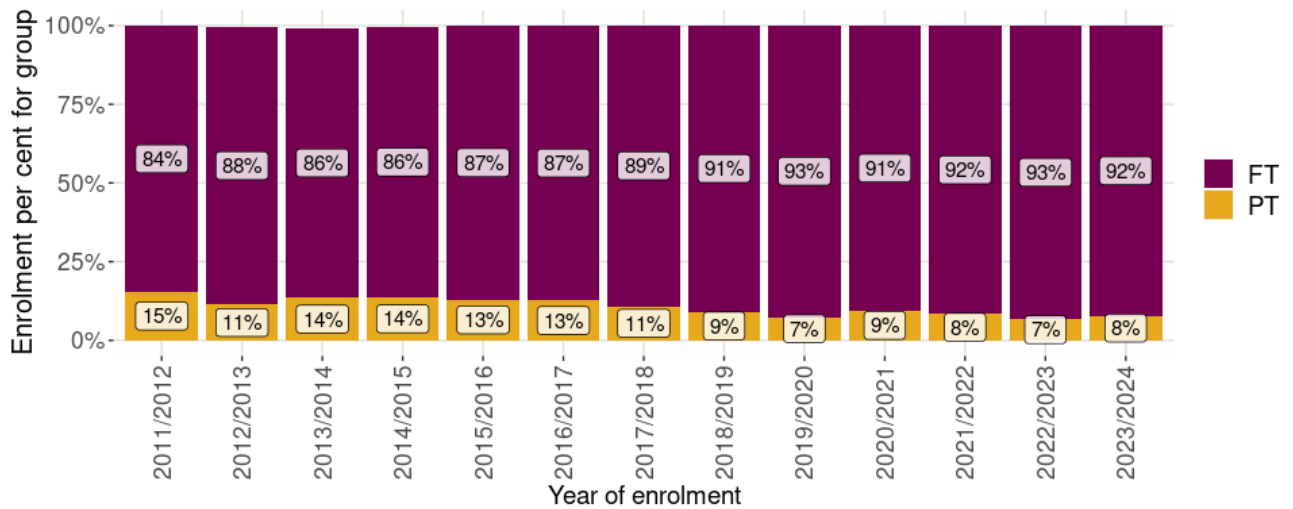


Chart 7 shows enrolments for each academic year by study mode (whether a student was full-time or part-time). The proportion of part-time students has decreased over time from 15.5% in 2011/12 to 7% in 2022/23, although the number of part-time students has not changed as markedly (for example, there were 208 part-time students enrolling in 2013/14, 160 in 2018/19, and 160 in 2022/23).

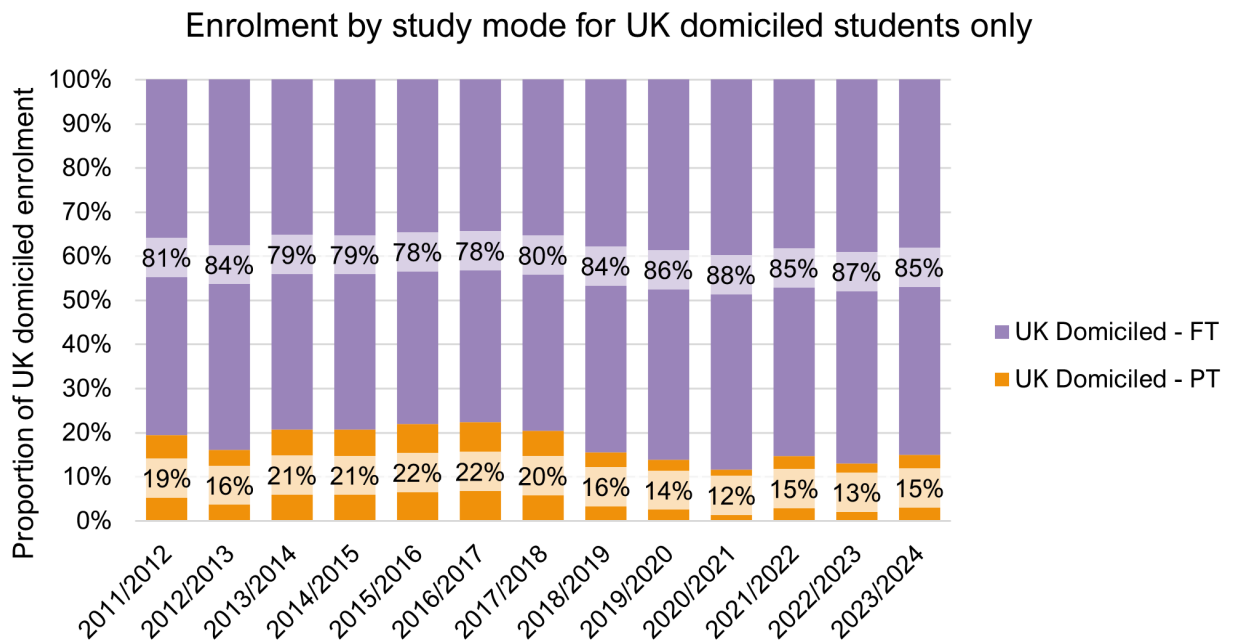
**Chart 7. Proportion of all students by study mode and year of enrolment**



The trend is related to an increase in the number of overseas students, who are more likely to study the course full-time than UK domiciled students.

The proportions of UK-domiciled students studying part-time showed less of a reduction, as can be seen in Chart 8 below.

**Chart 8. Part-time students**



## Annex 2

### Demographic data

- Age** - the age profile of those on the new course is similar to that seen on the BPTC. In 2022/23, around 77 per cent of those that enrolled were aged under 25, 16 per cent were age 25-34 and the rest were aged over 35. This is very similar to that seen from 2015/16-2019/20 on the BPTC.
- Disability** - Overall, the proportion of those with a declared disability has remained relatively stable over time, fluctuating at around 10% of students.
- Domicile** - The proportion students who are ordinarily domiciled overseas prior to enrolment was around 45 per cent in 2020/21 and 2021/22. This is a similar figure to that seen in latter years of the BPTC (around 48% in 2018/19 and 2019/20).
- Ethnicity** - The majority of overseas domiciled students who enrolled throughout the BPTC, and on the new course, have been from Asian ethnic backgrounds (around 80-90% of overseas students when excluding those that have not provided information).
- For UK domiciled students, the new course has seen a consolidation of a trend seen throughout the years of the BPTC, which was an increase in the proportion of students from minority ethnic backgrounds over time. Throughout the years of the BPTC the proportion of UK domiciled students from a minority ethnic background increased from around 25 per cent to around 40 per cent (when excluding those not providing ethnicity information). The proportion of such students seen on the new course has increased further to around 48 per cent for 2022/23 enrolled UK domiciled students. Particular increases on the new course have been seen for those from Asian/Asian British backgrounds, and those from Mixed/Multiple ethnic backgrounds. The proportion of those from Black/Black British backgrounds has decreased on the new course, although the absolute number for 2022/23 enrolled students from such backgrounds is similar to that seen in 2020/21 (99 compared to 95). Trends over time are shown in the table below, which shows a snapshot of years from 2011/12 onwards.

**Table 7. Ethnicity of UK domiciled Bar training students over time**

Course and enrolment year	Percentage of UK domiciled enrolment - excluding those that did not provide information on ethnicity					
	Asian/ Asian British	Black/ Black British	Mixed/ Multiple ethnic groups	Other ethnic group	Minority ethnic background total	White
BPTC_2011/2012	12.1%	7.7%	3.3%	1.4%	24.5%	75.5%
BPTC_2015/2016	20.7%	8.7%	4.9%	2.6%	36.8%	63.2%
BPTC_2019/2020	18.6%	10.3%	5.2%	1.7%	35.7%	64.3%
New course_2020/2021	18.4%	13.4%	5.9%	2.5%	40.3%	59.7%
New course_2021/2022	22.2%	10.3%	7.0%	2.6%	42.1%	57.9%
New course_2022/2023	27.6%	9.2%	7.4%	3.5%	47.8%	52.2%

6. **Gender** - The proportion of students enrolling by gender appears to be in line with that seen in the latter years of the BPTC, with females representing just over half of all students enrolling each year.
7. **Type of school attended** - The proportions of those attending fee-paying schools does not appear to have changed markedly on the new course compared to the BPTC. The proportions involved are still substantially higher than that seen in the UK population. The underlying rate for undergraduate degree entrants in the UK is around 10 per cent<sup>5</sup>, which compares to around 39 per cent of bar training students enrolling in 2021/22, when excluding those not providing information. A greater proportion of overseas domiciled students have attended a fee-paying school in comparison to UK domiciled students (in 2020/21 around 52% vs 29% when excluding those not providing information). ***Data for this principally came from the BCAT. We have no information on this indicator for students from 2022/23 onwards.***

## Academic history

8. **Degree institution attended** - The proportion of students who attended Oxbridge, and the proportion who attended a Russell Group university enrolling on the new Bar training courses appears to be broadly in line with that seen on the BPTC. The proportion of both together is around 50 per cent of UK domiciled students.
9. **First degree classification** - Enrolment by first degree classification on the new Bar training course has shown a continuation of trends seen on the BPTC, with a reduction in the proportion of those with a lower second class degree seen over time (particularly for overseas students), and an increase in the proportion of those enrolling with a first class degree. Both of these trends are seen in the table below. These trends could be suggestive of trends seen in awarding of degrees, student selection by AETOs, or a belief amongst prospective students that having higher degree classifications is necessary to enter into a career at the Bar – it is difficult to infer exactly what the causes of these trends may be. It is worth noting that the proportion of students with a lower second class degree increased for those enrolling in 2022/23 compared to 2021/22.



Table 8. Domicile and degree class of Bar training students over time

Domicile	Course and enrolment year	A: First class	B: Upper second class	C: Lower second class	D: Other	E: Third
Overseas	BPTC_2011/2012	2.4%	42.0%	47.0%	8.7%	0.0%
	BPTC_2019/2020	12.1%	59.5%	26.4%	2.0%	0.0%
	New course_2020/2021	11.1%	48.8%	40.1%	0.0%	0.0%
	New course_2021/2022	13.4%	54.7%	31.9%	0.0%	0.0%
	New course_2022/2023	13.9%	49.9%	36.2%	0.0%	0.0%
UK	BPTC_2011/2012	20.8%	59.9%	16.0%	3.2%	0.0%
	BPTC_2019/2020	31.7%	57.7%	7.1%	3.5%	0.0%
	New course_2020/2021	35.6%	52.3%	12.1%	0.0%	0.0%
	New course_2021/2022	38.1%	54.2%	7.8%	0.0%	0.0%
	New course_2022/2023	35.5%	52.8%	11.7%	0.0%	0.0%

<sup>5</sup> Higher Education Statistics Agency: Widening participation summary: UK Performance Indicators. <https://www.hesa.ac.uk/data-and-analysis/performance-indicators/widening-participation-summary> (accessed 16 September 2022)

# Annex 3

## Fees

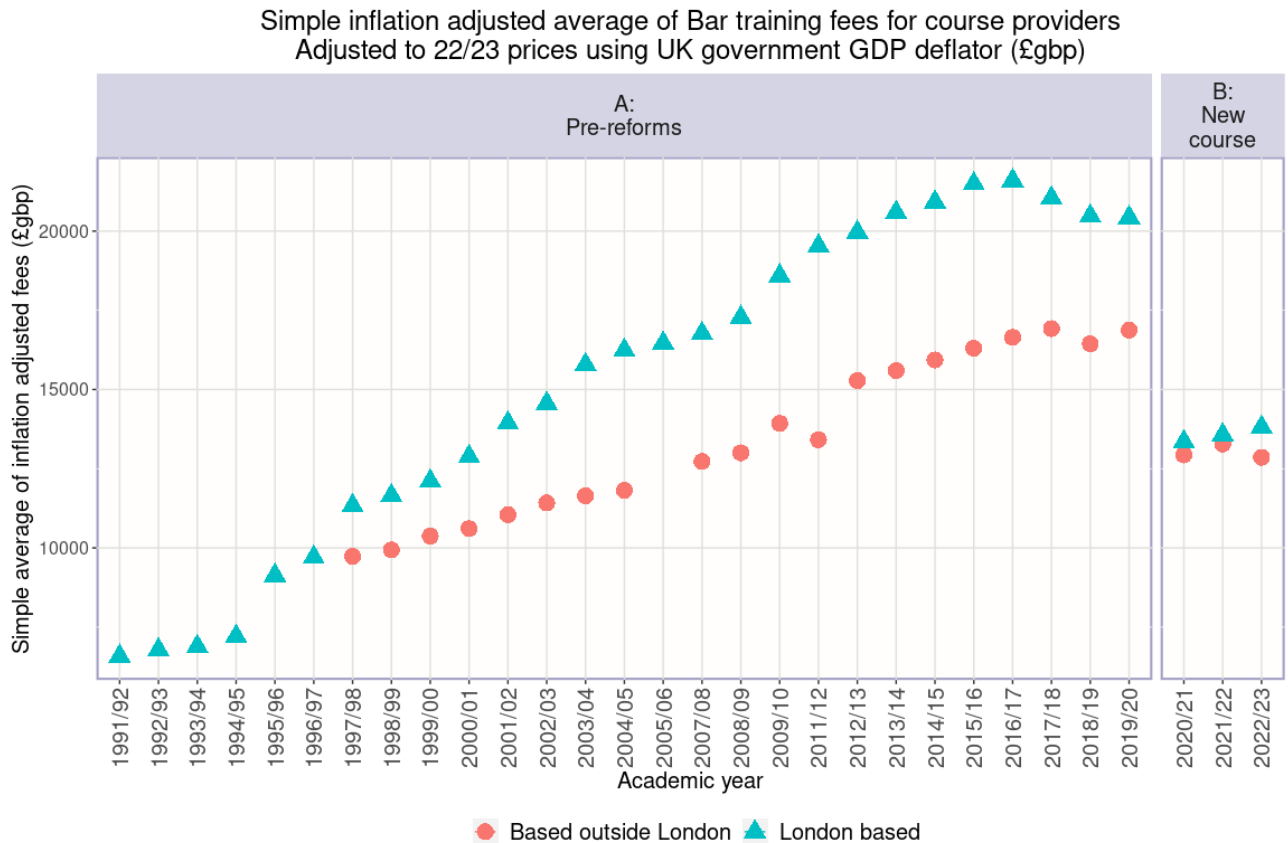
Table 9 below details the cost of training for the 2022/23 academic year taken from the websites of the AETOs. Part 1 and Part 2 relate to the costs for training where students undertake vocational training in two separate parts, with both parts needing to be passed to complete the course.

**Table 9. Cost of Bar training on provider websites as of November 2023 – inclusive of BSB fee**

Provider	Domicile	3-step pathway	4-step pathway		% Increase compared to 2022/23 entry for 3-step pathway	Final Year of BPTC (2019/20) – non inflation adjusted
		Bar training	Bar training (part 1)	Bar training (part 2)		
BPP London (23/24 entry)	Overseas	£17,000			5.3%	£19,070
	UK	£15,900			4.9%	£19,070
BPP Non-London (23/24 entry)	Overseas	£15,900			5.2%	£15,680
	UK	£14,800			4.8%	£15,680
Cardiff University (2024 entry)	Overseas	£22,700			9.7%	£16,650
	UK	£18,950			1.3%	£16,650
City Law School (24/25 entry)	All	£17,090			4.6%	£18,500
Inns of Court College of Advocacy (24/25 entry)	All	£15,735	£3,934	£11,081	12.5%	-
Manchester Metropolitan University	All	Not available			N/A	£15,500
Nottingham Trent University (2024 entry)	All	£12,650			3.7%	£15,200
University of Northumbria (24/25 entry)	All	£12,300	£3,075	£9,225	0.0%	£15,000
ULaw London (23/24 entry)	All	£15,560			11.1%	£18,735
ULaw Non-London (not inc. Newcastle) (23/24 entry)	All	£14,200			11.8%	£15,485
ULaw Newcastle (23/24 entry)		£12,200			N/A	
University of the West of England (24/25 entry)	All	£13,750	Not available	Not available	1.9%	£15,000

The chart below shows the average fees charged at London vs non-London providers from 1990/91 onwards. It is clear to see that the course from 2020/21 onwards is less expensive than the BPTC was, after adjusting for inflation to 2022/23 prices. Prices for Bar training across AETOs in London are now more in line with those last seen around 2000/01, and are more in line with those seen around 2011/12 for AETOs based outside of London, after adjusting for inflation for both.

**Chart 9. Inflation adjusted cost of vocational Bar training courses over time – average for London and non-London training providers**



# Annex 4

## Unlimited Resits Within Five Years

### Background

1. The [Curriculum and Assessment Strategy states](#): “The BSB stipulates only that completion must be within five years; we do not stipulate the maximum number of attempts [at a Bar Training Assessment] that a candidate may be allowed within those five years” (p.34). However, to date, only one AETO – Nottingham Trent University (NTU) - has enabled candidates to make unlimited attempts at the assessments within five years. Other AETOs have limited the number of attempts available to their candidates in line with their internal academic regulations (a maximum of two attempts at ICCA, and a maximum of three attempts at all other AETOs, excluding NTU). The BSB does not regulate these resit limitations as they pertain to the AETOs’ academic awards (LLM, PgDip, etc.). However, from the BSB’s perspective, candidates within the five-year time limit are still eligible to make attempts at Bar Training Assessments and be called to the Bar.
2. We have therefore discussed with AETOs the best way to enable students to continue to take further re-sits once they have reached the maximum number permitted under the regulations of their academic awards. All AETOs were invited to propose solutions and [BPP has come forward to offer a solution](#) which will begin with a trial in December 2023. During the trial, the programme will only be available to former BPP candidates who have exhausted all resit attempts allowed for the academic award. If the December 2023 pilot is successful, all students who have undertaken Bar training at other providers since September 2020 and who are deemed to have reached the maximum number of resits under the regulations of their academic award will be invited to apply to take further re-sits of any outstanding assessments. These will be taken with BPP in Spring 2024.
3. These arrangements would be on a non-award basis. That means that although students may be Called to the Bar if they successfully complete all the elements of vocational Bar training prescribed by the BSB, they will not receive any academic award either from their original training provider or from BPP (if BPP is not their original provider).
4. In conversations with vocational AETOs and other stakeholders, three concerns about allowing unlimited resits within five years have been raised, we have provided further details and data here in response to these concerns:
  - That candidates who are unsuccessful within three attempts are not likely to be successful if given further attempts;
  - That there is no evidence that allowing unlimited attempts at the assessments will advance diversity at the Bar; and,
  - That candidates who are permitted unlimited attempts within five years have failed to meet the same standards as those who have completed with fewer attempts.

## Success Rates of Candidates with Resits Taken into Account

5. Table 10 below shows the total number of unique candidates entered by each AETO Centre for the Criminal Litigation exam since December 2020 (the first Bar Training Exam); the number of whom have passed Criminal Litigation by August 2023 (the most recent exam); and the resulting *overall pass rate*. For comparison, the final column shows each AETO's average of single-assessment pass rates for Criminal Litigation. AETOs are sorted in order of their overall pass rate. It is worth noting that the gap between the highest-ranking AETO and the lowest-ranking AETO is lower when comparing overall pass rates than it is when comparing average single-assessment pass rates—gaps of 71% vs. 80%, respectively. If we exclude Hertfordshire (which is a notable outlier) from the analysis, then the difference between the highest-ranking and lowest-ranking AETO shrinks from a gap of 59% to one of 36%. This demonstrates that, although some AETO cohorts may perform worse than others on their first attempt, they are able to 'catch-up' somewhat given further opportunities to take the exam.

**Table 10.**

AETO	Total Number of Candidates	Total Number Eventually Passing	Overall Pass Rate	Average Single-Assessment Pass Rate
ULaw Newcastle	9	9	100%	94%
ICCA	302	280	93%	90%
ULaw Nottingham	32	29	91%	64%
Cardiff	219	190	87%	55%
ULaw Bristol	64	55	86%	59%
ULaw Leeds	180	154	86%	60%
City	1221	1020	84%	56%
Northumbria	178	148	83%	46%
ULaw London	719	597	83%	55%
ULaw Manchester	134	109	81%	47%
BPP Leeds	108	87	81%	52%
BPP Manchester	337	271	80%	55%
ULaw Birmingham	264	208	79%	48%
BPP Birmingham	189	141	75%	43%
NTU	166	120	72%	35%
BPP London	1168	837	72%	48%
BPP Bristol	68	48	71%	50%
MMU	70	49	70%	36%
UWE	393	273	69%	41%
ULaw Liverpool	76	49	64%	42%
Hertfordshire	17	5	29%	14%

6. Table 11 below tracks the progress of candidates who first attempted the Criminal Litigation exam in April 2021 (which was the first time the majority of AETOs entered candidates). AETOs are sorted by the percentage of candidates first entered in April 2021 who have *eventually* passed Criminal Litigation. As above, the range of outcomes across AETOs, when taking resits into account, is much narrower than the range of outcomes in the initial first-sit pass rate. It is also worth noting that 90 candidates from April 2021 have now exhausted all available resit attempts with regard to Criminal Litigation at AETOs which limit resits.

Table 11.

AETO	Candidates whose first attempt was April 2021	Of which passing at the time	April 2021 first sit pass rate	Total April 2021 candidates who have passed to date	Eventual April 2021 pass rate	Increase since April 2021	Remaining not yet competent candidates	Of which have sits remaining	Of which exhausted all attempts
ULaw Nottingham	5	4	80%	5	100%	20%	0	0	0
ICCA	31	28	90%	30	97%	6%	1	0	1
ULaw Bristol	15	12	80%	14	93%	13%	1	1	0
City	244	148	61%	225	92%	32%	19	5	14
ULaw Manchester	23	12	52%	21	91%	39%	2	1	1
ULaw Birmingham	46	32	70%	41	89%	20%	5	0	5
ULaw London	107	60	56%	95	89%	33%	12	1	11
NTU	51	21	41%	44	86%	45%	7	7	0
ULaw Leeds	38	26	68%	32	84%	16%	6	2	4
BPP Manchester	49	17	35%	41	84%	49%	8	4	4
BPP London	162	49	30%	129	80%	49%	33	18	15
BPP Bristol	9	3	33%	7	78%	44%	2	2	0
Northumbria	40	16	40%	30	75%	35%	10	4	6
UWE	115	38	33%	84	73%	40%	31	13	18
BPP Birmingham	21	5	24%	15	71%	48%	6	1	5
BPP Leeds	21	4	19%	14	67%	48%	7	2	5
MMU	3	0	0%	2	67%	67%	1	0	1
Cardiff	6	2	33%	3	50%	17%	3	3	0
<b>TOTAL</b>	<b>986</b>	<b>477</b>	<b>48%</b>	<b>832</b>	<b>84%</b>	<b>36%</b>	<b>154</b>	<b>64</b>	<b>90</b>

7. Table 12 below looks only at the 166 unique candidates NTU has entered for Bar Training Criminal Litigation Exams across the eight sittings to date which NTU has participated in. It can be seen that the majority of candidates who were eventually deemed competent passed the exam on their first attempt (65% of all competent candidates or 47% of all candidates). 107 candidates have passed within their first three attempts (89% of all competent candidates or 64% of all candidates). Of the 25 candidates

who have gone beyond the three attempts allowed by the majority of AETOs, 13 have since been deemed competent in regard to Criminal Litigation. Only 1 candidate is yet to be deemed competent on this assessment after attempting all eight opportunities available to them. There was also one candidate who passed on their eighth attempt. This shows that candidates can and do continue to pass Bar Training exams beyond their third attempt.

**Table 12.**

Number of Attempts Made (NTU Only)	Candidates Ultimately Deemed Competent	Candidates Not Yet Deemed Competent
1 Attempt	78	12
2 Attempts	18	19
3 Attempts	11	3
4 Attempts	7	6
5 Attempts	1	5
6 Attempts	4	0
7 Attempts	0	0
8 Attempts	1	1

### Effect of Limiting Resit Attempts on Diversity

8. The BSB has a statutory regulatory objective to encourage a diverse legal profession. In our regulation of Bar Training, this is reflected through our promotion of training arrangements which are accessible to candidates of all backgrounds. With that in mind, we have conducted some analysis of the impact of limiting resit opportunities by ethnicity.

9. The tables below look only at Bar Training candidates at AETOs which limit resits (ie all AETOs other than NTU). Candidates are grouped by self-reported ethnicity. The first column is the count of candidates who have ultimately been deemed competent with respect to Criminal Litigation within the allowed number of resit opportunities (2 attempts at ICCA, or 3 attempts elsewhere). The second column is the count of candidates who have exhausted their available resit opportunities without having been deemed competent.

10. The data controls for undergraduate degree classification, which could be a predictor of performance in the vocational component. Only students with an upper-second class undergraduate degree are counted, that being the most common degree classification for Bar Training candidates.

**Table 13.**

**Candidates whose undergraduate degree classification was 2:1, at AETOs other than NTU, who have been deemed competent with respect to Criminal Litigation or exhausted all resit attempts without having been deemed competent**

<b>Ethnicity</b>	<b>Number of Candidates Eventually Deemed Competent</b>	<b>Number of Candidates not deemed competent within permitted resit allowance</b>
White (All Groups)	673	30
Asian (All Groups)	1029	64
Black (All Groups)	142	20
Arab	13	1
Mixed (All Groups)	118	4

11. A statistical test (a chi-squared test) was carried out on this data to determine if the rate at which candidates are exhausting all resit attempts varies significantly by ethnicity. The result of the test with regard to ethnicity was that there is only a 0.16% probability that ethnicity is not related to the likelihood of passing within the allowed number of resits. This result is comfortably above the standard benchmark for statistical significance.
12. The statistical model also produces a table of “expected results” which is shown below. This is an estimate of how the data would look if capping resits did not have a differential effect on candidates of different ethnicities. We can see that the effect is particularly pronounced for Black Bar Training candidates who are exhausting all resit attempts without passing the exam at more than two times the rate that the model would predict should happen if ethnicity were not a factor.

**Table 14.**

<b>Expected Values</b>		
<b>Ethnicity</b>	<b>Number of Candidates Eventually Deemed Competent</b>	<b>Number of Candidates not deemed competent within permitted resit allowance</b>
White (All Groups)	663	40
Asian (All Groups)	1031	62
Black (All Groups)	153	9
Arab	13	1
Mixed (All Groups)	115	7

13. The same test was carried out to compare outcomes for students with a declared disability with those for students without a declared disability. The relationship between disability status and outcomes was not found to be statistically significant in this data set; however, earlier analysis had identified a slightly significant relationship. More analysis is needed over a longer time period with a larger dataset to determine the impact on candidates with a declared disability.
14. It is very likely that a number of factors contribute to these differential outcomes, and it cannot be said



with complete certainty that greater flexibility for the number of attempts afforded candidates alone would bring parity of outcomes across ethnic groups. However, we can see from NTU's performance that many candidates can and do continue to pass Bar Training exams beyond the third attempt. It can be assumed that, if given the opportunity, a proportion of the candidates from minority ethnic backgrounds who have exhausted their resit allowance under the current regime would go on to be successful at a later attempt. We hope that the data from the upcoming BPP Pilot and from the full programme which may begin in Spring 2024 will allow us to further analyse these effects.

### **Unlimited Resits and High Standards**

15. Allowing unlimited resits within 5 years is in keeping with two of the BSB's key principles of training reform - accessibility and flexibility - there is, however, a perception that this represents a lessening of our commitment to the further key principle of high standards.
16. Bar Training assessments (both centralised and locally-set) are designed to test a 'threshold standard of competence' as defined by the [Professional Statement](#). On the centralised assessments, this is reflected by our use of standard setting techniques which ensure that, for each exam, the pass mark reflects the competencies displayed by the 'borderline candidate' and that each exam is equally difficult to pass.
17. For the locally-set assessments, the BSB is provided with assurance of quality and standards through its External Examining team managed by the Supervision team; the External Examiners ensure that exams are set in a way which is fair, consistent, and accurately reflecting the threshold standard of competence.
18. We can be confident that any candidate who was deemed competent in respect of a Bar Training assessment met all of the criteria for that subject listed in the Professional Statement and [Curriculum and Assessment Strategy](#) on the day that they sat the exam, regardless of the number of attempts at the assessment they made before reaching that level of competence. They have therefore achieved the same high standard applied to all prospective Barristers.

## Contacting us

We are committed to providing a high standard of service and dealing with everyone in a way that is fair, transparent, and proportionate. We welcome your feedback on our services, particularly where the level of service has exceeded or fallen below your expectations.

Your comments and suggestions are important to us as they will help us to meet our obligations to you and to improve our performance.

## Write to us

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