

**BAR  
STANDARDS  
BOARD**

REGULATING BARRISTERS

**Consultation on fees and charges for the authorisation and supervision of  
Authorised Education and Training Organisations (AETOs) by the Bar  
Standards Board**

**Supplementary Note**

**February 2019**

## **Executive Summary**

1. On 6 December 2018, the BSB published a consultation paper seeking views on the model we have used to determine the proposed fees we will charge Authorised Education and Training Organisations (AETOs) to consider, authorise and supervise their proposed training under the new Bar training rules and to manage the centralised examinations that form part of the qualification process for new barristers.
2. This Note offers some supplementary information in the light of questions received from consultees. The Note focuses mainly on how we have reached the proposed figures for our fees but also provides clarification on certain parts of the charging process. At the outset it is very important to emphasise that it is likely all our fees will vary over time as our actual costs change and student numbers fluctuate. Those fees that will apply next year (such as the £870 per capita fee) have been precisely calculated but those that will not apply until some time in the future (such as the fee for the Professional Ethics examination which will not come in until December 2021) are more broadly estimated. However, in every case we aim for cost recovery and will adjust our fees as necessary if there is any risk of under or over recovery. As far as possible, we want to avoid both cross subsidy from Practising Certificate Fees (unless this has been deliberately planned) and any risk that the BSB may unintentionally make a “profit” from these fees. It is therefore that principle of cost recovery and its application to AETO authorisation which is the key question for the consultation.

## **Supplementary Information**

### **Investment costs**

1. Paragraphs 18-20 of the consultation document refer to investment costs which we estimate to be £1.5 million over the 3 financial years 2016 – 2019. The costs include direct programme expenditure (e.g. research and development, external expertise, wide-ranging consultation), BSB direct staff costs and indirect costs including Board oversight and approval for the programme. The consultation document makes clear that it is not the intention of the BSB to seek to recover these sunk, historic costs through future fees.

### **Indirect costs/overheads**

2. Paragraphs 21-22 refer to “Indirect Costs/Overheads”. As we explain in Paragraph 21 indirect costs, also called overheads, are the costs we incur to run the BSB and include administrative staff, rent and utilities. These are just

one of the additional factors we considered to help us develop the charging model. The others are:

- Initial Year Costs – as we say in paragraph 24, we propose smoothing these figures over a five year period and our per capita fee takes account of this approach (see paragraph 7 below)  
The figures are calculated based on fixed costs (e.g. Centralised Examination Board, external expertise, standard setting etc), so essentially include everything from exam paper production to quality assurance.
- Pupillage Factors
  - Applicable Fees
    - The one-off fee of £250 is based on 0.5 days cost for BSB staff (at the appropriate grades) checking an application from a new provider who wants to offer pupillage as explained in paragraphs 39-41. This is in line with our current assessment times. A similar rationale applies to the £250 charge for vocational providers.
  - Professional Ethics – see paragraph 5 below.
- Contingency Papers for Centralised Examinations – the current cost of a contingency paper is approximately £15K for Professional Ethics and £30k each for Civil and Crime. Once the new syllabus for Civil has been agreed there will be an additional cost of £25k as there will be two Civil papers instead of one. We have included a provision for this in the figures used to calculate the per capita fee.

### Professional Ethics

3. In paragraph 28 the fee for the Professional Ethics examination for pupils is estimated to amount to £800-900. It is based on the following figures:

Ongoing Costs for Examinations such as question setting, invigilation, marking, moderation and quality assurance	£274,000
Indirect Costs such as administrative staff, rent, utilities and BSB direct overheads (e.g. IT systems, corporate support, Board oversight)	£120,000
<b>TOTAL</b>	<b>£394,000</b>
Estimated number of pupils	450
Estimated cost	£875

4. The first Professional Ethics paper taken during the work-based learning stage of training will be in December 2021. We will have a clearer picture at that point of costs and numbers (e.g. venues, computer-based system, administration) so the cost is likely to change. If we can reduce these costs, which we will always strive to do, or student numbers rise, the fee will be reduced accordingly but if costs rise unavoidably or student numbers fall the fee may have to increase.

### **Research on other professions**

5. At paragraphs 35-37 we refer to our review as to what other professional bodies charge for similar training and examinations costs and refer, by example, to the Academy of Medical Royal Colleges and the Solicitors Regulation Authority (SRA). The full list of bodies which we examined is as follows:
  - The SRA and the Qualifying Lawyer Transfer Scheme run by Kaplan on behalf of the SRA; the proposed Solicitors' Qualifying exam managed in the same way
  - The Chartered Institute of Legal Executives (CILEx)
  - The General Medical Council (GMC) - Professional and Linguistic Assessments Board Test
  - Royal College of Physicians
  - College of Optometrists
  - Quality Assurance Agency for Higher Education
  - International English Testing System
  - Royal Institute of British Architects
  - Civil Aviation Authority
  - Engineering Council
  - Institution of Civil Engineers
  - Institute of Chemical Engineers
  - Institute of Structural Engineers
  - The Institute of Chartered Accountants in England and Wales (ICAEW)
  - The Association of Chartered Certified Accountants (ACCA)
  - Association of Accounting Technicians

### **The Authorisation Fee**

6. In paragraphs 43-45 we suggest that the per capita Authorisation Fee per student will be £870. To reach that per capita figure we estimated the following costs:

Ongoing Costs for Examinations such as question setting, invigilation, marking, moderation and quality assurance	£670,000
Ongoing Costs for Training Supervision	£260,000
Indirect Costs such as administrative staff, rent and utilities and BSB direct overheads (e.g. IT systems, corporate support, Board oversight)	£298,000
<b>TOTAL</b>	<b>£1,228,000</b>

We estimated the number of students as follows:

2020: BPTC (600); FBT<sup>1</sup> (900)

2021: FBT (1,550);

2022: FBT (1,550);

2023: FBT (1,550);

2024: FBT (1,550).

Students on old style BPTCs in 2020 will only pay the current contractually determined fee of £550. Our forecast average number of students for FBT is therefore 1,420.

If we divide 1,228,000 by 1,420 we get £865. We then included a 0.5% contingency to allow for any variation in costs or student numbers which takes this figure to £870. Again, this figure will rise or fall over the years depending on our costs and the number of students enrolling for Bar training.

## **The Intake Fee**

7. This is set out in paragraphs 46-48. In the first year the Authorisation Fee is in effect the first intake fee so it will be calculated using the figures at paragraph 6 above. We will only levy this fee retrospectively after authorisation when the AETO has advised the BSB as to the actual number of students enrolled. We will then multiply that number by £870 (the proposed per capita fee) to calculate the amount payable to the BSB. This mirrors the current process for BPTC providers. It is referred to as the Authorisation Fee as it is the first fee chargeable after an authorisation decision.

To be clear, an AETO will not be charged both an Authorisation Fee and an Intake Fee in respect of its first cohort of registered students. For each subsequent intake of students, an AETO will be charged an Intake Fee only.

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<sup>1</sup> By FBT we mean those students who will be doing a Future Bar Training course rather than the current BPTC

## **The Authorisation Renewal Fee**

8. In paragraph 49 we say that the Renewal Fees for an existing BPTC provider “will mirror those for initial authorisation”. AETOs providing the vocational component of Bar training will undergo a renewal process every 5 years. In practice this means that the first possible renewal process will be in 2024. At paragraph 50(k) of the consultation we commit ourselves to reviewing our fee model at least every 2 years and we will take mitigating action should we over / under recover. The fees and structure for renewal are based on our current best view of how the initial authorisation process will work. We expect the renewal process to be similar to that for initial authorisation so we expect the future renewal fees also to be calculated on a similar basis. The intake and renewal processes are designed to allow us to take a more thorough review at renewal and a risk-based approach to monitoring and supervision. It should be stressed that although we will continue to monitor AETOs through our annual supervision activities, our new approach will place a greater emphasis on the renewal process every five years.

## **The Intake Process**

9. At every intake we will ask a provider whether there have been any material changes to their application. What constitutes a “material change” will not be an exhaustive list but would include events such as an extension of the pathway to other sites or a significant increase in the student cohort. We will publish guidance in this regard. Should an AETO indicate there have been no changes we will adopt a risk-based approach to supervision. If there is a declared material change, we will risk assess it, possibly ask for more information and determine what if anything we need to do.

## **Renewal**

10. The intake responses will feed into and inform the renewal process and the degree of work involved. If an AETO has made multiple complex changes to their training, for example, we will need to assure ourselves to a much greater degree than if we are simply reauthorizing their original programme. Once again this is reflective of our risk-based approach.

## **Fees charged in the years following authorisations**

11. It is important to stress that in the first year of authorisation the Authorisation Fee will in effect also be the Intake Fee and that in subsequent years providers

will only pay the Intake Fee until their authorisation is due for renewal. So in no year will we levy both an authorisation and an intake fee.

### **Equality impact assessment**

12. In paragraphs 52-55 we refer to our Equality Impact Assessment which we now attach at Annex A. This includes, in Section 2, an estimate of the impact on prospective students of their having to reimburse their AETO in full for the annual fee of £870 paid by the provider to the BSB.

## Annex A

### Equality Impact Assessment (EIA)

Date of Assessment	May 2018
Assessor Name & Job Title	Clíodhna Judge, Head of Assurance
Name of Policy/Function to be Assessed	<p>This EIA considers the introduction of fees and charges that Authorised Education and Training Organisations (“AETOs”) may be required to pay in order to be authorised by the BSB to provide training for prospective barristers and barristers at the Work Based Learning (“WBL”) stage of training.</p> <p>This document should be read in conjunction with the overall EIA which considers the programme of work required to implement the Authorisation Framework (AF) including the supporting processes and policies. (See below.)</p>
Aim / Purpose of Policy	<p><b>Overview of this EIA</b></p> <p>This project is one of the discrete sub projects within the broad programme of work required to implement the AF.</p> <p>Whilst the programme will ultimately be viewed as a whole, from an EIA perspective the introduction of fees and charges has distinct and specific considerations. Therefore it is prudent to think about and document these separately.</p> <p><b>The Authorisation Framework (AF)</b></p> <p>Currently, the BSB’s rules require candidates to train and qualify on a single, rigid pathway. From January 2019 there will be changes to those rules allowing AETOs propose alternative pathways for training.</p> <p>Before an AETO can introduce a new pathway it must be authorised to do so by the BSB. The AF sets down criteria which must be met and evidence which must be produced to satisfy the BSB that the pathway proposed will adequately meet the 4 principles set out in the AF – Accessibility, Affordability, High Standards and Value for Money.</p> <p>The consideration of an application will require resources from the BSB for which there will be a charge to the AETO. Additionally, it is proposed that there will be an annual renewal fee to be paid by the AETO to cover the cost of supervision and ongoing monitoring of standards.</p>



	<p>One of the primary considerations for the project team is that the level of fees and charges does not itself adversely impact the 4 principles. Key factors include whether to adopt the same approach for all types (sizes etc) of AETO, whether the full cost recovery approach is suitable and in the public interest.</p> <p>We are currently creating financial models based on various levels of projected cost and income. The project team is receiving assistance with this and the drafting of charging principles from the independent advisor to the executive.</p> <p>We intend consulting publicly between July and September with findings to be brought to the Board for approval in November.</p>
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1. Do you consider the policy to have an adverse equality impact on any of these groups? Write either 'yes' or 'no' next to the appropriate group(s).

Race	No	Sexual Orientation	No	Marriage/Civil Partnership (only in employment matters)	No
Gender	No	Religion/Belief	No	Socio-economic status	Yes
Disability	Yes	Gender Reassignment	No		
Age	No	Pregnancy/Maternity	No		

2. If you answered 'yes' to any of the above, give your reasons why.

<p><b>Socio-economic</b></p> <p>Whilst the fees for each stage of the authorisation / renewal process will be borne by the AETO we are aware that not all organisations are the same, e.g. there is a marked difference between the economic capital available to commercial training providers which train hundreds of students annually and small chambers which take on 1 pupil.</p> <p>We need to be mindful that the fees do not:</p> <ul style="list-style-type: none"> <li>• Result in existing providers pulling out of the training market;</li> <li>• Act as a barrier to entry and deter new training providers;</li> <li>• Increased fees for students or pupils as passed on by the AETOs.</li> </ul> <p>However, this must be balanced with an appropriate recovery of economic cost spent by the BSB.</p> <p><b>Disability</b></p> <p>The fees for application and intake – when considered in conjunction with other potential costs – may mean that a smaller provider might decide to offer fewer places which may impact disabled candidates if, e.g. costly reasonable adjustments are required. Mitigating options include the Access to Work scheme.</p>
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## **Mitigation**

We will mitigate this by:

- Considering the 4 principles in the AF;
- Drafting a set of charging principles which drive fees that can be fairly and proportionately applied to different types of AETOs
- Consult on the proposals.

3. If you answered 'no' to any of the above, give your reasons why.

## **Principles underpinning the AF**

As set out in the over-arching EIA, the AF principles encourage a focus on diversity and the protected characteristics through:

- Ensuring accessibility is a key consideration at each stage to make sure the changes we introduce are fair for everyone;
- Our commitment to increasing social mobility and improving accessibility "*so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves*";
- Relating the mandatory criteria within the AF to equality and diversity issues; for example, highlighting that AETOs are required to offer reasonable adjustments;
- Encouraging greater flexibility and affordability

However, we appreciate that there may be times where these principles come into conflict with each other. As such, our criteria for assessing AETOs against the AF will include a minimum requirement in each of the four areas.

## **Better Regulation principles**

It is important to note that our work around the AF will be in accordance with the Better Regulation principles. These are: proportionality, accountability, consistency, transparency and targeting. We consider that focussing our work on these principles is likely to have a positive impact on equality.

## **Re-authorisation**

Authorisation will last for a defined period after which re-authorisation will be required. We anticipate that this could be more burdensome for smaller organisations who have fewer policies and procedures in place and fewer staff to assist. However, we do not anticipate that this will have an impact on any particular protected characteristic over anyone else.

## **Basis for appeal**

It is our intention to manage the authorisation process, and the process for appeals fairly, efficiently, and transparently. We will clearly set the criteria and guidelines on which appeals can be made. In addition, we consider it important that assessors are appropriately trained; which we will include in the action plan in the full EIA.

## Equality Impact Assessment (Implementation of Authorisation Framework (AF))

Date of Assessment	<i>April 2018</i>
Assessor Name & Job Title	<i>Ruby Newton, Senior Supervision and Authorisation Officer  Poonam Sharma, Training Supervision Officer  Clíodhna Judge, Head of Assurance  Victoria Stec, Head of Training Supervision and Examinations</i>
Name of Policy/Function to be Assessed	<i>This EIA considers the programme of work required to implement the Authorisation Framework (AF) including the supporting processes and policies.</i>
Aim/Purpose of Policy	<p><b>Overview of this EIA</b></p> <p><i>“Implementation of the AF” refers to a broad programme of work which includes a number of discrete sub projects, e.g. the introduction of the Curriculum and Assessment Strategy and development of a charging model. We suggest it would neither be feasible nor meaningful to create a single EIA to address the sub projects as a collective. Therefore, the proposed approach is:</i></p> <ul style="list-style-type: none"> <li><i>• Individual EIAs for sub projects;</i></li> <li><i>• Over-arching EIA to ensure the programme as a cohesive whole does not create any adverse impacts.</i></li> </ul> <p><i>The AF and the accompanied evidence documents are due for consideration and ultimately approval by the Board in May 2018. However, for the purposes of this EIA it should be considered as materially settled in terms of the underlying principles.</i></p> <p><i>This EIA provides:</i></p> <ol style="list-style-type: none"> <li><i>a) An overview of the impact of the AF;</i></li> <li><i>b) Considerations for the EIAs which will be each of the strands of the work to implement the AF.</i></li> </ol> <p><i>The impact of the AF was briefly considered as part of the overarching EIA around Future Bar Training (FBT). However, due to the size and complexity of the changes outlined in the AF, it was felt appropriate to have a separate EIA.</i></p> <p><b>The Authorisation Framework (AF)</b></p> <p><i>Currently, the BSB’s rules require candidates to train and qualify on a single, rigid pathway. The BSB wants to approve new pathways which meet our requirements. This will mean in practice that authorised education and training organisations (AETOs) will be free to propose training routes covering all or part of a training pathway.</i></p>

*The AF will enable us to consistently assess whether the training that AETOs propose is sufficient to meet the requirements set out in the Professional Statement. Risks associated with the training proposals may be raised during the authorisation process. If, for example, a risk is identified that suggests that a particular proposal may be detrimental to access to and retention within training the profession from currently under-represented groups, further work may be required of the provider to mitigate against these risks and to give assurance to the BSB..*

*The aims of the AF are to ensure that:*

- *The BSB has a transparent, consistent and coherent approach to assessing whether new training proposals satisfy the policy objectives set out in the Board's 23 March 2017 statement relating to **flexibility, accessibility, affordability and high standards** and meet the requirements set out in the Professional Statement;*
- *A consistent approach to assessment and quality assurance in components of the proposed training pathway.*

*For more information about the Authorisation Framework, it would be useful to refer to the Authorisation Framework Project Initiation Document.*

### **Implementation of the Authorisation Framework**

*The Implementation of the Authorisation Framework is a broad programme of work, which includes a number of discrete projects. This EIA considers the programme as a whole, dealing with the implementation of the AF at only the highest level. In addition to this document, each of the individual strands of the project will be impact assessed in terms of their impact on equality separately. These strands, and the individuals responsible for their delivery, are:*

- *Authorisation Process including the Alignment of the AF with Risk Index, System Development, and piloting.  
(Head of Assurance- Cliodhna Judge)*
- *Changes to existing authorisations processes  
(Head of Assurance- Cliodhna Judge)*
- *Communications and Stakeholder Engagement  
(Communications Manager- Andrew Lamberti)*
- *Authorisation of AETOs  
(Head of Assurance- Cliodhna Judge)*
- *Evaluation  
(Head of Research and Information- Corrine Charles)*
- *Supervision  
(Supervision Manager- Julia Witting)*
- *Curriculum and Assessment Strategy  
(Head of Training Supervision and Examinations- Victoria Stec)*

*These seven EIAs have been incorporated into the relevant project plan(s) to ensure that they are adequately resourced and planned for.*

## 1. Evidence

<p>What evidence will you use to assess impact on equality?</p> <ul style="list-style-type: none"> <li>- <i>The Impact on equality within AETOs delivering the vocational component may be assessed through the statistics that we will collect to publish the BSB’s annual Key Statistics Reports. These statistics will indicate if the demographic of candidates undertaking the vocational component changes. The data we will require from AETOs may be the same as that which is required from them under the regulatory framework of the Office for Students where they will be required to submit data to a Designated Data Body, in which case a data sharing agreement will be needed to ensure minimum burden on the AETO; if this data is not sufficient for our purposes to assess the impact on equality, we may need to request additional data from AETOs;</i></li> <li>- <i>Consider information gathered around work-based learning, such as whether there has been an increase or decrease in the number of pupillages available;</i></li> <li>- <i>In addition, we will be collecting data from examinations which will be relevant for the CAR strand of this work.</i></li> </ul>
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## 2. Impact on Equality

<p>Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).</p>	
Race	<p><i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of race, except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i></p>
Gender	<p><i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of gender except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i></p>
Disability	<p><i>We have committed as part of the authorisation framework, to contribute to flexibility by the “publication of clear and accessible information relating to the approved training pathways to qualification.”</i></p> <p><i>This means that we are aware that the AF is very technical and much of the information and application process will be, in the first instance, available online. As such, this may adversely impact individuals with certain disabilities who wish to use it. We anticipate that this will be those individuals who:</i></p> <ul style="list-style-type: none"> <li>- <i>Struggle to read and retain information (e.g.: people with dyslexia);</i></li> <li>- <i>Have sight or hearing loss which may impact how they are able to communicate with us.</i></li> </ul> <p><i>To mitigate this adverse impact, we have made the above commitment to clear and accessible information. This is likely to mean:</i></p> <ul style="list-style-type: none"> <li>- <i>Ensuring that the guidance around the authorisation framework is written in plain English;</i></li> </ul>

	<ul style="list-style-type: none"> <li>- Considering how AETOs may wish to contact us and ensure that this is possible by email, in writing, by telephone and face-to-face during the application process, re-application process and appeals process;</li> <li>- Ensuring we are offering reasonable adjustments appropriately;</li> <li>- Ensuring training needs for staff who will interact with AETOs are identified. This is likely to include at a minimum: training in unconscious bias, equality and diversity, and reasonable adjustments;</li> <li>- Ensuring our online applications process and information is equality impact assessed and is clear and accessible. This will include considering the feasibility of creating other methods of information AETOs about the process and their responsibilities (e.g.: videos and pictorial representations).</li> </ul>
Age	<i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of age except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i>
Sexual Orientation	<i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of sexual orientation except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i>
Religion/Belief	<i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of religion or belief except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i>
Gender Reassignment	<i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of gender reassignment except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i>
Pregnancy/ Maternity	<i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of pregnancy or maternity except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i>
Marriage and Civil Partnership	<i>We do not anticipate that the AF or the implementation of the AF will have any impact on the basis of marriage or civil partnership except positively in the sense that opening up more diverse routes to training should have a beneficial effect on all protected groups.</i>
Other Identified Groups (e.g carers, people from different socio-economic backgrounds, or any other groups likely to experience disadvantage)	<p><b>Socio-economic</b></p> <p><i>We are conscious that the fees strand of the AF work (which has yet to be finalised) must be proportionate to ensure that those training providers who may have access to less economic capital are not adversely affected. We will mitigate this by conducting an EIA around fees and a consulting publicly.</i></p> <p><i>For all groups there could be adverse impacts, such as, if we lack the skills/systems to audit and hold the provider to account for equality and diversity standards. The action plan reflects actions to mitigate this.</i></p>

How does the policy advance equality of opportunity?
<p><i>We consider that this policy is likely to advance equality of opportunity</i></p> <p><b>Principles underpinning the Authorisation framework</b></p> <p><i>It cannot be overstated that the principles that the authorisation framework (accessibility, flexibility, accountability and high standards) encourage a focus on diversity and an eye to the protected characteristics, particularly for students. This happens by:</i></p> <ul style="list-style-type: none"> <li>- <i>Ensuring accessibility is a key consideration at each stage will go a long way to ensuring that the regulation we introduce is fair for everyone;</i></li> <li>- <i>Our commitment to increasing social mobility and improving accessibility “so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves”</i></li> <li>- <i>Relating the mandatory criteria within the AF to equality and diversity issues; for example, highlighting that AETOs are required to offer reasonable adjustments.</i></li> <li>- <i>Encouraging greater flexibility and affordability.</i></li> </ul> <p><b>Better regulation principles</b></p> <p><i>It is important to note that our work around the authorisation framework will be in accordance with the Better Regulation principles. These are: proportionality, accountability, consistency, transparency and targeting. We consider that focussing our work on these principles is likely to have a positive impact on equality.</i></p> <p><b>Basis for appeal</b></p> <p><i>It is our intention to manage the authorisation process, and the process for appeals fairly, efficiently, and transparently. We will clearly set the criteria and guidelines on which appeals can be made. In addition, we consider it important that assessors are appropriately trained; which we will include in the action plan in the full EIA.</i></p>

How does the policy promote good relations between different groups?
<ul style="list-style-type: none"> <li>- <i>Any criteria or guidance for AETOs around the AF will be subject to consultation and published in plain English on the BSB website;</i></li> <li>- <i>More diversity in training routes resulting in greater accessibility and social mobility;</i></li> <li>- <i>The aim of the AF is to increase social mobility and accessibility “so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves”</i></li> </ul>

### 3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark ‘X’ next to one option and give a reason for your decision)		
a. No change to the policy (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups.	
b. Continue the policy (impacts identified)	Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.	X

c. Adjust the policy and continue	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	
d. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.	
Reason for decision:		
<p><i>The overall impact of implementing the AF will be positive, since it will improve accessibility, affordability and flexibility to those wanting to become barristers.</i></p> <p><i>Where there have been potential adverse impacts identified, these will be assessed and mitigated against in the EIAs for each strand of the implementation of the AF project as outlined in section one of this document.</i></p>		

#### 4. Action Plan for Improvement

Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.			
Action Required	Desired Outcome	Person Responsible	Timescale
<p><i>Conduct individual EIAs for each strand of the implementation of the AF project, namely:</i></p> <ul style="list-style-type: none"> <li>• <i>Authorisation Process including the Alignment of the AF with Risk Index, System Development, and piloting fees. (Head of Assurance- Clíodhna Judge)</i></li> <li>• <i>Changes to existing authorisations processes (Head of Assurance- Clíodhna Judge)</i></li> <li>• <i>Communications and Stakeholder Engagement (Communications Manager- Andrew Lamberti)</i></li> <li>• <i>Authorisation of AETOs (Head of Assurance- Clíodhna Judge)</i></li> <li>• <i>Evaluation (Head of Research and Information - Corrine Charles)</i></li> </ul>	<p><i>That each of the strands of the implementation of the AF do not have adverse effects on protected characteristics.</i></p>	<p><i>Clíodhna Judge/ Andrew Lamberti/ Corrine Charles/ Julia Witting/ Victoria Stec</i></p>	<p><i>Please see each project plan for the timescales for completion of EIAs.</i></p> <p><i>The EIAs must be completed before the rule change application goes to the Board in September 2018.</i></p>



<ul style="list-style-type: none"> <li>• <i>Supervision of AETOs - robust systems and people with the right skill monitor and providers hold to account</i> (Supervision Manager- Julia Witting)</li> <li>• <i>Curriculum and Assessment Strategy</i> (Head of Training Supervision and Examinations- Victoria Stec)</li> </ul>			
<p><i>Ensure staff assessing AETO applications are trained in unconscious bias, equality and diversity, and reasonable adjustments.</i></p>	<p><i>Staff do not make discriminatory decisions</i></p>	<p><i>Clíodhna Judge</i></p>	<p><i>From September 2018.</i></p> <p><i>The new rules will be in place at the start of January 2019.</i></p>
<p><i>Communication around the process and changes should be clear and accessible. We intend to do this by:</i></p> <ul style="list-style-type: none"> <li>- <i>Ensuring that the guidance around the authorisation framework is written in plain English;</i></li> <li>- <i>Considering how AETOs may wish to contact us and ensure that this is possible by email, in writing, by telephone and face-to-face during the application process, re-application process and appeals process;</i></li> <li>- <i>Ensuring we are offering reasonable adjustments appropriately;</i></li> <li>- <i>Ensuring our online applications process and information is equality impact assessed and is clear and accessible. This will include considering the feasibility of creating other methods of information AETOs about the process and their responsibilities (e.g.: videos and pictorial representations).</i></li> </ul>	<p><i>Ensure application process and guidance is clear and accessible to all.</i></p>	<p><i>Clíodhna Judge</i></p>	<p><i>Start of January 2019.</i></p>