

# BAR STANDARDS BOARD

REGULATING BARRISTERS

## Bar Training: Curriculum and Assessment Strategy August 2021

The Bar Standards Board (BSB) regulates barristers and specialised legal services businesses in England and Wales, in the public interest. Our responsibilities include setting the education and training requirements for becoming a barrister, as well as setting continuing education and training requirements to ensure that barristers' skills are maintained throughout their career. Our work is governed by The Legal Services Act 2007 as well as a number of other statutes, notably the Equality Act 2010. Our approach to the regulation of education and training is informed by, but not governed by, the Higher Education and Research Act 2017.

This document sets out the requirements for all three components of training for the Bar: academic, vocational and pupillage/work-based. The purpose of these requirements is to ensure consistency amongst Authorised Education and Training Providers and to ensure prospective barristers are able to demonstrate the Competences outlined in the [Professional Statement for Barristers, incorporating the Threshold Standard and Competences](#). The Professional Statement, which is published by the BSB, describes the knowledge, skills and attributes that all barristers will have on "day one" of practice. The Professional Statement underpins all of the requirements outlined below. We have also mapped the Competences outlined in the Professional Statement to the various components to illustrate which Competences will need to have been demonstrated at different points in a prospective barrister's training. The mapping grid can be found at the end of this document.

The Curriculum and Assessment Strategy is complete for the academic and vocational components of training for the Bar. From 1 September 2019, any AETO delivering pupillage or work-based learning has had to adhere to this Strategy, and ensure pupils cover the relevant competences as outlined in the mapping at the end of this document. Any new vocational courses delivered by AETOs from 2020 will need to adhere to this Strategy.

Further changes to pupillage are planned. A centralised assessment in Professional Ethics will commence in 2022. A compulsory course in Negotiation Skills is planned, with the introduction date to be confirmed. More information will be added here in due course. It will continue to be the pupil supervisor's responsibility to sign off satisfactory completion of pupillage.

## Academic Component

In order to complete the requirements of the academic component of training for the Bar, prospective barristers will have to have demonstrated the following Competence from the Professional Statement:

<b>1 Barristers' distinctive characteristics</b>
<i>Legal knowledge, skills and attributes</i>
Barristers will:  <b>1.2</b> Have a knowledge and understanding of the key concepts and principles of public and private law.  They will have a good understanding of the general principles of law underpinning the legal system of England and Wales, including the implications of EU law, and be able to apply this as necessary.  Barristers should: a) Be able to recall and comprehend and accurately apply to factual situations the principles of law and rules of procedure and practice specified by the Bar Standards Board. b) Be able to keep up to date with significant changes to these principles and rules.

The above Competence incorporates the need for prospective barristers to have covered the “seven foundations of legal knowledge” subjects: Criminal Law, Equity and Trusts, Law of the European Union<sup>1</sup>, Obligations 1 (Contract), Obligations 2 (Tort), Property/Land Law, Public Law (Constitutional Law, Administrative Law and Human Rights Law).

A prospective barrister must commence the vocational component of training for the Bar within five years of completion of the academic component of training. This is to ensure that their legal knowledge remains current. Anyone who wishes to commence the vocational component after this time limit is required to reactivate their stale qualifications. Information on reactivation of stale qualifications can be found in the [Bar Qualification Manual](#).

## BCAT

In order to proceed to the vocational component of training for the Bar, prospective barristers will need to have met the admission requirements set out in the [Authorisation Framework](#). One of these requirements is successfully passing the Bar Course Aptitude Test (BCAT). The BCAT tests aptitude for critical thinking and reasoning, which are key skills required for training for the Bar. The aim of the BCAT is to ensure that those undertaking the vocational component of training have the

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<sup>1</sup> Following the United Kingdom's withdrawal from the European Union and/or any agreement made on European Law in future. The inclusion of European Law is currently under review, but will continue as one of the foundation subjects for the foreseeable future.

aptitude to succeed. More information on the BCAT, including the point the BCAT must be passed by for each training pathway, can be found in the [Bar Qualification Manual](#).

## English language proficiency

Another admission requirement set out in the Authorisation Framework is that prospective barristers must have a proficiency in the English language which is sufficient for the vocational component of training. The Professional Statement describes the following Competence regarding English language, which should be demonstrated by prospective barristers before they enrol on the BPTC:

<b>1 Barristers' distinctive characteristics</b>
<i>Practical knowledge, skills and attributes</i>
Barristers will:  <b>1.8</b> Exercise good English language skills.  They will have an effective command of the language and be able to use it appropriately, accurately and fluently so as to handle complex and detailed argumentation. They will use correct English grammar, spelling and punctuation.  Barristers should: a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications. b) Speak fluent English.

In order to fulfil this Competence, and satisfy the admission requirement, a prospective barrister must be able to demonstrate that their English language ability is at least equivalent to a minimum score of 7.5 in each section of the IELTS academic test, or 73 in each part of the Pearson test of English (academic). The method for verifying that a prospective barrister has met this requirement will be determined by the AETO delivering the vocational component of training.

## Vocational Component

<b>Subject</b>	<b>Assessment Requirements</b>	<b>Who sets the exam?</b>	<b>Passing standard</b>
<b>Advocacy</b>	One assessment with oral plus written components. Two further oral assessments. All assessments must be passed. Assessments to abide by BSB's common assessment criteria.	Provider	60%
<b>Civil Litigation</b>	One assessment in two parts, sat on separate days. Part 1 is a closed-book examination of two hours, consisting of 50 multiple-choice questions, including single best answer questions. Part 2 is an open-book examination of two and half hours, consisting of 40 multiple-choice questions, including single best answer questions, and rolling case scenarios. The assessment is centrally set and marked (electronically).	BSB	Determined by standard setting process
<b>Criminal Litigation, Evidence and Sentencing</b>	One closed book examination of three hours, centrally set and marked (electronically). The examination comprises 75 multiple choice questions, including single best answer questions.	BSB	Determined by standard setting process
<b>Professional Ethics</b>	The BSB will provide high-level outcomes for the assessment.	Provider	Competent/Not Competent grading
<b>Opinion Writing</b>	Assessment to abide by BSB's common assessment criteria and to include the assessment of Legal Research.	Provider	60%
<b>Legal Research</b>	To be assessed as part of the assessment of Opinion Writing. Assessment to abide by BSB's common assessment criteria.	Provider	Competent/Not Competent grading
<b>Drafting</b>	Assessment to abide by BSB's common assessment criteria.	Provider	60%
<b>Conference Skills</b>	Assessment to abide by BSB's common assessment criteria.	Provider	60%

## Advocacy

### *Learning outcomes*

At the end of the teaching units in Advocacy, a student should be able to demonstrate the learning outcomes below to the level set out in the Professional Statement mapping at the end of this document. Students should have been exposed to opening and closing speeches and both opposed and unopposed submissions as part of their training.

#### Professional Statement:

- 1.5

- b) Rigorously assess facts and evaluate key issues and risks.
- e) Analyse other relevant information, including expert and medical reports.
- f) Identify inconsistencies and gaps in information.
- g) Methodically evaluate the quality and reliability of the information.
- h) Use reliable sources of information to make effective judgements.
- j) Identify relevant legal principles.
- k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.
- l) Reach reasoned decisions supported by relevant evidence.
- m) Be able to explain and justify their analysis and evaluation.

- 1.8

- a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications.
- b) Speak fluent English.

- 1.9

- c) Adapt language and non-verbal communication taking into account the message and the audience.
- d) Use appropriate listening and questioning techniques when obtaining information.
- f) Request and provide clarification of meaning when appropriate.
- g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).
- h) Exercise good English language skills [1.8].
- i) Write with clarity, accuracy and precision.
- j) Speak articulately and fluently.
- k) Present arguments cogently and succinctly.

- 1.10

- a) Apply effective analytical and evaluative skills to their work [1.5].
- c) Take responsibility for their decisions.

- 1.14

- a) Have a thorough knowledge of the Rules and Practice Directions and other protocols relevant to their area of practice which relate to the drafting of skeleton arguments.
- b) Draft skeleton arguments which comply with those Rules and Practice Directions and protocols.

- 1.15

- a) Thoroughly recall and comprehend and accurately apply to the matters they are dealing with the law and procedure relevant to advocacy.
- b) Apply effective analytical and evaluative skills to their work [1.5].
- c) Identify strengths and weaknesses from different parties' perspectives.
- d) Prepare how they will effectively communicate the argument.

- e) Manage facts to support the argument or position.
- f) Present orally a reasoned argument in a clear, logical, succinct and persuasive way.
- g) Use and cite legal authority appropriately.
- h) Comply with all relevant formalities.
- i) Recognise the role of different types of witness and use appropriate techniques for witness handling having particular regard to vulnerable witnesses.
- j) Listen and respond effectively to questions and opposing arguments.
- k) Deploy advocacy skills efficiently and effectively, in compliance with the Core Duties, so far as possible, notwithstanding that they may be required to act at short notice or under other legitimate pressure.

- 1.16

- a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
- b) Recognise potential ethical situations and identify ethical issues.
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

- 1.17

- a) Use the required dress, accepted forms of address, observe formalities of proceedings and follow established conventions and customs in each forum where they represent clients.

### *Assessment criteria*

The assessments will be set and marked locally by the Authorised Education and Training Organisation. They may be in a criminal or civil context. The BSB recommends that oral performances should last around 15 minutes, and the length and nature of the brief should be appropriate to the type of preparation.

### Cross examination:

- Questioning technique 30%
  - Uses appropriate question type
  - Responds appropriately to witness's answers
  - Appropriate use of notes/exhibits, where relevant
  - Deals appropriately and accurately with procedural matters
  - Reaches conclusions
- Communication & delivery 20%
  - Appropriate volume
  - Appropriate tone
  - Appropriate manner
  - Speaking clearly/fluent
  - Appropriate pace
  - Appropriate language
  - Eye contact
  - Not over-reliant on notes
  - Listens to witness
- Structure 10%
  - Takes points in a clear, logical order
  - Uses time effectively

- Gives appropriate weight to issues
- Undermining credibility of witness 20%
  - Identifies and challenges weaknesses
  - Deals with inconsistencies, where relevant
  - Makes use of any contradictory materials
- Putting and advancing the case 20%
  - Understand and puts case
  - Advances case in line with case theory
  - Challenges disputed evidence
  - Elicits useful information from witness
  - Acts in accordance with instructions

Examination-in-chief:

- Questioning technique 30%
  - Uses appropriate question type
  - Responds appropriately to witness's answers
  - Appropriate use of notes/exhibits, where relevant
  - Deals appropriately and accurately with procedural matters
- Communication & delivery 20%
  - Appropriate volume
  - Appropriate tone
  - Appropriate manner
  - Speaking clearly/fluent
  - Appropriate pace
  - Appropriate language
  - Eye contact
  - Not over-reliant on notes
  - Listens to witness
- Structure 10%
  - Takes points in a clear, logical order
  - Uses time effectively
  - Gives appropriate weight to issues
- Content 40%
  - Elicits and understands the issues of the case
  - Establishes case theory
  - Advances case in line with case theory
  - Acts within instructions
  - Allows witness to give their evidence
  - Seeks relevant admissible evidence
  - Avoids inadmissible evidence
  - Insulates the witness, where appropriate

Submission (opposed or unopposed):

- Content of skeleton argument 20%
  - Identifies relevant issues of law and fact and makes clear to the court how they want them to be decided
  - Sets out a sustainable argument on each issue
  - Cross-refers to the evidence
- Structure of skeleton argument 10%

- Written in clear grammatical English
- Is concise and accurate
- Complies with appropriate formalities
- Content and persuasiveness of oral performance 30%
  - Demonstrates an understanding of relevant law and procedure in both oral submissions and responses to questions
  - Applies the relevant principles and rules of procedure
  - Deals with judicial intervention
  - Appropriate use of skeleton argument, written evidence and all other relevant documentation
  - Complies with appropriate formalities
  - Identifies relevant issues of law and fact
  - Identifies and sets out the relevant test(s) to be applied by the court
  - Highlights the strengths, and seeks to explain or justify the weaknesses, of the client's case
- Structure of oral performance 20%
  - Follows a clear, logical order
  - Uses time effectively
  - Gives appropriate weight to issues
  - Appropriate use of signposting
- Delivery 20%
  - Appropriate volume
  - Appropriate tone
  - Appropriate manner
  - Appropriate pace
  - Appropriate language
  - Speaking clearly/fluent
  - Eye contact
  - Not over-reliant on notes



## Civil Litigation

The syllabus will be provided by the BSB. The syllabus and curriculum is based on the principle that the Civil Litigation course should prepare candidates of the vocational component of training for the work-based component as well as the early years of practice at the Civil Bar, and that the syllabus and curriculum should focus upon the fundamental principles, key rules and core elements of civil litigation.

### *Learning Outcomes*

On completion of this part of the course, candidates should be able to demonstrate a sound understanding and knowledge of the progress of civil litigation and dispute resolution from initial considerations through to trial and on to appeals. In particular, candidates should be able to demonstrate a sound understanding and knowledge of the following specific topics:

- Allocation of business between the High Court and County Courts, the overriding objective of the Civil Procedure Rules and the duty of the court to manage cases
- Limitation, pre-action conduct, and commencing proceedings
- Alternative dispute resolution: adjudicative and non-adjudicative options
- Parties and statements of case
- Multiple causes of action, counterclaims and other additional claims
- Amendment and further information
- Default judgment and summary judgment
- Case management, sanctions and striking out
- Disclosure and inspection of documents
- Interim applications, interim payments, security for costs and interim injunctions
- Settlement (including offers to settle)
- Evidence of fact and expert evidence
- Civil Trial and Evidence
- Judgments, Orders, Enforcement, Costs and Appeals

### *Assessment*

The assessment will be set and marked centrally by the BSB. It will consist of one assessment in two Parts:

- Part 1 – a closed-book examination comprising multiple choice questions (MCQs) and single best answer questions (SBAs).
- Part 2 – an open-book examination comprising multiple choice questions (MCQs) and single best answer questions (SBAs), including rolling case scenarios. The permitted material for the examination will be the White Book.

Both Parts will be assessed on separate days. The standard for success is determined at each sitting based on the difficulty of the questions (using a criterion-referenced standard setting technique) and so the mark required to achieve the pass standard may differ between sittings. Both parts of the assessment contribute to the whole to determine the passing standard through standard setting of the single whole assessment. The BSB will not determine a passing standard for a single part of the paper. Therefore, students will not be able to bank a pass in one part, because the two parts together are a single whole assessment.

The BSB will provide a mock exam to use for formative purposes. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed in either Part.

## **Criminal Litigation, Evidence and Sentencing**

The syllabus will be provided by the BSB. The syllabus and curriculum is based on the principle that the Criminal Litigation course should prepare candidates of the vocational component of training for the work-based component as well as the early years of practice at the Criminal Bar, and that the syllabus and curriculum should focus upon the fundamental principles, key rules and core elements of criminal litigation.

### *Intended Learning Outcomes*

On completion of this part of the course, candidates should be able to demonstrate a sound understanding and knowledge of the criminal process as a whole and how cases progress through the system. In particular, candidates should be able to demonstrate a sound understanding and knowledge of the following specific topics:

- Preliminaries to prosecution, bail and remands
- Procedure in the magistrates' courts, allocation for trial, and sending to the Crown Court for trial or sentence
- Disclosure of unused material and defence statements
- Indictments
- Preliminaries to trial in the Crown Court
- Summary and Jury trial procedure
- Preliminary evidential matters, and the burden and standard of proof
- Preliminary issues relating to witnesses and the rules relating to the examination of witnesses
- Hearsay evidence, character evidence, confessions and unlawfully obtained evidence, inferences from the defendant's silence and other conduct, visual identification evidence, opinion evidence and experts, and privilege
- Youth courts and the appearance of youths in other courts
- Sentencing principles, non-custodial sentences, custodial sentences, ancillary orders and costs on conviction, and the dangerous offender provisions
- Appeals from the magistrates' courts and from the Crown Court

### *Assessment*

The assessment will be set and marked centrally by the BSB. It will consist of one paper with 75 multiple choice questions (MCQs) and single best answer questions (SBAs) and the examination will last three hours. The standard for success is determined at each sitting based on the difficulty of the questions (using a criterion-referenced standard setting technique) and so the mark required to achieve the pass standard may differ between sittings. The BSB will provide a mock exam to use for formative purposes.

Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed.

## Conference Skills

### *Learning outcomes*

At the end of a teaching unit in Conference Skills, a student should be able to demonstrate the learning outcomes below to the level set out in the Professional Statement mapping at the end of this document.

#### Professional Statement:

- 1.3

- a) Be able to recall and comprehend the core law and rules of procedure and practice relevant to their area of practice.
- c) Accurately apply to the matters they are dealing with the law and rules of procedure and practice relevant to their area of practice.

- 1.5.

- a) Identify all necessary information and seek clarification of instructions using appropriate communication skills.
- b) Rigorously assess facts and evaluate key issues and risks.
- c) Exercise appropriate numeracy skills.
- d) Ensure that the analysis of financial and other statistical information has been competently carried out.
- e) Analyse other relevant information, including expert and medical reports.
- f) Identify inconsistencies and gaps in information.
- g) Methodically evaluate the quality and reliability of the information.
- h) Use reliable sources of information to make effective judgements.
- i) Employ effective research skills [1.12].
- j) Identify relevant legal principles.
- k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.
- l) Reach reasoned decisions supported by relevant evidence.
- m) Be able to explain and justify their analysis and evaluation.

- 1.6

- a) When giving advice take into account the client's circumstances and objectives.
- b) Ensure that advice is informed by appropriate analysis, synthesis and evaluation and where appropriate identifies and evaluates the consequences of different options.
- c) Address and present all relevant legal and factual issues in communicating their advice.
- d) Exercise good communication skills [1.9].

- 1.9.

- a) Identify the audience and respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances [3.3].
- b) Select the appropriate medium of communication taking into account the message and the audience.
- c) Adapt language and non-verbal communication taking into account the message and the audience.
- d) Use appropriate listening and questioning techniques when obtaining information.
- e) Analyse written information.
- f) Request and provide clarification of meaning when appropriate.
- g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).

- h) Exercise good English language skills [1.8].
- j) Speak articulately and fluently.
- k) Present arguments cogently and succinctly.
- l) Exercise these skills appropriately in all engagements with others, including meetings, conferences and in court (whether conducted face-to-face or remotely).

- 1.10

a) Apply effective analytical and evaluative skills to their work [1.5].

c) Take responsibility for their decisions.

- 1.16

a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.

b) Recognise potential ethical situations and identify ethical issues.

c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.

d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

Other:

- Conduct the conference in a structured and efficient way, follow an agenda as far as possible and cover all relevant issues in a logical sequence.

#### *Assessment criteria*

The assessment will be set and marked locally by the Authorised Education and Training Organisation. It may be in a criminal or civil context. The BSB recommends that the conference should last around 20 minutes. It is at the discretion of the AETO whether a student must complete the conference within the allotted assessment time.

- Preparation [*may or may not include the assessment of a written plan*] 10%
  - Ability to adapt/be flexible
  - Identify the facts, procedure, law and evidence relevant to the case
  - Identify the issues relevant to the case
  - Identify objectives of the conference
- Interaction/Communication 20%
  - Appropriate/clear language, manner and tone – avoids jargon
  - Not judgemental
  - Listens carefully and actively
  - Appropriate body language
  - Ensures client understands advice
  - Established rapport with client
- Structure 20%
  - Has a clear, appropriate agenda
  - Efficient time management
  - Follows a logical order
  - Manages conference effectively
- Questioning 20%
  - Uses an appropriate questioning technique
  - Asks appropriate follow-up questions
  - Appropriate use of prior instructions

- Identifies and addresses any discrepancies, omissions, gaps and/or ambiguities in the case
- Advice 30%
  - Accurate, realistic, full clear appropriate advice
  - Options explained to client
  - Instructions taken
  - Demonstrating sound judgement
  - Provide accurate factual analysis of the case

## Drafting

### *Learning outcomes*

At the end of a teaching unit in Drafting, a student should be able to demonstrate the learning outcomes below to the level set out in the Professional Statement mapping at the end of this document.

#### Professional Statement:

- 1.5:
  - b) Rigorously assess facts and evaluate key issues and risks.
  - c) Exercise appropriate numeracy skills.
  - d) Ensure that the analysis of financial and other statistical information has been competently carried out.
  - e) Analyse other relevant information, including expert and medical reports.
  - f) Identify inconsistencies and gaps in information.
  - h) Use reliable sources of information to make effective judgements.
  - j) Identify relevant legal principles.
  - k) Accurately apply legal principles to factual issues to devise the appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.
  - l) Reach reasoned decisions supported by relevant evidence.
- 1.8
  - a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications
- 1.9
  - e) Analyse written information
  - h) Exercise good English language skills [1.8].
  - i) Write with clarity, accuracy and precision.
- 1.10
  - a) Apply effective analytical and evaluative skills to their work [1.5].
  - c) Take responsibility for their decisions.
- 1.13
  - a) Draft accurate and legally effective documents (whether contentious or non-contentious).
  - b) Utilise precedents where appropriate and also be able to draft without them.
  - c) Address all relevant legal and factual issues.
  - d) Comply with appropriate formalities.
  - e) Exercise good English language skills [1.8].
  - f) Exercise good communication skills [1.9].
- 1.16
  - a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
  - b) Recognise potential ethical situations and identify ethical issues.
  - c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
  - d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

#### Other:

- Draft documents that are well structured and appropriately laid out, with proper headings and all necessary formalities.

### *Assessment criteria*

The assessment will be set and marked locally by the Authorised Education and Training Organisation. It may be in a criminal or civil context. It should be a supervised assessment based on a substantive statement of case.

- Achieves overall objectives – 10%
  - Going as far as they reasonably can to achieve client's objectives
  - Sets out a sustainable/effective/persuasive statement of case
- Quality of writing – 20%
  - Good English
  - Well-written
  - Spelling
  - Grammar
  - Punctuation
  - Appropriate style
  - Concise/precise
  - Cogent
  - Unambiguous
  - Appropriate use of precedent
- Structure/ Layout – 20%
  - Properly headed
  - Neatly laid out
  - Follows logical order
  - Appropriate use of paragraphs and sub-paragraphs
  - Deals with issues in appropriate place
- Formalities/procedure – 10%
  - Complies with procedural requirements (CPR)
  - Appropriate court
  - Statement of truth
  - Pleads interest on correct basis
- Content – 40%
  - Based on sound understanding and application of relevant law
  - Pleads all material facts
  - Omits immaterial matters
  - Accurately states the case
  - Seeks appropriate relief
  - Tells a clear story
  - Appropriate pleading of evidence and/or law
  - Is consistent with professional standards and the code of conduct
  - Uses correct figures



## Legal Research

### *Learning outcomes*

At the end of the vocational component of training, a student should be able to demonstrate the learning outcomes below to the level set out in the Professional Statement mapping at the end of this document.

Professional Statement:

- 1.12
- a) Accurately identify the legal issues, and non-legal issues where appropriate.
- b) Recognise when legal (and/or non-legal, where appropriate) research is required.
- c) Use appropriate methods and resources (paper, electronic or other media and/or relevant experts) and ensure that legal sources are up-to-date.
- d) Assess the quality and relevance of all sources.
- e) Interpret and evaluate the results of all research.
- f) Apply effective analytical and evaluative skills to their work [1.5].
- g) Apply the research to the issues identified in order to draw conclusions.
- h) Evaluate and present the results clearly and accurately.

### *Assessment criteria*

Legal Research will be assessed as part of the assessment in Opinion Writing (see below). The assessment will be set and marked locally by the Authorised Education and Training Organisation. If either component of the assessment (ie Legal Research or Opinion Writing) is failed but the other is passed, candidates must be able to re-sit a discrete assessment which covers the failed component. The assessment is pass/fail only, and all of the following elements must be met in order for a student to pass the assessment:

- Accurately identifies the issues
- Uses appropriate methods and resources, and ensures that sources are up to date
- Cites accurately and appropriately
- Presents the research trail clearly

## Opinion Writing

### *Learning outcomes*

At the end of a teaching unit in Opinion Writing, a student should be able to demonstrate the learning outcomes below to the level set out in the Professional Statement mapping at the end of this document.

#### Professional Statement:

- 1.3:

- a) Be able to recall and comprehend the core law and rules of procedure and practice relevant to their area of practice.
- b) Know the legal texts, journals, materials, documents and research tools relevant to their area of practice.
- c) Accurately apply to the matters they are dealing with the law and rules of procedure and practice relevant to their area of practice.
- e) Comprehend and be able to identify and advise clients of situations where alternative forms of dispute resolution may be appropriate to their given circumstances.

- 1.5:

- a) Identify all necessary information and seek clarification of instructions using appropriate communication skills.
- b) Rigorously assess facts and evaluate key issues and risks.
- c) Where necessary, exercise appropriate numeracy skills.
- d) Where necessary, ensure that the analysis of financial and other statistical information has been competently carried out.
- e) Analyse other relevant information, including expert and medical reports.
- f) Identify inconsistencies and gaps in information.
- g) Methodically evaluate the quality and reliability of the information.
- h) Use reliable sources of information to make effective judgements.
- i) Employ effective research skills [1.12].
- j) Identify relevant legal principles.
- k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.
- l) Reach reasoned decisions supported by relevant evidence.
- m) Be able to explain and justify their analysis and evaluation.

- 1.6:

- a) When giving advice take into account the client's circumstances and objectives.
- b) Ensure that advice is informed by appropriate analysis, synthesis and evaluation and where appropriate identifies and evaluates the consequences of different options.
- c) Address and present all relevant legal and factual issues in communicating their advice.
- d) Exercise good communication skills [1.9].

- 1.8:

- a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications.

- 1.9

- a) Identify the audience and respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances [3.3].
- c) Adapt language taking into account the message and the audience.
- e) Analyse written information.

- f) Request and provide clarification of meaning when appropriate.
- g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).
- h) Exercise good English language skills [1.8].
- i) Write with clarity, accuracy and precision.
- k) Present arguments cogently and succinctly.
  - 1.10
- a) Apply effective analytical and evaluative skills to their work [1.5].
- b) Ensure that they act independently so that their judgements are not influenced by external pressures.
- c) Take responsibility for their decisions.
  - 1.16
- a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
- b) Recognise potential ethical situations and identify ethical issues.
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

Other:

- use a clear and appropriate structure, dealing with each issue in a logical order and separating issues into paragraphs in a sensible way, dealing with one issue at a time and giving each its due weight and significance
- use appropriate formalities

#### *Assessment criteria*

The assessment in Opinion Writing will include an assessment of Legal Research skills (see above). The assessment will be set and marked locally by the Authorised Education and Training Organisation. It may be in a criminal or civil context. Students should have one calendar week in which to complete the assessment, and the AETO should advertise this clearly in advance. Both the Opinion Writing and Legal Research components of the assessment should be submitted at the same time, but feedback will be given separately. If either component of the assessment is failed but the other is passed, candidates must be able to re-sit a discrete assessment which covers the failed component. The BSB recommends a word count of around 4000 words for the opinion component of the assessment.

- Language 10%
  - Clear, concise and grammatical English
  - Correctly spelled and appropriately punctuated
  - Uses language and style appropriate to an opinion
- Structure 10%
  - Properly headed
  - Neatly laid out
  - Signed
  - Makes appropriate use of sub-headings and paragraphs
  - Follows a logical order

- Issues, law and facts 30%
  - Identifies the relevant law, facts and issues
  - Omits irrelevant matters
  - Demonstrates a sound understanding and application of the relevant law to the relevant facts.
  - Gives each issue due weight and significance
  
- Conclusions and Reasoning 30%
  - Reaches clear conclusion on all relevant issues
  - Reaches a clear overall conclusion
  - All conclusions supported by appropriate reasoning
  - Explains, if necessary, why a definitive conclusion cannot be reached.
  
- Advice on evidence, procedure and practical matters 20%
  - Identifies and asks for relevant further information
  - Shows a practical understanding of where, how, why and from whom further information may be obtained
  - Clearly identifies and advises on any practical and procedural steps

## Professional Ethics

At the end of the vocational component of training, a student should be able to demonstrate the learning outcomes below to the level set out in the Professional Statement mapping at the end of this document.

Professional Statement:

1.1

- a) Thoroughly recall and comprehend the Core Duties and their interrelationship.
- b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by:
  - i. applying the Core Duties and in particular their paramount duty to the court in the administration of justice;
  - ii. complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]; and
  - iii. demonstrating a thorough comprehension of the Professional Statement for Barristers.

1.16

- a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
- b) Recognise potential ethical situations and identify ethical issues.
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

1.17

- a) Use the required dress, accepted forms of address, observe formalities of proceedings and follow established conventions and customs in each forum where they represent clients.

1.18

- a) Recognise and operate within the limits of their competence.
- b) Explain clearly the limits of their competence and knowledge to relevant others.
- d) Make an informed judgement on the level of knowledge, skills and attributes required in a particular case.
- e) Decline to act where the Code of Conduct requires them to do so.

2.1

- a) Identify situations where their integrity and/or independence may be put at risk.
- b) Act with integrity including:
  - i. Identifying and avoiding personal bias;
  - ii. Maintaining their independence from external pressures; and
  - iii. Identifying potential conflicts of interest, being open about conflicts of interest, declaring conflicts of interest formally and being prepared to exclude themselves from acting.
- c) Uphold the reputation of the Bar and observe their duty to the court in the administration of justice [1.1].
- d) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- e) Take responsibility for their actions and decisions.

## 2.2

- a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications and professional status.
- c) Ensure that to the best of their knowledge and belief any information they give is accurate, true and not likely to mislead.

## 2.3

- a) Actively observe and uphold the law on equality, diversity and discrimination.
- b) Be alert to the potential for unconscious bias.

## 2.5

- c) Identify their errors of judgement, omissions and mistakes and take appropriate action.

## 3.1

- a) Provide a competent standard of work and service to each client [CD7].
- b) Identify the client's best interests in accordance with the client's lawful instructions.
- c) Recognise and evaluate any conflict between the client's best interests and their duty to the court, their obligation to act with honesty and integrity and to maintain their independence.
- d) Ensure that subject to c) above they do not act contrary to the client's lawful instructions.

## 3.3

- b) Provide information in a way that others can understand taking into account their personal circumstances and any particular vulnerability.
- c) Recognise and respond effectively to others' particular needs, objectives, priorities and constraints.
- d) Recognise and take reasonable steps to meet the particular needs of clients including those who are disabled or vulnerable.

## 3.4

- a) Demonstrate suitable professional practice, politeness and respect in communications and personal interactions with others.

### Other:

- Further to 1.16 above, students must be aware of their obligations relating to data protection.
- Further to 1.16 above, students must have an understanding of the scope of practice of a barrister, and the implications of being a self-employed and employed barrister.

### *Assessment*

The assessment must cover the breadth of the above learning outcomes. The Assessment can be embedded within other subjects, but there must be a discrete element of assessment which is not embedded. If an oral form of assessment is used, it must be supplemented by a discrete written element (which can be MCQs or otherwise). The assessment must be closed book.

The assessment must generate a discrete grade of 'competent/not competent' in respect of the Professional Ethics element of the vocational component. This is the case whether or not Professional Ethics is integrated into the assessment of other subjects. If the Professional Ethics component of an integrated assessment is failed, candidates must be able to re-sit a discrete assessment which covers the failed component.

## Fatal Flaw

A student will fail a skills assessment if it is found that they have committed a "fatal flaw", even if they have otherwise gained sufficient marks in order to pass. A fatal flaw could be, but is not limited to:

- A significant and grave error of law or procedure;
- An error in legal or case analysis that is so clearly incorrect that it would put the interests of the client(s) at risk;
- An error in legal or case analysis that is so clearly incorrect that it puts the barrister at risk of liability for negligence or a disciplinary finding.

## Pervasive Competences

In addition to the Professional Statement Competences which will be covered via learning outcomes for the individual subjects above, there will be also be outcomes for the vocational component of training overall which relate to Competences in the Professional Statement. These Competences are:

- 1.11 Ensure they are fully prepared.
- 2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes
- 2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.

These Competences may not be explicitly or discretely taught in teaching sessions, but it is expected that students will have been inculcated with a Foundation<sup>2</sup> level of understanding of these Competences.

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<sup>2</sup> For the definition of "Foundation", see the Professional Statement Mapping which is appended to this document.

## Qualifying Sessions

As part of the vocational component of training, students are required to attend a minimum number of Qualifying Sessions offered by or in association with their Inn of Court. All required Qualifying Sessions must be completed in order to be eligible for Call to the Bar. More information about Qualifying Sessions and the role of the Inns can be found in the [Bar Qualification Manual](#).



## Pupillage/Work-based Component

A prospective barrister must commence pupillage or work-based learning within five years of completion of the vocational component of training. This is to ensure that their legal knowledge remains current. Anyone who wishes to commence pupillage or work-based learning after this time limit must apply for dispensation. Information on this, and other information relating to pupillage, can be found in the [Bar Qualification Manual](#).

From 1 September 2019, any AETO delivering pupillage or work-based learning has had to adhere to this Strategy, and ensure pupils cover the relevant competences as outlined in the mapping at the end of this document. The mapping document at the end of this Curriculum and Assessment Strategy outlines which competences should be covered at each stage of a barrister's training journey.

Further changes to pupillage are planned. A centralised assessment in Professional Ethics will commence in 2022. A compulsory course in Negotiation Skills is planned, with the introduction date to be confirmed. More information will be added here in due course. It will continue to be the pupil supervisor's responsibility to sign off satisfactory completion of pupillage.

## **Advocacy**

Pupils must undertake a course in advocacy provided by their Circuit or Inn of Court. This course must be passed before the pupil is awarded their Provisional Practising Certificate.

Changes to the advocacy course are planned, with the introduction date of these changes to be confirmed. More information will be added here in due course.

## **Negotiation skills**

A compulsory course in Negotiation Skills is planned, with the introduction date to be confirmed. More information will be added here in due course. It will continue to be the pupil supervisor's responsibility to sign off satisfactory completion of pupillage.

## Professional Ethics

The syllabus will be provided by the BSB. The BSB will provide a mock exam to use for formative purposes.

### *Learning outcomes*

At the end of the pupillage/work-based component of training, a pupil should be able to demonstrate the learning outcomes below to the Threshold Standard as expressed in the Professional Statement (and set out in the Professional Statement mapping at the end of this document).

#### Professional Statement:

1.1 Uphold the reputation of the Bar and observe the duty to the court in the administration of justice

- a) Thoroughly recall and comprehend the Core Duties and their interrelationship.
- b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by:
  - i. applying the Core Duties and in particular their paramount duty to the court in the administration of justice;
  - ii. complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]; and
  - iii. demonstrating a thorough comprehension of the Professional Statement for Barristers.

1.4 Have an awareness of the wide range of other organisations supporting the administration of justice

- a) Be aware of the wide range of organisations supporting the administration of justice and their respective roles.
- b) Be able to identify and advise clients of alternative sources of advice and funding available to them, as appropriate.
- c) Understand the implications for the conduct of the case and the additional responsibilities owed in circumstances where the client is publicly funded or otherwise not self-funded.

1.6 Provide clear, concise and accurate advice in writing and orally and take responsibility for it.

- a) When giving advice take into account the client's circumstances and objectives.
- b) Ensure that advice is informed by appropriate analysis, synthesis and evaluation and where appropriate identifies and evaluates the consequences of different options.

1.10 Make sound judgments in their work.

- a) Apply effective analytical and evaluative skills to their work [1.5].

- b) Ensure that they act independently so that their judgements are not influenced by external pressures.
- c) Take responsibility for their decisions.

1.11 Ensure they are fully prepared.

- a) Ensure that they are fully prepared in order to act in the best interests of the client [3.1] and provide a competent standard of work and service to the client.

1.16 Comply with the regulatory requirements set down by the Bar Standards Board, including the Code of Conduct

- a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
- b) Recognise potential ethical situations and identify ethical issues.
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

1.17 Know how to conduct themselves appropriately in court.

- a) Use the required dress, accepted forms of address, observe formalities of proceedings and follow established conventions and customs in each forum where they represent clients.

1.18 Only accept work which they believe they are competent to undertake.

- a) Recognise and operate within the limits of their competence.
- b) Explain clearly the limits of their competence and knowledge to relevant others.
- c) Consult relevant others, where appropriate.
- d) Make an informed judgment on the level of knowledge, skills and attributes required in a particular case.
- e) Decline to act where the Code of Conduct requires them to do so.

2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.

- a) Identify situations where their integrity and/or independence may be put at risk.
- b) Act with integrity including:
  - i. Identifying and avoiding personal bias;
  - ii. Maintaining their independence from external pressures; and
  - iii. Identifying potential conflicts of interest, being open about conflicts of interest, declaring conflicts of interest formally and being prepared to exclude themselves from acting.

- c) Uphold the reputation of the Bar and observe their duty to the court in the administration of justice [1.1].
- d) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- e) Take responsibility for their actions and decisions.

## 2.2 Be honest in their dealings with others.

- a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications and professional status.
- c) Ensure that to the best of their knowledge and belief any information they give is accurate, true and not likely to mislead.

## 2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.

- a) Actively observe and uphold the law on equality, diversity and discrimination.
- b) Be alert to the potential for unconscious bias.
- c) Take active steps to act fairly and inclusively and show respect to others.
- d) Identify situations where there is a risk of breach of the law on equality and diversity.
- e) Promote diversity in the workplace and where appropriate challenge others if their behaviour does not comply with the spirit of the law relating to equality diversity and discrimination.

## 2.4 Ensure their work does not incur unnecessary fees

- a) Ensure that, where fees are chargeable, the basis for charging fees is established with the client at the outset of any matter.
- b) Follow those arrangements in an efficient and cost effective manner, ensuring that any necessary changes to the arrangements are agreed with the client.
- c) Undertake work that promotes the client's best interests
- d) Progress matters expeditiously.

## 2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.

- a) Recognise limitations of personal knowledge and skills and act to resolve the situation.
- b) Take appropriate action when experiencing difficulties with work that is beyond their professional competence and disclose as appropriate.
- c) Identify their errors of judgement, omissions and mistakes and take appropriate action.
- d) Ask for and make effective use of feedback, guidance, advice and support.
- e) Take appropriate action to manage personal difficulties that might otherwise affect their work.

2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.

- a) Take responsibility for planning and undertaking personal development and learning.
- b) Identify strengths and areas for development and take positive steps to address them.
- c) Reflect on and learn from their own and others' performance and achievements.
- d) Maintain and develop relevant knowledge and skills.
- e) Regularly take part in activities that maintain and develop their competence and performance.

3.1 Understand and exercise their duty to act in the best interests of their client.

- a) Provide a competent standard of work and service to each client.
- b) Identify the client's best interests in accordance with the client's lawful instructions.
- c) Recognise and evaluate any conflict between the client's best interests and their duty to the court, their obligation to act with honesty and integrity and to maintain their independence.
- d) Ensure that subject to c) above they do not act contrary to the client's lawful instructions.
- e) Act in accordance with the Code of Conduct and other applicable rules and regulations.

3.2 Understand and apply principles of team working where appropriate.

- a) Work collaboratively with others, respecting their skills and contributions.
- e) Understand the relationships between counsel, pupil, clerk and solicitor.
- f) Delegate and supervise others effectively.
- g) Establish and maintain effective professional relations with others.

3.3

- a) Be aware and active in the pursuit of equality and respect for diversity [2.3].
- b) Provide information in a way that others can understand taking into account their personal circumstances and any particular vulnerability.
- c) Recognise and respond effectively to others' particular needs, objectives, priorities and constraints.
- d) Recognise and take reasonable steps to meet the particular needs of clients including those who are disabled or vulnerable.

3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.

- a) Demonstrate suitable professional practice, politeness and respect in communication and personal interactions with others.
- b) Recognise people's differences and modify their behaviour where appropriate to take account of those differences.

3.5 Where appropriate, keeps clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations

- a) Identify the level of their responsibility to consult with and to communicate case progress to a particular client.
- b) Inform clients in a timely manner of key facts and issues including key dates, risks, progress towards objectives and costs.
- c) Identify and evaluate possible courses of action and their consequences and assist clients in reaching a decision.
- d) Manage clients' expectations including in relation to options, the range of possible outcomes, risks and timescales.
- e) Respond appropriately to clients' concerns and complaints.

3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.

- a) Adapt their communication and handling of the matter to ensure that public access clients are fully informed of the actions which are being taken on their behalf and the purpose and possible consequences of those actions.
- b) Recognise and appreciate the position of opponents not represented by qualified legal advisors (litigants in person).
- c) Understand the professional duties to the litigant in person, the court and their own client, which arise when appearing against the litigant in person, and the potential effect on the handling of the matter.
- d) Act in accordance with the Code of Conduct and other rules and regulations applicable to public access clients or litigants in person.

4.1 Where appropriate, possess a strong understanding of the specific implications of being:

4.1.1 a self-employed barrister

- a) Demonstrate a thorough understanding of the scope of practice rules relevant to a self-employed barrister.
- b) Demonstrate a thorough understanding of the context in which they work (including commercial, organisational and financial) and their place in it.

4.1.2 an employed barrister

- a) Demonstrate a thorough understanding of the scope of practice rules relevant to an employed barrister.
- b) Demonstrate a thorough understanding of the context in which they work (including commercial organisational and financial) and their place in it.

4.2 Possess sufficient understanding of organisational and management skills to be able to maintain and effective and efficient practice.

- a) Be competent in all aspects of their work, including organisation, management of practice and risk.

Competent organisation includes:

- i Keeping accurate records (including financial records and time recording) and files, electronic or hard copy;
- ii Allocating time efficiently;
- iii Prioritising;
- iv Diarising;
- v Observing deadlines;
- vi Using resources (including IT systems) effectively; and
- vii Being fully prepared.

Competent management includes:

- i Planning;
- ii Putting in place human and non-human resources;
- iii Coordinating;
- iv Leading or directing;
- v Checking progress against plans to accomplish the goal or target; and
- vi Financial management.

Competent risk management includes:

- i Identifying, evaluating and measuring the probability and severity of risks to their practice; and
- ii Proactively deciding what to do about risks and acting appropriately.

4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

- a) Clarify instructions so as to agree the scope and objectives of the work.
- b) Make an informed judgement on the time required to prepare a matter.
- c) Take account of their availability and that of other resources.
- d) Decline to act where there is insufficient time and opportunity to prepare.
- e) Prioritise and plan workload to meet commitments.
- f) Meet timescales, resource requirements and budgets.
- g) Monitor and keep relevant others informed of progress and availability.
- h) Deal effectively with unplanned circumstances and re-prioritise as necessary.

4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

- b) Understand the basis on which legal services are provided (contractual or otherwise) including, where appropriate, how to calculate and manage costs, bill clients and the operation of internal budgets for legal advice.



4.5 Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.

a) Identify how they will act in accordance with the Code of Conduct and other rules and regulations applicable to maintaining the confidentiality and security of information relating to third parties including that of their current and former clients.

b) Comply with relevant data protection requirements.

4.6 Exercise good time-keeping in face-to-face or telephone encounters.

a) Attend all appointments punctually and as fully prepared as possible in the circumstances.

4.7 Where necessary, be diligent in keeping good records and files of cases.

a) Identify when compiling and keeping records and files is their responsibility.

b) Prepare and compile appropriate records at the same time or as soon as possible after the events that they are recording.

c) Ensure records are clear, accurate and legible and contain sufficient detail for their purpose.

d) Organise records so that they are retrievable by themselves and other authorised persons as appropriate.

### *Assessment*

The assessment will be set and marked centrally by the BSB. It will consist of six questions, each in two parts. All parts are equally weighted. Responses are required in the form of narrative prose (short answers). Questions consist of scenarios, each of which requires the candidate to engage with one or more issues, applying ethical principles in order to identify, discuss and address the matters raised and to reach appropriate resolution of those issues. The assessment is open book. In order to be successful, therefore, candidates must apply their knowledge of ethical principles and, using the provisions of the Handbook, guidance and other syllabus materials, provide comprehensive analysis and sound reasoning in their answers.

### *Classification of profiles*

Answers will be classified as follows:

Satisfactory  
(Competent)

A competent answer demonstrating satisfactory understanding of the material issues, but with some inaccuracies and/or omissions. Such inaccuracies and/or omissions do not materially affect the integrity of the answer.

Analysis and/or evaluation may be present but is not highly developed. Some evidence of insight, but it may be limited.

Some use of appropriate information and principles drawn from syllabus materials.

Addresses or resolves some of the material issues, using appropriate application and relevant reasoning.

A competent answer may exceed these minimum criteria.

Unsatisfactory (Not competent)      Poor understanding of the material issues with significant omissions and/or inaccuracies.  
Limited or completely lacking in understanding.  
Interpretation, analysis and/or evaluation is shallow and poorly substantiated.  
Little or no evidence of insight.  
Limited use of information and principles.  
Not evident that syllabus materials were understood and/or incorporated into answer.  
Addresses or resolves material issues to a very limited extent, with little or no focus and/or relevant reasoning.

Further or alternatively, the answer contains material which is so clearly incorrect that it would significantly affect the client's interests and/or place the barrister at risk of a finding of serious misconduct.

*Summative Classification*

Candidates will receive summative grading of "Competent" or "Not Competent".

## General assessment requirements

The purpose of assessment is to allow candidates to demonstrate the Competences set out in the Professional Statement. Candidates studying the vocational component must pass assessments in all subjects within five years of the date of enrolment in order to be called to the Bar. The BSB stipulates only that completion must be within five years; we do not stipulate the maximum number of attempts that a candidate may be allowed within those five years. However, AETOs' specific regulations will determine the number of re-sits available to a candidate at their institution. For the purpose of Call to the Bar no compensation for failure is permitted and no condoned failure is permitted. However, AETOs' specific regulations may permit compensation for failure or may permit condoned failure for the purpose of making an academic award. Completion of such an award without meeting the requirements of Call to the Bar will not constitute completion of an approved Bar training route. Students may not retake assessments for the sole purpose of improving a mark which is already at or above the pass threshold, unless the attempt has been set aside before the student has been advised of the mark, as part of a mitigating circumstances process.. AETOs may offer assessments in any approved mode of delivery, including face-to-face or online.

Candidates will attempt the examinations which are centrally set by the BSB on dates published in advance by the BSB, subject to any change due to extreme unforeseen circumstances.

The language of assessment is English. Written assessments may be provided in Welsh if requested. The requirements of the Welsh Language Act 1993 are recognised, but candidates who can only satisfy the assessment requirements in Welsh will not be competent to practise at the Bar of England and Wales.

### *Central Examination Board (CEB)*

Centralised assessments were introduced to ensure consistency across course providers, and closer regulatory oversight of standards in knowledge subjects. These assessments are set on behalf of the BSB by the CEB. The CEB comprises a Chair, teams of examiners (a Chief Examiner and Assistant Chief Examiners for each knowledge area), and senior staff from the BSB. The Chair and the examiners contribute a mix of both academic and practitioner experience. Psychometric and assessment experts support the work of the CEB. The work of the CEB is subject to oversight by an independent observer.

The mark required to achieve the pass standard in each of the centralised assessments is determined, at each sitting, by a process of standard setting that reflects the difficulty of the questions used in each assessment. The passing standard is the same for every centrally assessed examination, but the mark required to achieve that passing standard may differ between sittings. Best practice for standard setting to determine the pass mark involves a systematic way of gathering value judgements, reaching consensus and expressing that consensus as a single score on a test.

The CEB uses test-centred standards. Each candidate's performance is judged solely in relation to the passing standard, irrespective of the performance of the group of examinees on each assessment.

## **Vocational Component**

### *Assessment outcomes*

AETOs must provide candidates with a transcript outlining their marks in all subjects, including all attempts (except any that have been set aside due to extenuating circumstances). The template for this transcript will be provided by the BSB. The BSB does not prescribe grade boundaries and centralised assessments are given as 'competent' or 'not competent'.

### *Administration of assessments*

AETOs' assessment processes must be clear, precise, valid and reliable. All assessments must be approved by the BSB's external examiners.

Detailed and robust protocols must be in place for the operation of assessments including:

- scheduling
- record keeping
- security
- assessment of disabled candidates
- first and second marking, including protocols for determining samples for second marking
- moderation
- late submission of work
- consideration of extenuating circumstances
- arrangements for Examination Boards where final marks are confirmed
- recording of assessment grades by suitably trained staff
- notification of results
- movement, storage, delivery and retention of examination papers
- invigilation, including training for invigilators
- academic misconduct
- appeals
- recording attendance of teaching sessions, where attendance is related to the eligibility to sit an assessment (ie skills subjects).

The BSB may request details of any of these operational processes for monitoring purposes. The BSB also reserves the right to attend and observe the conduct of any assessment, whether set centrally or by AETOs.

### *Civil and Criminal Litigation assessments*

There will be three opportunities each year to sit the centralised assessments for the vocational component of training: in April, August and December. The dates for the assessments will be publicised by the BSB well in advance.

Questions and solutions for Civil Litigation (incorporating Civil Litigation and Evidence, and Civil Dispute Resolution) and Criminal Litigation are devised by suitably qualified individuals (including academics working at providers, barristers and solicitors) recruited specifically as question writers and are agreed by the examining teams. Civil Litigation and Criminal Litigation assessments are machine marked by the BSB.

In order for the mark required to achieve the passing standard for the Litigation assessments to be articulated, the CEB convenes groups of expert “judges” (academics working at providers, barristers, and the examining teams) who assess the difficulty of each question by estimating the proportion of “just passing” candidates who would answer it correctly. Each judge’s estimates are added together to form a minimum passing level (MPL) and the average MPL of all the judges becomes the pass mark for that particular examination paper. This method, known as the Angoff method, is one of the most widely used standard setting methods; it is used to determine the pass standard for all postgraduate medical multiple-choice examinations (including those at the Royal Colleges of Anaesthetists, General Practitioners, Physicians, Paediatrics, Radiologists, and Emergency Medicine) as it has a vast body of research supporting its use.

Cohort results for Civil and Criminal Litigation will be confirmed by the BSB’s Central Examinations Board before being remitted to AETOs. The Central Examination Board is concerned only with overall consistency and will not be involved in discussing the profiles of individual candidates or candidates’ extenuating circumstances.

*Appeals against centralised examination decisions (vocational and pupillage/work-based components)*

The [Centralised Assessments Regulations for Student Review \[pdf\]](#) have been designed for candidates who wish to clarify the arithmetical transcription of their marks for one of the centrally set assessments, or request a review of a Central Examination Board (CEB) decision which impacts on a cohort of candidates. Candidates should be aware that this process does not involve a re-mark of the candidate’s examination paper. Candidates wishing to request a review of a CEB decision which impacts on a cohort of candidates must wait until the relevant Chair of the CEB’s report has been published before submitting their request. To find out when the Chair’s report is due to be published, candidates can visit the BSB’s website.

The procedure is as follows:

- Candidates may wish to apply to the BSB for an enhanced clerical error check. This should be done within the stated timescale (see Regulations section 3.2) and by submission of the stated fee. The fees are £100 for Civil Litigation (both papers) and £75 for Criminal Litigation.
- Candidates may wish to submit a request for a review in respect of a decision taken by the CEB in confirming cohort marks for the centralised assessments. The application’s deadline will be stated on the BSB’s website and the fee is £250. Requests are unlikely to be accepted after the stated deadline.
- Candidates wishing to apply for these Student Review processes should do so via their MyBar page.
- Candidates unable to complete the online application because of a disability, should contact the Exams Team for alternative arrangements, by calling 0207 611 1444 or by emailing [exams@BarStandardsBoard.org.uk](mailto:exams@BarStandardsBoard.org.uk).

## **Pupillage/Work-based component**

### *The centralised assessment of Professional Ethics during pupillage*

There will be three opportunities each year to sit the centralised assessments for the vocational component of training: usually in January, April and July (however, this will differ in 2022 as exams will be held in April, July and October). The dates for the assessments will be publicised by the BSB well in advance.

Questions and mark schemes for Professional Ethics are devised by suitably qualified individuals (including academics working at AETOs, barristers and solicitors) recruited specifically as question writers and are agreed by the examining team. Questions and mark schemes are also written by the examining team. The Professional Ethics assessment is marked by the BSB's pool of markers (including academics working at AETOs, barristers and solicitors) and the examining team.

In order for the mark required to achieve the passing standard for the Professional Ethics assessments to be articulated, a standard setting exercise is undertaken. The identification of the level of candidate performance that, for the purposes of any given question, should attract a grading of "Satisfactory" i.e. minimally competent will be determined following an appropriate sampling exercise and markers' meeting, and the agreed standard will then be applied during the live marking exercise by comparing answers with question-specific descriptors of "Satisfactory" and "Unsatisfactory". Participants in the standard-setting exercise will be a combined pool of practising barristers and academics who will express their judgement (as to the appropriate standard for any given question) in accordance with the Professional Statement namely that whilst newly qualified barristers will aspire to higher standards, on 'day one' of practice they cannot be expected to demonstrate the level of excellence that might be expected of a barrister of some years' standing, but should meet a minimum standard. In other words, standard setters will bring to bear information and judgements about the assessment content as well as the assessment takers themselves, bearing in mind also that the assessment is open book.

Cohort results for Professional Ethics will be confirmed by the BSB's Central Examinations Board before being remitted to pupils via their MyBar accounts. The Central Examination Board is concerned only with overall consistency and will not be involved in discussing the profiles of individual candidates or candidates' extenuating circumstances.

## Professional Statement mapping

The grid below sets out which competences in the [Professional Statement](#) should be covered at each stage of an individual's Bar training journey.

Key	
Introductory	Some high-level or basic coverage of the competence.
Foundation	Successful completion at this stage will allow the student to demonstrate sufficient knowledge and understanding of this competence to be considered satisfactory and competent in terms of fitness to progress to the pupillage/work-based learning component of training.
Threshold	The competence been demonstrated to the Threshold Standard, as described in the Professional Statement.
Adv	Covered in the Advocacy module during the vocational component of training
CS	Covered in the Conference Skills module during the vocational component of training
OpW	Covered in the Opinion Writing module during the vocational component of training
Dr	Covered in the Drafting module during the vocational component of training
PEv	Covered by Professional Ethics during the vocational component of training
LR	Covered by Legal Research during the vocational component of training
AdC	Covered in the Advocacy course during the non-practising period of pupillage/work-based learning
Neg	Covered in the Negotiation course during the non-practising period of pupillage/work-based learning*
PEp	Covered in the Professional Ethics assessment during pupillage/work-based learning**
P	Covered during pupillage/work based learning
✓	Further coverage of the relevant competence beyond or at the level of the Threshold Standard.

\* A compulsory course in Negotiation Skills is planned, with the introduction date to be confirmed. The relevant competences for Negotiation Skills will be added here in due course.

\*\* A centralised assessment in Professional Ethics will commence in 2022.

Professional Statement Competences	Bar Training Components				
	Academic Component	Vocational Component		Pupillage/work-based learning	
	Undergraduate law degree/ GDL	Vocational Course	Inns' Qualifying Sessions	Provisional Practising Certificate	Full Practising Certificate
<b>1. Barristers' distinctive characteristics</b>					
<b>Legal knowledge, skills and attributes</b>					
<b>1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.</b>		Foundation			Threshold
a) Thoroughly recall and comprehend the Core Duties and their interrelationship.		PEv		P	P, PEp
b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by:  i applying the Core Duties and in particular the paramount duty to the court in the administration of justice;  ii complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]; and  iii demonstrating a thorough comprehension of the Professional Statement for Barristers.		PEv		P	P, PEp
<b>1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.</b>	Threshold	✓		✓	✓
a) Be able to recall and comprehend and accurately apply to factual situations the principles of law and rules of procedure and practice specified by the Bar Standards Board.					
b) Be able to keep up to date with significant changes to these principles and rules.					
<b>1.3 Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.</b>		Foundation			Threshold
a) Be able to recall and comprehend the core law and rules of procedure and practice relevant to their area of practice.		CS, OpW		P	P
b) Know the legal texts, journals, materials, documents and research tools relevant to their area of practice.		OpW		P	P



c) Accurately apply to the matters they are dealing with the law and rules of procedure and practice relevant to their area of practice.		CS, OpW		P	P
d) Keep their knowledge and skills in their specific area of practice up-to-date.				P	P
e) Comprehend and be able to identify and advise clients of situations where alternative forms of dispute resolution may be appropriate to their given circumstances.		OpW		P	P
<b>1.4 Have an awareness of the wide range of other organisations supporting the administration of justice.</b>		Foundation			Threshold
a) Be aware of the wide range of organisations supporting the administration of justice and their respective roles.				P	P, PEP
b) Be able to identify and advise clients of alternative sources of advice and funding available to them, as appropriate.				P	P, PEP
c) Understand the implications for the conduct of the case and the additional responsibilities owed in circumstances where the client is publicly funded or otherwise not self-funded.		PEv		P	P, PEP
<b>1.5 Apply effective analytical and evaluative skills to their work.</b>		Foundation			Threshold
a) Identify all necessary information and seek clarification of instructions using appropriate communication skills.		CS, OpW		P	P
b) Rigorously assess facts and evaluate key issues and risks.		Adv, CS, Dr, OpW		P	P
c) Exercise appropriate numeracy skills.		CS, Dr, OpW		P	P
d) Ensure that the analysis of financial and other statistical information has been competently carried out.		CS, Dr, OpW		P	P
e) Analyse other relevant information, including expert and medical reports.		Adv, CS, Dr, OpW		P	P
f) Identify inconsistencies and gaps in information.		Adv, CS, Dr, OpW		P	P
g) Methodically evaluate the quality and reliability of the information.		Adv, CS, OpW		P	P
h) Use reliable sources of information to make effective judgements.		Adv, CS, Dr, OpW		P	P
i) Employ effective research skills [1.12].		CS, OpW		P	P
j) Identify relevant legal principles.		Adv, CS, Dr, OpW		P	P

k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.		Adv, CS, Dr, OpW		P	P
l) Reach reasoned decisions supported by relevant evidence.		Adv, CS, Dr, OpW		P	P
m) Be able to explain and justify their analysis and evaluation.		Adv, CS, OpW			
<b>1.6 Provide clear, concise and accurate advice in writing and orally and take responsibility for it.</b>		Foundation			Threshold
a) When giving advice take into account the client's circumstances and objectives.		CS, OpW		P	P, PEP
b) Ensure that advice is informed by appropriate analysis, synthesis and evaluation and where appropriate identifies and evaluates the consequences of different options.		CS, OpW		P	P, PEP
c) Address and present all relevant legal and factual issues in communicating their advice.		CS, OpW		P	P
d) Exercise good communication skills [1.9].		CS, OpW		P	P
<b>1.7 Negotiate effectively.</b>					Threshold**
a) Identify in so far as possible all parties' interests, objectives and limits.					P
b) Develop and formulate best options for meeting the client's objectives.					P
c) Present options for resolution cogently.					P
d) Recognise, evaluate and respond to options presented by the other side.					P
e) Develop appropriate compromises consistent with the client's instructions.					P
f) Bring the negotiation to an appropriate conclusion.					P
<b>Practical knowledge, skills and attributes</b>					
<b>1.8 Exercise good English language skills.</b>		Threshold*		✓	✓
a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications.		Adv, Dr, OpW			
b) Speak fluent English.		Adv			
<b>1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.</b>		Threshold		✓	✓
a) Identify the audience and respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances [3.3].		CS, OpW			
b) Select the appropriate medium of communication taking into account the message and the audience.		CS, OpW			
c) Adapt language and non-verbal communication taking into account the message and the audience.		Adv, CS, OpW			

d) Use appropriate listening and questioning techniques when obtaining information.		CS, Adv			
e) Analyse written information.		CS, Dr, OpW			
f) Request and provide clarification of meaning when appropriate.		Adv, CS, OpW			
g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).		Adv, CS, OpW			
h) Exercise good English language skills [1.8].		Adv, CS, Dr, OpW			
i) Write with clarity, accuracy and precision.		Adv, CS, Dr, OpW			
j) Speak articulately and fluently.		Adv, CS			
k) Present arguments cogently and succinctly.		Adv, CS, OpW			
l) Exercise these skills appropriately in all engagements with others, including meetings, conferences and in court (whether conducted face-to-face or remotely).		CS			
<b>1.10 Make sound judgements in their work.</b>		Foundation			Threshold
a) Apply effective analytical and evaluative skills to their work [1.5].		Adv, CS, Dr, OpW		P	P, PEP
b) Ensure that they act independently so that their judgements are not influenced by external pressures.		PEv		P	P, PEP
c) Take responsibility for their decisions.		Adv, CS, Dr, OpW		P	P, PEP
<b>1.11 Ensure they are fully prepared.</b>		Foundation			Threshold
a) Ensure that they are fully prepared in order to act in the best interests of the client [3.1] and provide a competent standard of work and service to the client [CD7].		Pervasive		P	P, PEP
<b>1.12 Employ effective research skills.</b>	Introductory	Foundation			Threshold
a) Accurately identify the legal and non-legal issues.		LR		P	P
b) Recognise when legal and non-legal research is required.		LR		P	P
c) Use appropriate methods and resources (paper, electronic or other media and/or relevant experts) and ensure that legal sources are up-to-date.		LR		P	P
d) Assess the quality and relevance of all sources.		LR		P	P
e) Interpret and evaluate the results of all research.		LR		P	P
f) Apply effective analytical and evaluative skills to their work [1.5].		LR		P	P
g) Apply the research to the issues identified in order to draw conclusions.		LR		P	P
h) Evaluate and present the results clearly and accurately.		LR		P	P

<b>Advocacy</b>					
<b>1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.</b>		Foundation			Threshold
a) Draft accurate and legally effective documents (whether contentious or non-contentious).		Dr			P
b) Utilise precedents where appropriate and also be able to draft without them.		Dr			P
c) Address all relevant legal and factual issues.		Dr			P
d) Comply with appropriate formalities.		Dr			P
e) Exercise good English language skills [1.8].		Dr			P
f) Exercise good communication skills [1.9].		Dr			P
<b>1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.</b>		Foundation			Threshold
a) Have a thorough knowledge of the Rules and Practice Directions and other protocols relevant to their area of practice which relate to the drafting of skeleton arguments.		Adv		P	P
b) Draft skeleton arguments which comply with those Rules and Practice Directions and protocols.		Adv		P	P
<b>1.15 Have persuasive oral advocacy skills.</b>		Foundation		Threshold	✓
a) Thoroughly recall and comprehend and accurately apply to the matters they are dealing with the law and procedure relevant to advocacy.		Adv		P	
b) Apply effective analytical and evaluative skills to their work [1.5].		Adv		P	
c) Identify strengths and weaknesses from different parties' perspectives.		Adv		P	
d) Prepare how they will effectively communicate the argument.		Adv		P	
e) Manage facts to support the argument or position.		Adv		P	
f) Present orally a reasoned argument in a clear, logical, succinct and persuasive way.		Adv		P	
g) Use and cite legal authority appropriately.		Adv		P	
h) Comply with all relevant formalities.		Adv		P	
i) Recognise the role of different types of witness and use appropriate techniques for witness handling having particular regard to vulnerable witnesses.		Adv		P	
j) Listen and respond effectively to questions and opposing arguments.		Adv		P	
k) Deploy advocacy skills efficiently and effectively, in compliance with the Core Duties, so far as possible, notwithstanding that they may be required to act at short notice or under other legitimate pressure.		Adv		P	
<b>Professional standards</b>					
<b>1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.</b>		Foundation		Threshold	✓

a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.		Adv, CS, Dr, PEv, OpW		P	P, PEp
b) Recognise potential ethical situations and identify ethical issues.		Adv, CS, Dr, PEv, OpW		P	P, PEp
c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.		Adv, CS, Dr, PEv, OpW		P	P, PEp
d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.		Adv, CS, Dr, PEv, OpW		P	P, PEp
<b>1.17 Know how to conduct themselves appropriately in court.</b>		Foundation			Threshold
a) Use the required dress, accepted forms of address, observe formalities of proceedings and follow established conventions and customs in each forum where they represent clients.		Adv, PEv		P	P, PEp
<b>1.18 Only accept work which they believe they are competent to undertake.</b>		Foundation			Threshold
a) Recognise and operate within the limits of their competence.		PEv		P	P, PEp
b) Explain clearly the limits of their competence and knowledge to relevant others.		PEv		P	P, PEp
c) Consult relevant others, where appropriate.				P	P, PEp
d) Make an informed judgement on the level of knowledge, skills and attributes required in a particular case.		PEv		P	P, PEp
e) Decline to act where the Code of Conduct requires them to do so.		PEv		P	P, PEp
<b>2. Personal values and standards</b>					
<b>Values, characteristics and behaviours</b>					
<b>2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.</b>		Foundation			Threshold
a) Identify situations where their integrity and/or independence may be put at risk.		PEv		P	P, PEp
b) Act with integrity including: i Identifying and avoiding personal bias; ii Maintaining their independence from external pressures; and iii Identifying potential conflicts of interest, being open about conflicts of interest, declaring conflicts of interest formally and being prepared to exclude themselves from acting.		PEv		P	P, PEp
c) Uphold the reputation of the Bar and observe their duty to the court in the administration of justice [1.1].		PEv		P	P, PEp
d) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].		PEv		P	P, PEp
e) Take responsibility for their actions and decisions.		PEv		P	P, PEp
<b>2.2 Be honest in their dealings with others</b>		Foundation			Threshold

a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].		PEv		P	P, PEp
b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications and professional status.		PEv		P	P, PEp
c) Ensure that to the best of their knowledge and belief any information they give is accurate, true and not likely to mislead.		PEv		P	P, PEp
<b>2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.</b>		Foundation			Threshold
a) Actively observe and uphold the law on equality, diversity and discrimination.		PEv		P	P, PEp
b) Be alert to the potential for unconscious bias.		PEv		P	P, PEp
c) Take active steps to act fairly and inclusively and show respect to others.				P	P, PEp
d) Identify situations where there is a risk of breach of the law on equality and diversity.				P	P, PEp
e) Promote diversity in the workplace and where appropriate challenge others if their behaviour does not comply with the spirit of the law relating to equality, diversity and discrimination.				P	P, PEp
<b>2.4 Ensure their work does not incur unnecessary fees.</b>					Threshold
a) Ensure that, where fees are chargeable, the basis for charging fees is established with the client at the outset of any matter.				P	P, PEp
b) Follow those arrangements in an efficient and cost effective manner, ensuring that any necessary changes to the arrangements are agreed with the client.				P	P, PEp
c) Undertake work that promotes the client's best interests.				P	P, PEp
d) Progress matters expeditiously.				P	P, PEp
<b>2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.</b>		Foundation			Threshold
a) Recognise limitations of personal knowledge and skills and act to resolve the situation.				P	P, PEp
b) Take appropriate action when experiencing difficulties with work that is beyond their professional competence and disclose as appropriate.				P	P, PEp
c) Identify their errors of judgement, omissions and mistakes and take appropriate action.		PEv		P	P, PEp
d) Ask for and make effective use of feedback, guidance, advice and support.		Pervasive		P	P, PEp
e) Take appropriate action to manage personal difficulties that might otherwise affect their work.		Pervasive		P	P, PEp
<b>2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.</b>		Foundation			Threshold

a) Take responsibility for planning and undertaking personal development and learning.		Pervasive		P	P, PEp
b) Identify strengths and areas for development and take positive steps to address them.		Pervasive		P	P, PEp
c) Reflect on and learn from their own and others performance and achievements.		Pervasive		P	P, PEp
d) Maintain and develop relevant knowledge and skills.		Pervasive		P	P, PEp
e) Regularly take part in activities that maintain and develop their competence and performance.		Pervasive		P	P, PEp
<b>3. Working with others</b>					
<b>At work</b>					
<b>3.1 Understand and exercise their duty to act in the best interests of their client.</b>		Foundation			Threshold
a) Provide a competent standard of work and service to each client [CD7].		PEv		P	P, PEp
b) Identify the client's best interests in accordance with the client's lawful instructions.		PEv		P	P, PEp
c) Recognise and evaluate any conflict between the client's best interests and their duty to the court, their obligation to act with honesty and integrity and to maintain their independence.		PEv		P	P, PEp
d) Ensure that subject to c) above they do not act contrary to the client's lawful instructions.		PEv		P	P, PEp
e) Act in accordance with the Code of Conduct and other applicable rules and regulations.		PEv		P	P, PEp
<b>3.2 Understand and apply principles of team working where appropriate.</b>					Threshold
a) Work collaboratively with others, respecting their skills and contributions.				P	P, PEp
b) Comprehend how their behaviour may affect others within and outside teams.				P	P, PEp
c) Reflect on own strengths and weaknesses as a team member.				P	P, PEp
d) Understand the division of responsibilities within the team.				P	P, PEp
e) Understand the relationships between counsel, pupil, clerk and solicitor.				P	P, PEp
f) Delegate to and supervise others effectively.				P	P, PEp
g) Establish and maintain effective professional relations with others.				P	P, PEp
<b>3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.</b>		Foundation			Threshold
a) Be aware and active in the pursuit of equality and respect for diversity [2.3].				P	P, PEp
b) Provide information in a way that others can understand taking into account their personal circumstances and any particular vulnerability.		PEv		P	P, PEp
c) Recognise and respond effectively to others' particular needs, objectives, priorities and constraints.		PEv		P	P, PEp
d) Recognise and take reasonable steps to meet the particular needs of clients including those who are disabled or vulnerable.		PEv		P	P, PEp

<b>3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.</b>		Foundation			Threshold
a) Demonstrate suitable professional practice, politeness and respect in communications and personal interactions with others.		PEv		P	P, PEp
b) Recognise people's differences and modify their behaviour where appropriate to take account of those differences.				P	P, PEp
<b>3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.</b>					Threshold
a) Identify the level of their responsibility to consult with and to communicate case progress to a particular client.				P	P, PEp
b) Inform clients in a timely manner of key facts and issues including key dates, risks, progress towards objectives and costs.				P	P, PEp
c) Identify and evaluate possible courses of action and their consequences and assist clients in reaching a decision.				P	P, PEp
d) Manage clients' expectations including in relation to options, the range of possible outcomes, risks and timescales.				P	P, PEp
e) Respond appropriately to clients' concerns and complaints.				P	P, PEp
<b>Lay individuals</b>					
<b>3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.</b>		Foundation			Threshold
a) Adapt their communication and handling of the matter to ensure that public access clients are fully informed of the actions which are being taken on their behalf and the purpose and possible consequences of those actions.				P	P, PEp
b) Recognise and appreciate the position of opponents not represented by qualified legal advisors (litigants in person).				P	P, PEp
c) Understand the professional duties to the litigant in person, the court and their own client, which arise when appearing against the litigant in person, and the potential effect on the handling of the matter.				P	P, PEp
d) Act in accordance with the Code of Conduct and other rules and regulations applicable to public access clients or litigants in person.				P	P, PEp
<b>4. Management of practice</b>					
<b>Personal practice management</b>					
<b>4.1 Where appropriate, possess a strong understanding of the specific implications of being:</b>		Introductory			Threshold
<b>4.1.1 a self-employed barrister;</b>		Introductory			Threshold



a) Demonstrate a thorough understanding of the scope of practice rules relevant to a self-employed barrister.				P	P, PEP
b) Demonstrate a thorough understanding of the context in which they work (including commercial, organisational and financial) and their place in it.				P	P, PEP
<b>4.1.2 an employed barrister.</b>		Introductory			
a) Demonstrate a thorough understanding of the scope of practice rules relevant to an employed barrister.				P	P, PEP
b) Demonstrate a thorough understanding of the context in which they work (including commercial, organisational and financial) and their place in it.				P	P, PEP
<b>4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.</b>					Threshold
<p>a) Be competent in all aspects of their work, including organisation, management of practice and risk.</p> <p>Competent organisation includes:</p> <ul style="list-style-type: none"> <li>i Keeping accurate records (including financial records and time recording) and files, electronic or hard copy;</li> <li>ii Allocating time efficiently;</li> <li>iii Prioritising;</li> <li>iv Diarising;</li> <li>v Observing deadlines;</li> <li>vi Using resources (including IT systems) effectively; and</li> <li>vii Being fully prepared.</li> </ul> <p>Competent management includes:</p> <ul style="list-style-type: none"> <li>i Planning;</li> <li>ii Putting in place human and non-human resources;</li> <li>iii Coordinating;</li> <li>iv Leading or directing;</li> <li>v Checking progress against plans to accomplish the goal or target; and</li> <li>vi Financial management.</li> </ul> <p>Competent risk management includes:</p> <ul style="list-style-type: none"> <li>i Identifying, evaluating and measuring the probability and severity of risks to their practice; and</li> <li>ii Proactively deciding what to do about risks and acting appropriately.</li> </ul>				P	P, PEP

b) Comprehend the relevance of strategic planning, financial planning and business development in the context in which they work.				P	P, PEP
<b>4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.</b>					Threshold
a) Clarify instructions so as to agree the scope and objectives of the work.				P	P, PEP
b) Make an informed judgement on the time required to prepare a matter.				P	P, PEP
c) Take account of their availability and that of other resources.				P	P, PEP
d) Decline to act where there is insufficient time and opportunity to prepare.				P	P, PEP
e) Prioritise and plan workload to meet commitments.				P	P, PEP
f) Meet timescales, resource requirements and budgets.				P	P, PEP
g) Monitor and keep relevant others informed of progress and availability.				P	P, PEP
h) Deal effectively with unplanned circumstances and re-prioritise as necessary.				P	P, PEP
<b>4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.</b>					Threshold
a) Contribute to efficient operation of the workplace including: i Sharing work when necessary; ii Creating effective support systems; and iii Working effectively within governance structures.				P	P
b) Understand the basis on which legal services are provided (contractual or otherwise) including, where appropriate, how to calculate and manage costs, bill clients and the operation of internal budgets for legal advice.				P	P, PEP
<b>Professional compliance and work</b>					
<b>4.5 Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.</b>					Threshold
a) Identify how they will act in accordance with the Code of Conduct and other rules and regulations applicable to maintaining the confidentiality and security of information relating to third parties including that of their current and former clients.				P	P, PEP
b) Comply with relevant data protection requirements.				P	P, PEP
<b>4.6 Exercise good time-keeping in face-to-face or telephone encounters.</b>					Threshold
a) Attend all appointments punctually and as fully prepared as possible in the circumstances.				P	P, PEP
<b>4.7 Where necessary, be diligent in keeping good records and files of cases.</b>					Threshold
a) Identify when compiling and keeping records and files is their responsibility.				P	P, PEP
b) Prepare and compile appropriate records at the same time or as soon as possible after the events that they are recording.				P	P, PEP

c) Ensure records are clear, accurate and legible and contain sufficient detail for their purpose.				P	P, PEP
d) Organise records so that they are retrievable by themselves and other authorised persons as appropriate.				P	P, PEP

\*This Competence must be demonstrated to the Threshold Standard prior to enrolment on the vocational component; it is a requirement of admission. For more information on admissions requirements, see the Authorisation Framework.

\*\* A compulsory course in Negotiation Skills is planned, with the introduction date to be confirmed. Following implementation, pupils will need to successfully complete a compulsory course in Negotiation Skills prior to being awarded a Provisional Practising Certificate.