



BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

## Equality Analysis (EA)

Date of Assessment	8 June 2016
Assessor Name & Job Title	Simon Thornton-Wood, Director of Education and Training Hayley Gault, Senior Training Supervision Officer
Name of Policy/Function to be Assessed	Revision of the cut score of the Bar Course Aptitude Test
Aim/Purpose of Policy	<p>The aim of this proposal is to raise the cut score (pass mark) for the Bar Course Aptitude Test (BCAT). The BCAT was introduced in 2013 in order to increase the quality of individuals admitted to the Bar Professional Training Course (BPTC) by testing candidates' critical thinking skills, and thereby raise the pass rate on the BPTC. However, since its inception only a small percentage (0.65% in 2013/14) of those who take the BCAT fail the test.</p> <p>While analysis has indicated that BCAT performance is overall an accurate indicator of BPTC performance and that the skills tested are relevant to the outcomes of the BPTC, the BCAT with its current cut score has not had an impact on pass rates on the BPTC. The aim is that raising the cut score will exclude those more likely to fail the BPTC, so that pass rates and the quality of learning experience on the BPTC will improve.</p> <p>In addition to raising the cut score, the aim is to reduce the number of permitted attempts of the BCAT per year and also to open it out to anyone who wishes to take it rather than exclusively to BPTC applicants.</p>

## 1. Evidence

What evidence will you use to assess impact on equality?
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This assessment is based on analysis of BCAT data performed both in-house (2013/14 and 2014/15 BPTC cohorts) and by Work Psychology Group (2013/14 BPTC cohort).
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The Work Psychology Group Evaluation Report, produced in 2015,
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## 2. Impact on Equality

<i>Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).</i>
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The available data was analysed in relation to the impact of an increased cut score on ethnicity, gender, domicile, English as a first language, age, first generation to attend university, state or fee paying school, disability, caring responsibilities (children or other), and sexual orientation. There was found to be no significant adverse impact on any of these groups except for ethnicity.
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The Work Psychology Group evaluation report recommended raising the cut score from 37 as it currently stands to 46. With the data then available on 2014 BPTC grades, this pass mark would have excluded an additional 135 students from the BPTC, and in 2014 would have reduced the numbers of students failing to pass the BPTC by 20.7% (81 students).
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However, analysis performed by the BSB indicated that a pass mark of 46 might have an adverse impact on candidates from black and minority ethnic (BME) backgrounds, who perform worse on average on the BCAT. The impact was measured using the 'four fifths rule'; at a cut score of 46, BME candidates having less than 80% of the chance of passing the BCAT of white candidates. A pass mark of 45, however, satisfies the four fifths rule.
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The same range and level of reasonable adjustments and support will be available for candidates as previously so this should not have an effect on candidates who require such additional support.
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Race	As stated above, candidates from a BME background perform worse on average on the BCAT than white candidates. With a cut score of 45, 92.5% of white candidates will pass the BCAT, compared to 82.5% of BME candidates. This reduces to 73.9% of black candidates. As a proportion, this equates to 0.89 for white/BME Candidates and 0.8 for white/black candidates. This satisfies the four fifths rule described above which states that the cut score does not have a significant
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	adverse effect on BME candidates. However, there is an impact with will need to be monitored in the future to ensure that any impact remains minimal and justified.
Gender	Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on gender.
Disability	Analysis of the data available does not suggest that the increased cut score will have any significant impact on candidates with disabilities.
Age	Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on age.
Sexual Orientation	Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on sexual orientation.
Religion/Belief	Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on religion or belief.
Gender Reassignment	Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on gender reassignment.
Pregnancy/ Maternity	Analysis of the data available does not suggest that the increased cut score will have any significant impact dependant on candidates' pregnancy or maternity.
Other Identified Groups	<p><i>Socio-economic groups</i></p> <p>The BCAT currently costs £150 for UK/EU candidates and £170 for international candidates. Currently, there is no limit to the number of attempts a candidate may take at the BCAT and the full fee is payable each time. This means that a wealthy candidate may have many more chances to pass than a candidate with lesser economic means. Along with the proposal to increase the cut score, the aim is to decrease the number of permitted attempts per year to a maximum of three. This would reduce the disparity between wealthy and non-wealthy candidates in terms of number of chances to pass.</p> <p>In addition, the aim is to open out the BCAT more widely. In its current form, the BCAT is only available to those actively applying for the BPTC. This limits the pool of potential candidates. Allowing anyone to take the test at any stage – for example during their undergraduate</p>

	degree or even whilst in school – means that the potential pool of candidates is much greater. If the number of people taking the test goes up this would have an impact on the cost of the BCAT; i.e. it would decrease. It would be desirable to reduce to cost of the BCAT so this would be monitored closely and reviewed at the end of the next cycle of BCAT applications.
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How does the policy advance equality of opportunity?
Opening out the BCAT more widely will give candidates the opportunity to make an informed decision about whether to invest in the significant cost of training for a career at the Bar as early as possible. As stated above, reducing the number of permitted attempts per year will also help to reduce the disparity between wealthy and less wealthy candidates in their number of chances to pass the BCAT.

How does the policy promote good relations between different groups?
The policy to increase the BCAT's cut score does not directly promote good relations between different groups.

### 3. Summary of Analysis

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

d. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.	
<p>Reason for decision:</p> <p>The analysis based on the data available suggests that while BME candidates may potentially be affected by the raise in cut score, a cut score of 45 does not significantly adversely affect this group. It is predicted that no other group with protected characteristics will be significantly impacted by the change. The revised cut score therefore is unlikely to have an adverse impact on equality and diversity. However, the BSB should continue to monitor the impact to ensure that no group is affected in the future, particularly focusing on the impact on BME candidates.</p>		

#### 4. Action Plan for Improvement

Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.			
Action Required	Desired Outcome	Person Responsible	Timescale
Review BCAT cut-score policy every 12 months	Review data available on BCAT performance to ensure that the cut score is appropriate and not having an adverse effect on racial or other groups	Oliver Jackling, Research and Evaluation Officer  Ben Margerison, Data Analyst  Input from Equality and Access to Justice team	June 2017 and yearly thereafter