

Validation of the BCAT Against the Professional Statement, Threshold Standard and Competences

1. Overview

- 1.1. The Bar Standards Board are seeking to provide evidence that the BCAT is a relevant, valuable and valid assessment against the Professional Statement, threshold standard and competences, and thus has a role to play in the future of assessment, education and training.
- 1.2. Currently the evidence relating to the appropriateness of the BCAT stems predominantly from the job analysis that was conducted in 2009. This confirmed that the cognitive attributes as assessed through the BCAT were core requirements for the Bar Professional Training Course (BPTC). In 2013 a content review of the BCAT test specification was conducted. The content of the test was mapped to the outcomes of the job analysis and the BPTC course specifications requirements document. The findings from this review supported the initial conclusions from the job analysis report; that the test was suitable to be used given the clear alignment between the test content and the requirements of the BPTC.
- 1.3. However, since the development and the finalisation of the Professional Statement in 2015 and ongoing development of the threshold standard and competences, it is now important to review the BCAT against these to ensure that the frame of reference is in relation to these outcomes i.e. day one standards at the end of pupillage, rather than the BPTC qualification.
- 1.4. This will be achieved through the activity outlined below:
 - a) **Mapping of the BCAT against the Professional Statement, threshold standard and competences.** Similar to the review conducted in 2013, a content mapping process has commenced that maps the content of the test to the content of the Professional Statement and competences. This would help evidence whether or not the BCAT aligns with the dimensions of interest (in this case, the threshold standard and competences).
- 1.5. Following on this this work, there is the potential for further activity if required:
 - b) **Qualitative review.** To support the mapping process, a small additional piece of qualitative work will be conducted that explores how the statement and competences are put into practice in relation to the cognitive elements that are measured by the BCAT. This can be particularly helpful for when cognitive requirements act as a proxy for other behaviours i.e. if the content of the BCAT does not explicitly map to the statement or competences. This will be supported by the evidence base that demonstrates how cognitive elements can act as a proxy for other behaviours.
 - c) **Benchmarking with other professions.** Finally, a benchmarking piece will be conducted. This will seek to explore other professions that use similar types of tests, not at the point of selection, but as part of the competences required for practice. This will add support to the use of such an assessment within law.

2. Mapping Exercise

- 2.1 This review involves mapping (or looking for congruence/alignment) between the BCAT test specification/questions and the knowledge, skills and attribute statements that make up the professional statement and their associated competences. If the purpose of the BCAT is to

identify those that are successful at the end of pupillage and thus on Day one as a barrister, the content of the BCAT should align to some degree with the profile identified at this stage.

2.2 BCAT Test specification

- 2.2.1 The test is split into five sections and there are 12 questions within each section. The instructions/information provided to candidates is outlined below.
- 2.2.2 *Test section 1: Inference.* In this section of the test, each exercise begins with a statement of facts that you are to regard as true. After each statement of facts you will find a possible inference i.e., conclusion that some persons might draw from the stated facts. Examine each inference separately, and make a decision as to its degree of truth or falsity.
- 2.2.3 *Test 2: Assumptions.* In this section of the test, each statement is followed by several proposed assumptions. You are to decide for each assumption whether a person, in making the given statement, is really making that assumption, i.e., taking it for granted, justifiably or not.
- 2.2.4 *Test 3: Deduction.* In this section of the test, each exercise consists of several statements (premises) followed by several suggested conclusions. For the purposes of this test, consider the statements in each exercise as true without exception. Read the first conclusion beneath the statements. If you think it necessarily follows from the statements given, click on the box next to "**CONCLUSION FOLLOWS.**". If you think it is not a necessary conclusion from the statements given, click on the box next to "**CONCLUSION DOES NOT FOLLOW**" even though you believe it be true from your general knowledge.
- 2.2.5 *Test 4: Interpretation.* The problem is to judge whether or not each of the proposed conclusions logically follows beyond a reasonable doubt *from the information given in the paragraph*. If you think that the proposed conclusion follows beyond a reasonable doubt (even though it may not follow absolutely and necessarily), click on the box next to "**CONCLUSION FOLLOWS.**". If you think that the conclusion does not follow beyond a reasonable doubt from the facts given, click on the box next to "**CONCLUSION DOES NOT FOLLOW**" even though you believe it to be true from your general knowledge.
- 2.2.6 *Test 5: Evaluation of arguments.* In making decisions about important questions, it is desirable to be able to distinguish between arguments that are strong and arguments that are weak, as far as the question at issue is concerned. *For an argument to be strong, it must be both important and directly related to the question.* An argument is weak if it is not directly related to the question (even though it may not be of great general importance), or if it is of minor importance, or if it is related to only to trivial aspects of the question.

2.3 Mapping between the BCAT and the Professional Statement and Competences

- 2.3.1 The Professional Statement, Threshold Standard and Competences were reviewed. The Professional Statement consists of four main characteristics; Legal and Practical Knowledge, Skills and Abilities (consisting of 18 separate knowledge, skills or attributes), Personal Values and Standards (consisting of 6 separate knowledge, skills or attributes), Working with Others (consisting of 6 separate knowledge, skills or attributes) and Personal Practice Management (consisting of 7 separate knowledge, skills or attributes). Each knowledge, skill or attribute has

a number of competences defined within it, and the threshold standard describes the minimum level or standard to which the competences must be performed.

- 2.3.2 The content was reviewed to identify those knowledge, skills or attribute statements that specifically relate to cognitive skills measured within the BCAT, as defined in section 3.2. Appendix A provides a detailed breakdown of the Professional Statement and identifies those knowledge, skills or abilities that are mapped to the content of the BCAT. Whilst this is not presented at the competence level, the competences were reviewed when undertaking this mapping process. The colour coding indicates the proportion of competences within that particular knowledge, skill or attribute that mapped to the test content, with a darker colour indicating a higher degree of mapping.
- 2.3.3 This activity was undertaken by two experienced occupational psychologists to provide robustness to the process and validate the results. Mapping was undertaken independently. The two researchers then met and any discrepancies were discussed and agreed. The review indicated that there was a very high level of concordance between the two researchers.
- 2.3.3 The results show that Legal and Practical Knowledge and Skills exhibits the most relation with the BCAT test content, with 11 of the 18 statements (61%) showing some degree of overlap or mapping with the BCAT test content. For seven of these statements, a degree of congruence was only seen for a minority of the competences, whilst for a further two statements there was a reasonable level of congruence. For the final two competences, all or the majority of the competences mapped to the test content. These were “Apply effective and analytical skills to their work”, and “Employ effective research skills”.
- 2.3.4 A small degree of congruence was found between Personal Standards and Values and the BCAT test content, with two of the six statements showing a small amount of mapping specifically relating to identifying personal and unconscious bias. This limited mapping is not unsurprising given that the BCAT is an assessment of cognitive requirements which do not tend to feature heavily in behaviours relating to values or personal attributes.
- 2.3.5 A small degree of overlap was found between Working with Others and the BCAT test content for the statement “Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations” specifically relating to identifying and evaluating possible courses of action and their consequences. Again, this would be expected given that this characteristic is predominantly interpersonal in nature.
- 2.3.6 A small degree of overlap was found between Personal Practice Management and the BCAT test content for the statement “Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice” specifically relating to identifying, evaluating and measuring the probability and severity of risk. This characteristic relates predominantly to skills relating to organisation and management of self and resources. Whilst there is little direct mapping, optional research activity B (that aims to identify proxy for cognitive ability) may identify that some of the cognitive requirements within the BCAT underpin skills and behaviours relating to organisation and management.

3. Summary and Conclusions

- 3.1 In summary, out of the 37 statements relating to knowledge, skills and attributes required, 15 (41%) could be directly mapped to the BCAT test content. Out of the 169 individual competences, a total of 29 (17%) competences directly mapped to the BCAT test content. Overall, this proportion of mapping for a single measure or assessment is satisfactory and what may be expected for a test of this nature. Any measure, that has not been created solely for the purpose of assessing a broad range of pre-defined constructs for a specific purpose, can only measure a small number of constructs if it is to do so in a reliable and valid manner. The BCAT has clearly demonstrated that it is a reliable measure in this context with good predictive validity (i.e. performance on the BCAT predicts performance later on in the career pathway). In summary, this means that ***the BCAT is assessing attributes in a fair, reliable and valid manner, that are needed on Day one as a barrister, as defined by the Professional statement, threshold standard and competences.***

Appendix A: Detailed breakdown of mapping

PS & Competences BCAT Test Content	Uphold the reputation of the bar and observe their duty to the court in the administration of justice	Have a knowledge and understanding of the key concepts and principles of public and private law	Have a knowledge and understanding of the law and the procedure relevant to the areas of practice	Have an awareness of the wide range of organisations supporting the administration of justice	Apply effective analytical and clinical skills to their work	Provide clear, concise and accurate advice orally and take responsibility for it	Negotiate effectively	Exercise good English language skills	Exercise good communication skills, through any appropriate medium and with any audience required in their work	Make sound judgements in their work	Ensure they are fully prepared	Employ effective research skills
Inference; can you accurately draw a conclusion from a stated fact?												
Assumptions; is an assumption justified?												
Deduction; do conclusions follow premises?												
Interpretation; do conclusions logically follow beyond reasonable doubt?												
Evaluation of Arguments; can you establish whether an argument is weak or strong?												

Table 1: Legal and Practical Knowledge, Skills & Abilities

Appendix A: Detailed breakdown of mapping

PS & Competences BCAT Test Content	Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the argument advanced by both sides	Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured	Have persuasive oral advocacy skills	Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct	Know how to conduct themselves appropriately in court	Only accept work which they believe they are competent to undertake
Inference; can you accurately draw a conclusion from a stated fact?						
Assumptions; is an assumption justified?						
Deduction; do conclusions follow premises?						
Interpretation; do conclusions logically follow beyond reasonable doubt?						
Evaluation of Arguments; can you establish whether an argument is weak or strong?						

Table 2: Legal Knowledge, Skills & Abilities - Advocacy

Appendix A: Detailed breakdown of mapping

PS & Competences BCAT Test Content	Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness	Be honest in their dealings with others	Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others	Ensure their work does not incur unnecessary fees	Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes	Ensure they practise with adaptability, by flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills
Inference; can you accurately draw a conclusion from a stated fact?						
Assumptions; is an assumption justified?						
Deduction; do conclusions follow premises?						
Interpretation; do conclusions logically follow beyond reasonable doubt?						
Evaluation of Arguments; can you establish whether an argument is weak or strong?						

Table 3: Personal Standards and Values

Appendix A: Detailed breakdown of mapping

PS & Competences BCAT Test Content	Understand and exercise their duty to act in the best interests of their client	Understand and apply principles of team working where appropriate	Respond appropriately to those from diverse background and to the needs and sensitivities created by individual circumstances	Treat all people with respect and courtesy, regardless of their background and circumstances	Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations	Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person
Inference; can you accurately draw a conclusion from a stated fact?						
Assumptions; is an assumption justified?						
Deduction; do conclusions follow premises?						
Interpretation; do conclusions logically follow beyond reasonable doubt?						
Evaluation of Arguments; can you establish whether an argument is weak or strong?						

Table 4: Working with Others

Appendix A: Detailed breakdown of mapping

PS & Competences BCAT Test Content	Where appropriate, possess a strong understanding of the specific implications of being a self-employed or an employed barrister	Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice	Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made	Understand the organisational systems or structures within which they work and which support the delivery of a professional service	Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate	Exercise good time-keeping in face-to-face or telephone encounters	Where necessary, be diligent in keeping good records and files of cases
Inference; can you accurately draw a conclusion from a stated fact?							
Assumptions; is an assumption justified?							
Deduction; do conclusions follow premises?							
Interpretation; do conclusions logically follow beyond reasonable doubt?							
Evaluation of Arguments; can you establish whether an argument is weak or strong?							

Table 5: Personal Practice Management

Appendix A: Detailed breakdown of mapping