

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Bar Professional Training Course

Course specification requirements and guidance



Bar Professional Training Course

Handbook 2010 - 2011

Bar Professional Training Course

Course Specification Requirements and Guidance

Preface

This Handbook has been produced by the Bar Standards Board [BSB] in its capacity as the regulator for education and training for the Bar. It is the official reference document for the Bar Professional Training Course (formerly known as the Bar Vocational Course), which must be adhered to by all Providers of the professional, postgraduate training course from the commencement of Academic Year 2010-11.

The Handbook establishes the content and curriculum of the Bar Professional Training Course (Part A), as well as the Regulations for the course (Part B), and the framework for the assuring, maintaining and enhancement of standards through specified Quality Assurance procedures (Part C). It supersedes all earlier versions of the BVC Course Specification Requirements and Guidance.

This Handbook has been developed out of the earlier BVC Course Specification Requirements and Guidance produced by the Working Party chaired by the Hon Mr Justice Elias and adopted in full for courses validated from 2002. The new specification and requirements for the Bar Professional Training Course [BPTC] have been drawn up by a Working Group chaired by Derek Wood QC (October 2007 – July 2008), following a wide ranging review of relevant material as well as extensive debate and consultation with the whole spectrum of interested bodies. Full details of the consultation process and methodology leading to the development of this document are provided in the report of the Wood Working Group to the Bar Standards Board, 17 July 2008, which is available separately.

This documentation will be revised and updated periodically in order to ensure currency, and to provide additional guidance and clarification as necessary. Indicative booklists, for example, will require updating from time to time. Enquiries about the course and the regulatory requirements for professional accreditation should be directed to the Education and Training Department of the Bar Standards Board, 289-293 High Holborn, London WC1V 7HZ (0207 611 1444).

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Additional Forms available on request:

Expression of interest in providing the BPTC
 Nomination form for External Examiners
 External Examiner agreement form
 Proformas for use by external moderators
 Proforma for observation of teaching during a BSB visit
 Expenses claim form

Part A – The Curriculum and its delivery

A1 Introduction

1.1 Structure and rationale of this document

This Handbook is the official reference document for the Bar Professional Training Course [BPTC] from Academic Year 2010 -2011. It is intended for:

- Regulators of the profession setting the standards and requirements of the course
- Those wishing to offer an educational course leading to the professional qualification
- Those wishing to train as barristers, their sponsors and supporters
- Clients and members of the lay public interested in the standards required for the education of barristers
- Educators in related professions, seeking an explicit statement of the philosophy and the detailed framework for the education of barristers at the Vocational Stage of training

1.2 Aims, objectives and ethos of the BPTC

1.2.1 Professional and educational values

The Bar is a demanding profession. Barristers must demonstrate the qualities and standards of professional practice that justify the responsibility and trust placed in them by members of the public and by other qualified professionals from whom work is referred. They also play a vital role in the administration of justice.

The public is entitled to expect standards of excellence from barristers in the execution of their duties and the Bar Standards Board is committed to promoting excellence and quality within the profession and ensure that those who qualify as barristers have the right level of skills and knowledge to provide services to the public, including employers (Strategic Objective 4). The Inns of Court have a vital role in pastoral care during the BVC and beyond, play an important role also in actually admitting students before they go on to Bar Professional Training, and also in providing training. However, the BSB is the regulator of training for the Bar of England and Wales.

The purpose of the Bar Professional Training Course is to enable students, building on their prior learning, to acquire and develop the skills, knowledge and values to become effective members of the Bar of England and Wales. As part of the continuum of training, from the academic stage through to pupillage and continuing professional development of practising barristers, it acts as the bridge between the academic study of law and the practice of law. It aims to move the student from the classroom to the courtroom. It is, therefore, different in its culture and the nature of its demands from that of the academic stage of training, the Qualifying Law Degree or CPE. The BPTC must reflect the requirements of this stage of training in terms of the standards to be met by those who provide the course, and the standards that are to be attained by students before they can be recognised as having successfully completed the course.

1.2.2 Aims and objectives

a The overarching aims of the BPTC are:

- to prepare students of the Inns of Court for pupillage at the Bar of England and Wales

- to enable students of the Inns from overseas jurisdictions to acquire the skills required for pupillage at the Bar of England and Wales, thereby assisting them to undertake further training or practice in their home jurisdiction.
- b Specific objectives of the course are:
- to bridge the gap between the academic study of law and the practice of law
 - to provide the foundation for the development of excellence in advocacy
 - to inculcate a professional and ethical approach to practice as a barrister
 - to prepare students for practice in a culturally diverse society
 - to prepare students for the further training to be given in pupillage
 - to equip students to perform competently in matters in which they are likely to be briefed during pupillage
 - to lay the foundation for future practice, whether in chambers or as an employed barrister, and
 - to encourage students to take responsibility for their own professional development

1.2.3 Ethos

The qualities needed for a career at the Bar comprise attributes both of temperament and of talent. As highlighted in the report of the Entry to the Bar Working Party chaired by Lord Neuberger of Abbotsbury in 2007 (p. 18, paragraph 22), a combination of integrity, honesty, courage, commitment, common sense, and perseverance are required, as well as skills and talents including analytical skills, intellect, persuasiveness, organisational skills, good judgment, and language fluency. The ethos of the BPTC is to nurture and develop to a high level these existing attributes in candidates.

1.3 Principles of Delivery of the BPTC

1.3.1 The ethos of the course requires a method of delivery that:

- provides students with opportunities for learning by doing, and requires students to apply their knowledge in practical work
- requires students to play an active role in the course and to take responsibility for their own learning
- requires students to reflect on their own learning
- seeks to inculcate a professional approach to work and to develop in students a respect for the principles of professional ethics, and
- seeks to provide students with an informed view of a barrister's working life.

1.4 Principles of accreditation of Bar Professional Training Courses

1.4.1 The Bar Standards Board has a statutory obligation to maintain and enhance standards in respect of the education and training of those seeking to practise as barristers. In relation to the vocational stage, it is considered that this can best be achieved by accrediting rather than franchising institutions to run the course. Freedom permitted to institutions by accrediting courses within the requirements of the BPTC Course Specification (rather than requiring delivery of a completely detailed predetermined 'package') is aimed to enhance commitment among course teams and encourage appropriate creativity and diversity between courses. Certain aspects, such as centralised testing for admission and final assessment in some subject areas (aimed at achieving continuity of entry and exit standards) will inevitably put some restrictions on provision. However, provided an institution satisfies the BSB that the course it offers is appropriately resourced and enables students to achieve the outcomes specified, a degree of autonomy and flexibility is devolved to Providers of the BPTC. The BSB aims to work with Providers in a spirit of

partnership and co-operation. This approach is believed to be the most effective in assuring the quality of delivery of the BPTC and in stimulating its development and enhancement.

1.4.2 The principles set out below underlie the relationship that the Bar Standards Board is seeking to achieve with the BPTC Providers.

1 Autonomy

A validation approach to the accreditation process respects the autonomy of the Provider to organise the administration, delivery, assessment and resourcing of the BPTC, as is consistent with satisfying the aims and objectives as specified above, and in line with the requirements designed to ensure that any person qualifying will meet the requirement of readiness for pupillage.

2 Accountability

In order to ensure that the minimum standards are being satisfied and to safeguard the benefits of autonomy, Providers are required to be accountable to the Bar Standards Board for the way in which the course is organised and delivered and for ensuring that there are appropriate mechanisms for collating and analysing course information, ensuring the quality of the course, and for dealing with student concerns, complaints and appeals.

3 Evidence

Providers are required to supply information and evidence to the satisfaction of the Bar Standards Board of how and where the course requirements are satisfied. This must include evidence that course content is being delivered, assessed and resourced according to specification, and that the defined standards are being met. In addition, details will also be required for example about the involvement of practitioners with the course; pro- bono opportunities; staffing and staff development; the delivery of the knowledge and skills areas, and professional conduct issues (including contact hours allocated to each skill and knowledge area). Evidence will also be sought concerning the method of assessment utilised to verify the attainment of outcomes by students, to the appropriate standard or level.

4 Delivery

Institutions are required to be able to explain and justify the organisation and method of delivery of the BPTC, including, for example, the details of the structure of the course, the teaching and learning methodologies used, and the nature and scheduling of formative and summative assessment. Any variations from the course specification or subsequent good practice guidelines will need to be justified.

5 Good Practice

It will also be the aim of the BSB, through the accreditation and subsequent monitoring and review processes not only to assure but to maintain and enhance standards of the BPTC. In addition, the process aims to encourage, identify and disseminate good practice in order to contribute to the continuous improvement of the BPTC as a whole, within the current specified threshold requirements.

1.4.3 Validation of academic awards

The validation of a course as leading to an academic award of a Higher Education Institution with Degree Awarding Powers is a matter for the HEI. The formal approval of an academic award for a course may be combined as an event with the BSB accreditation process, but for accreditation of Bar Professional Training Courses the event will be managed by the BSB.

A2 The Curriculum Framework

2.1 Framework for the BPTC

2.1.1 The BPTC curriculum is made up of the following main elements:

- 1 Professional ethics and conduct
- 2 The knowledge areas:
 - Civil litigation, evidence and remedies
 - Criminal litigation, evidence and sentencing
 - Evidence
- 3 The skills areas:
 - Advocacy
 - Opinion Writing
 - Drafting
 - Conferencing
 - Resolution of Disputes out of Court (including Negotiation, Mediation and Arbitration)
- 4 The options

The above areas will also incorporate writing skills, casework skills, fact management, legal research, management and interpersonal skills

2.1.2 Overall approach to delivery of the BPTC framework

The BPTC curriculum (including course content, delivery and assessment) is specified in the sections which follow. Specified requirements must be demonstrated as having been met at accreditation and maintained thereafter. Formal requirements are in some areas distinguished from guidance that is indicative and represents the Bar Standards Board's view of best practice. All requirements must be met, and any departure from good practice expressed in the guidance must be explained and justified, including the appropriate distribution of contact and self-study time across the duration of the course.

In emphasising the practical focus of the course, Providers must ensure that students have a sound understanding of the way in which civil and criminal proceedings develop from commencement to trials, of the centrality of the trial to an understanding of procedural and evidential rules, and of the overall structure of a trial. The practical application of knowledge of law and legal procedure within the development and practice of the skills are regarded as part of the successful performance of the skill.

The BPTC must be delivered as a discrete course, and students must not be co-taught with others on different programmes with different study aims, (eg LLB, LPC. (NB see section B1.3 for special arrangements for 'Exempting Degrees').

The knowledge areas should initially be delivered separately, primarily by means of small group sessions, although large group sessions may be utilised. Small group sessions should be centred upon the exploration of a prepared problem or case. As the course progresses, the knowledge areas should be increasingly integrated into the practice of the skills.

The specifications included in this handbook for individual subjects, their content, delivery and assessment are definitive for accreditation purposes.

2.1.3 Summary of BPTC curriculum content, delivery and assessment framework, with required weightings shown by indicative correlation with percentage based and credit rated systems [in summary: Advocacy weighted 25% - the remainder weighted equally for the purposes of assessment]

	Subject	Minimum assessment requirements	% of course	Indicative CATS ¹ credits
Section A2.2.1	Advocacy	<ul style="list-style-type: none"> one assessment with oral plus written components (33.33%) 9% of total BPTC grade. The two components may be aggregated. two further oral assessments (examination-in-chief; cross examination) (33.33% and 33.33%) 8% each of total BPTC grade. Both assessments must be passed. (3 assessments to have equal weighting)	25%	30 credits
Section A2.2.2	Civil Litigation, Evidence & Remedies	<ul style="list-style-type: none"> one closed book examination, minimum 3 hours long, comprised of Part A multiple choice questions, set centrally, marked locally and electronically plus Part B short answer questions, set centrally and marked locally. Both parts must be passed. 	10%	12 credits
Section A2.2.3	Criminal Litigation, Evidence & Sentencing	<ul style="list-style-type: none"> one closed book examination, minimum 3 hours long, comprised of Part A multiple choice questions, set centrally, marked locally and electronically plus Part B short answer questions, set centrally and marked locally. Both parts must be passed. 	10%	12 credits
Section A2.2.4	Professional Ethics	<ul style="list-style-type: none"> one closed book examination, 2 hours long, comprised of Part A MCQs, set centrally, marked locally and electronically, plus Part B SAQs, set centrally and marked locally. Both parts must be passed. 	5%	6 credits
Section A2.2.5	Opinion Writing	<ul style="list-style-type: none"> one formal time constrained examination (materials may be used) (100%). 	10%	12 credits
Section A2.2.6	Drafting	<ul style="list-style-type: none"> one formal time constrained examination (materials may be used) (100%). 	10%	12 credits
Section A2.2.7	Conference Skills	<ul style="list-style-type: none"> one oral assessment (100%). 	5%	6 credits
Section A2.2.8	Resolution of Disputes out of Court	<ul style="list-style-type: none"> one formal examination consisting of Multiple Choice questions and short answer questions (100%). 	5%	6 credits
Section A2.2.9	Option 1	<ul style="list-style-type: none"> one assessment (can be written or oral assessment) (100%). 	10%	12 credits
Section A2.2.9	Option 2	<ul style="list-style-type: none"> one assessment (can be written or oral assessment) (100%). 	10%	12 credits
	Totals	12 (including 3 centrally set)	100%	120 credits

Note: In addition to the above curriculum and assessment framework, an induction must be provided covering legal research methods. Basic management skills, opportunities for Court visits and pro bono (FRU) work may also be included but these are not assessed (see section 2.2.10).

¹ According to nationally recognised Credit Accumulation and Transfer Systems (for which see <http://www.seec-office.org.uk/credit.htm>).

2.1.4 Overall Standards, level descriptors and Competencies for the BPTC:

1 In order to maintain standards, it is required that the BPTC must be delivered as a course of 120 credits lasting a minimum of one academic year, in line with the descriptors below that specify the core competencies required of graduates of the course. The descriptors specifically relate to the professional qualification of the BPTC, and aim to ensure that barristers provide professional service of the highest standard to their clients.

Typically, students who have successfully completed the course will:

- have the ability to be a fluent and articulate advocate, whether orally or in writing, and with the ability to adapt their submissions or questioning as may be required by circumstances
- be able critically to evaluate arguments, assumptions, abstract concepts and data in order to deal with complex issues systematically, make sound judgments and demonstrate skill in identifying solutions and tackling and solving problems, clearly communicating their conclusions
- have the ability to demonstrate the qualities and skills necessary for future employment at the Bar, with the ability to act autonomously in planning and implementing tasks at a professional level
- demonstrate self-direction, initiative, personal responsibility and decision making in complex situations, and the necessary independent learning abilities required to undertake appropriate further professional training and development, and continue to advance their knowledge and develop new skills to a high level

Students successfully completing the BPTC must have demonstrated:

- a a high level ability to (i) persuade orally and in written argument using cogent legal and factual analysis (ii) develop reasoned argument and (iii) deploy forensic skills with evidence (both written and oral)
- b systematic understanding of relevant knowledge and ethical principles in law and practice; together with a comprehensive understanding of techniques applicable to practice at the Bar of England and Wales,
- c expertise in the application of legal knowledge in the interests of the client, together with a practical understanding of how established technical skills are used in relation to the interpretation of knowledge in the discipline
- d conceptual understanding that enables the student to collect and analyse relevant information; evaluate current developments and advanced theory in law and practice, and acquire in-depth knowledge of written material, law reports, journals and articles in applicable areas of study
- e knowledge and understanding of the ethical values (including equality and diversity issues, and duty to the client and to the court), and the skills and underpinning knowledge necessary to assess and manage cases without supervision
- f the ability to utilise and develop their knowledge and understanding of the principles underpinning their professional practice
- g the ability and competence to undertake case analysis, research, conferences, opinion writing, drafting, negotiation and advocacy with/without supervision

2 Staff and students should use the descriptors for the BPTC (as above) to determine the aspects of practice that have reached the required standards and which need to be developed. Internal and External Examiners must be satisfied that a student has fulfilled all descriptors within these areas in order to be deemed to be performing at the required level.

3 The descriptors above broadly relate to the QAA level descriptors for postgraduate study. However, whether a Provider awards an academic qualification (for example a postgraduate diploma, normally 120 credits at Level M/7, or as an interim award in progression to a Master's award) is a matter for the awarding body and the QAA.²

2.1.5 Generic grading descriptors for 'exit standards' for each individual assessment. These should be used in conjunction with level descriptors as in A2.1.4 above:

Grading	Descriptor	% scale for all assessments including ALL MCQs	Code
Outstanding	Additionally to Very Competent, demonstrates very high level knowledge and skills - with imagination, originality or flair, based on proficiency in all the learning outcomes, and providing realistic professional advice or performance. Work is comprehensively and very well researched, and argued.	85-100%	O
Very Competent	Additionally to Competent, demonstrates high level awareness and understanding of the knowledge and skills required, such as the ability to identify and debate critical issues or problems, ability to solve non-routine problems, ability to adapt and apply ideas to new situations, and ability to invent and evaluate new ideas.	70-84%	VC
Competent	Work is satisfactory and accurate with few errors or omissions, and is of a standard that demonstrates an ability to perform the sort of tasks appropriate to pupillage, to a standard of competence such that a client could reasonably expect to rely on. Has attained the specified outcomes of the course (in terms of knowledge of fundamental concepts and performance of skills). Demonstrates sufficient quality to be considered satisfactory and competent in terms of fitness to progress to the pupillage stage of training. Able, with the additional training and supervision in pupillage, to represent lay clients/members of the public.	60-69%	C
Not Competent	Does not satisfy the threshold requirements of the course. Work is inarticulate and of poor standard, faulty and badly expressed. The candidate is not capable of producing work on which a prospective client could rely.	0-59%	NC

NB The term 'fail' may be used to designate a situation where a student does not satisfy the threshold requirements for an assessment and/or for the course as a whole, **and** the maximum number of resit opportunities have been exhausted.

²The QAA Level Descriptors are defined in the QAA Framework for Higher Education Qualification <http://www.qaa.ac.uk/academicinfrastructure/FHEQ/>

2.1.6 Overall grades for the course

Students successfully completing the course will be awarded an overall grade, in line with the grades for individual assessments – i.e. Outstanding, Very Competent or Competent.

1. To gain the overall grade of 'Outstanding' a candidate must have passed all assessments at the first attempt and must achieve either an overall mark of 85% or above, **or** six or more grades in the outstanding category.
2. To gain the overall grade of 'Very Competent' a candidate must have failed no more than one assessment at the first attempt and must achieve either an overall mark 70% **or** eight or more grades in the very competent or outstanding categories.
3. To gain the overall grade of 'Competent' a candidate must pass each assessment subject to the rules governing the opportunity to re-sit (see below).

The above course, grade and overall descriptors must be made clear to students.

(Note: The term 'assessment' as used above refers to a 'sit' in a subject. Hence a student failing the same subject twice will not be able to obtain an overall grade of Very Competent)

A2.2 Core Subject areas

2.2.1 Advocacy

a Description/Rationale:

This section aims to prepare students for the practice of advocacy which they should be capable of conducting during the months of pupillage and thereafter, as a barrister. It aims to provide the skills necessary to prepare, present and respond to a case or legal argument before a court or other tribunal.

b Aims and Objectives (knowledge and skills):

This section seeks to:

- provide the skills necessary to prepare, manage, present and/or respond to a case or legal argument, both orally and in writing, before a court or other tribunal, whether formal or informal;
- provide, at an initial level, the essential skills for a persuasive modern advocate, as defined by the Dutton³ criteria:
 - the ability to persuade orally
 - the ability to persuade in written argument
 - cogent legal and factual analysis
 - the ability to develop reasoned argument, and
 - forensic skills with evidence (both written and oral)
 - all of the foregoing undertaken to high ethical standards;
- prepare students for the advocacy training methods to which they will be exposed in pupillage and thereafter;
- introduce students to the advocacy training methods approved by the Advocacy Training Council, by training students in accordance with those methods; (NB Further guidance is available separately on how the 6 stages of the Hampel method should be applied at BPTC level).
- provide knowledge and understanding of the manner in which legal submissions should be made and responded to
- provide knowledge and understanding of relevant equality and diversity issues in advocacy

c Intended Learning Outcomes:

By the end of this unit, following the study of Advocacy, the student will be able to:

1. prepare a case effectively, understanding the relevant law, facts and principles, observing the rules of professional conduct and planning the advocacy task in question
2. demonstrate basic advocacy skills in a range of civil and criminal scenarios, in applications and in trial(s), and before a range of tribunals
3. prepare and deliver each of the following:
 - a. an opening speech;
 - b. a closing speech;
 - c. an unopposed submission; and
 - d. an opposed submission.
4. examine, cross-examine and re-examine witnesses.

³ Report of Bar Council Working Party, chaired by Timothy Dutton QC, published October 2002.

d Teaching & Learning Strategies:

The format and progression of sessions must be appropriate to the skill being taught, so that when taken as a whole and in conjunction with other course activity, a coherent framework is provided for the development of the skills of advocacy. The first skill taught should be the making of unopposed submissions, followed by opposed submissions. Legal submissions may be dealt with by means of mooting. Witness handling should be dealt with in the latter part of the course.

Most, if not all, sessions should be recorded on DVD for future discussion and feedback (where the assessment is formative) and for marking and moderation purposes (where the assessment is summative).

e Assessment:

Each student must undertake at least 12 advocacy exercises under the supervision of a tutor, of which 75% may be formative whilst 25% must be summative. ATC methods of training (ie Hampel method) must be used throughout.

The diet of advocacy assessments must contain the following elements:

- submission of written argument;
- advancing and responding to legal, factual and procedural submissions; knowledge and application of legal principle;
- witness handling, including examination in chief, cross examination and re-examination;
- dealing with interventions from the bench

Of the (minimum) 12 exercises, at least three must be formally assessed as follows: One formal assessment must have an oral plus skeleton argument. There must be two further oral assessments (of examination-in-chief; cross examination). All three summative assessments must receive the specified weighting. (see A2.1.3).

f Indicative Content/Teaching schedule:**1 Preparation**

- comprehensive analysis of the case;
- outline of facts in a clear narrative form;
- statement of relevant legal principles to the court as concisely as possible;
- citation of cases and statutes as appropriate, giving full citations to the court when necessary;
- applying legal authorities to issues in the case;
- relating evidence to the issues;
- making appropriate use of witness statements or affidavits;
- structuring the speech or submission in a clear, logical, coherent, effective and proper manner;
- adherence to instructions from the client and ethical principles.

2 Presentation

- speaking clearly, audibly and at a sensible pace;
- adopting an appropriate stance for addressing the court, with good communication techniques (eg eye contact) and a general absence of distracting gestures;
- displaying a proper degree of confidence in the case and in its presentation;
- advancing the positive points in the client's case;
- explaining, excusing or justifying, to the extent that it is proper to do so, the weak points in the client's case;
- anticipating an opponent's points, where possible, and putting forward cogent arguments to rebut them;

- answering an opponent's points clearly and effectively;
- responding appropriately to points raised by the court, or by an opponent;
- relying in argument only on points with some merit and which can be properly relied on;
- conceding points in argument, if appropriate.

3 Examination-in-Chief

- understanding of the aims of examination-in-chief;
- settling the witness, with simple introductory questions;
- enabling the witness to tell the story in his or her own words;
- avoidance of the use of leading questions except on matters which are not in dispute;
- asking questions designed to elicit the important parts of the testimony of a witness;
- making appropriate use of open and closed questions;
- asking the questions audibly, at a suitable pace and in a sensible sequence;
- making smooth transitions from one topic or series of questions to another.

4 Cross Examination

- preparing for cross-examination with a clear approach to the objective which is sought;
- identifying the matters on which it is, and is not, appropriate to cross-examine;
- organizing matters to be dealt with in a sensible order;
- understanding the need to be flexible by adapting the plan prepared for cross-examination to take account of the evidence given by the witness;
- asking questions which strengthen elements of the client's case;
- asking questions, which probe the evidence of a witness for ambiguities, or matters that reveal a lack of credibility;
- putting the client's case to the opponent's witness in cross-examination for explanation, agreement or contradiction;
- making sensible use of leading questions;
- asking the witness questions audibly and at a suitable pace

5 Re-examination

- deciding when it is and is not appropriate to re-examine;
- confining re-examination to matters raised in cross-examination;
- avoiding leading questions;
- asking the witness questions audibly and at a suitable pace.

6 Skeleton Arguments

- Skeleton arguments must be covered

[NB Forms of written advocacy should be covered as appropriate]

Reading/Reference List:

A balanced selection of student text books currently available

2.2.2 Civil Litigation, Evidence and Remedies

a Description/Rationale:

This part of the course aims to provide knowledge, understanding and the ability to apply and evaluate the key areas of civil litigation and evidence. It will cover practice procedure and evidence in civil claims from compliance with pre-action protocols through to appeals, with particular emphasis on the common types of work done at the junior Civil Bar.

b Aims and Objectives (knowledge and skills):

This section seeks to:

- provide a sound understanding of the organisation of the High and County Courts, the overriding objective of the Civil Procedure Rules, the impact of the Human Rights Act on civil claims and various types of claims (small claim, fast track and multi-track), pre-action protocols and limitation
- explain the rules for commencing proceedings and the rules and procedures relating to multiple causes of action, multiple parties and additional claims
- explain statements of case and the rules for amendment and requesting further information
- explain the rules and procedure relevant to track allocation, case management and directions
- explain the principles and procedure for obtaining judgment without trial
- explain the procedure for making interim applications and in particular applying for an interim injunction, freezing injunction and search order, interim payment and security for costs
- explain the law, principles and procedure regulating the disclosure and inspection of documents
- provide knowledge and understanding of striking out, stays and discontinuance and offers to settle
- explain the law and practice relating to the admission of types of evidence in civil trials, and preparation for trial
- explain costs, funding and the implications of Community Legal Service funding
- explain the procedure for appealing and for claiming judicial review and for making references to the ECJ
- explain the rules and principles relating to judgments and orders
- develop skills in applying the different methods of enforcing money and other judgments

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

1. demonstrate a sound understanding of the organisation of the High Court and the County Courts;
2. demonstrate a sound understanding of the procedures that must be observed in the High Court and County Court;
3. demonstrate a sound understanding of the how claims are commenced and of limitation and case management;
4. demonstrate a sound understanding of the manner in which parties are required to set out and verify the factual basis of their respective cases in statements of case;
5. understand the procedure in cases involving three or more parties including a sound knowledge of the rules and procedures relating to multiple causes of action and multiple parties and additional claims;
6. understand the procedures relating to disclosure and inspection of documents;
7. demonstrate a sound understanding of requests for further information, how to respond to a request for further information and the rules on amendment of statements of case;

8. have a sound understanding of the law and procedure relating to applications for interim injunctions both prohibitory and mandatory;
9. demonstrate a sound understanding of freezing and search orders, sanctions, striking out, stays and discontinuance, interim payments and security for costs;
10. be able effectively to consider interim applications;
11. be able to demonstrate a sound understanding of default, summary and other judgments;
12. demonstrate a sound understanding of the principles and procedures in respect of Part 36 offers to settle;
13. demonstrate a sound understanding of the law and practice relating to the admission of evidence in civil trials;
14. have a sound understanding of preparations necessary for trial;
15. understand and distinguish between different bases of assessment of costs, funding and the impact of Community Legal Service funding;
16. demonstrate a sound understanding of practice relating to drawing up judgments and orders
17. gain a sound working knowledge of the different methods of enforcing money and other judgments
18. have a sound understanding of the principles and procedures governing civil appeals and to be able to understand and advise on the procedure for claiming judicial review and for making references to the ECJ.

d Teaching & Learning Strategies:

Small group sessions should be centred upon the exploration of prepared problems or case studies. Large Group sessions may also be used.

e Assessment:

The knowledge areas are assessed through discrete papers (but also pervasively through the skills assessments). The precise form of assessment is subject to the conditions set out in the Assessment Framework (A2.1.3). Summative assessment must take the form of one closed book examination, 3 hours long, comprised of Part A MCT questions, set centrally, marked locally and electronically, plus Part B SAQs, set centrally and marked locally (with equal weighting). Students are required to pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to students as to which parts of the syllabus will or will not be assessed.

f Required Content for the Centrally Set Assessment in Civil Litigation and Evidence:

1 Organisational matters

- the organisation of the High Court (in outline);
- the organisation of the County Courts (in outline);
- the allocation of business between the High and County Courts (in outline);
- the allocation of business between tracks;
- the overriding objective of the Civil Procedure Rules; and
- the impact of the Human Rights Act on civil claims.

2 Pre-action Protocols

- the list of specific pre-action protocols;
- the principles relating to pre-action conduct under the Personal Injury pre-action protocol (in outline);
- the details of pre-action conduct where no specific protocol applies; and
- the consequences of non-compliance with pre-action protocols.

3 Limitation

- rules on calculating limitation (accrual and when time stops running);
- limitation periods in tort, latent damage cases, personal injuries, fatal accidents, contract, recovery of land, judicial review and contribution claims. Also the provisions of the Limitation Act 1980, ss 14, 14A, 14B and 33; and
- Limitation Act 1980 provisions dealing with persons under a disability, fraud, concealment and mistake.

4 Commencing Proceedings

- when the Part 7 procedure is appropriate and how Part 7 claims are commenced;
- when the Part 8 procedure is appropriate and how Part 8 claims are commenced;
- how court documents are brought to the notice of other parties;
- the principles governing the validity and renewal of claim forms;
- the procedures for bringing and settling proceedings by or against: children and persons suffering from mental incapacity; and
- the procedures for bringing proceedings by or against: sole traders, partnerships, LLPs and registered companies; charities and trusts; deceased persons and bankrupts.

5 Proceedings Involving Three or More Parties and Multiple Causes of Action

- multiple causes of action and multiple parties;
- additional claims, including in particular:
- the various types of claims that can be raised in such proceedings,
- the management of additional claims; and
- the effect on additional claims of the main proceedings being determined without trial.

6 Statements of Case

- the manner in which parties are required to set out and verify the factual basis of their respective cases in statements of case; and
- the methods by which parties may respond to statements of case, defences, replies, counter-claims.
- [Not the Drafting of statements of case, for which see section 2.2.6]

7 Remedies (general)

- the cost of pursuing a remedy;
- whether a self-help remedy is available;
- whether alternative forms of resolving a dispute are available;
- the capacity of the defendant to pay damages if awarded;
- whether a range of remedies should be pursued;
- whether interim remedies should be pursued; and
- applicable time limits.

8 Contract

- the general principles underlying damages for breach of contract, including limitations on compensatory damages;
- the availability of equitable remedies, including specific performance, injunctions, rescission and rectification;
- remedies for misrepresentation;
- the law and practice in respect of interest on judgment debts pursuant to contract or statute (Judgments Act 1838; County Court (Interest on Judgment Debts) Order 1991; Late Payment of Commercial Debts (Interest) Act 1998).

9 Tort

- the general principles underlying the amount of damages, the calculation of quantum, the reduction of damages, aggravated and exemplary damages and the availability of injunctions;
- the principles according to which damages are quantified, the process by which a court would arrive at a final figure, and the practical steps to be taken in advising on quantum in cases of personal injury;
- the impact of Social Security payments on the assessment of damages and the method by which HM Revenue and Customs approach issues of taxation of damages;
- the law and practice in respect of interest on damages in claims for personal injury.

10 Amendment

- permission / consent to amend: when required, and how permission is sought;
- principles governing applications for permission to amend;
- principles governing amendments introducing new causes of action after the expiry of limitation;
- principles governing amendments adding or substituting parties after the expiry of limitation;
- amendments affecting accrued limitation rights; and
- costs consequences of amending.

11 Further Information

- when it may be appropriate to make a request for further information;
- the principles on which requests for further information may be administered or are allowed; and
- how to respond to a request for further information.

12 Interim applications

- with notice and without notice applications;
- documentation required in interim applications;
- calculating periods of notice in interim applications; and
- duty of full and frank disclosure in without notice applications.

13 Judgment without trial

- default judgments, including calculating time for entry of default judgment, procedure, whether permission is required, and the principles applied on applications to set aside; and
- summary judgments, including the procedure, who may apply, the test to be applied, conditional orders, the principles applied on applications for summary judgment, how the test applies where there are counterclaims and set-offs and the cheque rule.

14 Case Management

- the allocation of business between the small claims track, the fast track and the multi-track;
- the procedure at case management conferences; and
- typical directions in fast track and multi-track claims.

15 Disclosure and Inspection of Documents

- the law, principles and procedure regulating standard disclosure and inspection of documents;
- the principles and procedure relating to specific disclosure;
- collateral use of disclosed documents;
- *Norwich Pharmacal* orders; and
- pre-action discovery under SCA 1981 s.33 (2) and disclosure against non-parties under SCA 1981 s.34 (2).

16 Sanctions, Striking Out, Stays and Discontinuance

- identification of whether, in any given case, an application should be made for sanctions or to strike out;
- the procedure for applying for sanctions, to strike out and for relief from sanctions, and the principles applied by the court; and
- applications for stays pending consent to medical examination and the effect of stays; and
- discontinuing and the costs consequences of discontinuing.

17 Interim Payments and Security for Costs

- the principles and procedure relating to applications for interim payments;
- grounds for applying for interim payments, to include cases with more than one defendant and effect of set-offs and counterclaims;
- amount to be ordered by way of interim payment, including the effect of set-offs and counterclaims;
- procedure on applications for security for costs;
- applying for security for costs on the grounds of residence outside the jurisdiction and against impecunious companies; and
- the approach to the discretion to order security for costs in these cases.

18 Interim injunctions

- the procedure for applying for an interim injunction;
- *American Cyanamid* principles;
- the principles governing the following exceptions and variations to *American Cyanamid*: applications for mandatory interim injunctions, interim injunctions that finally dispose of the case, cases where there is no arguable defence, restraint of trade cases, defamation claims and cases involving freedom of expression and privacy;
- how those principles apply in the particular circumstances; and
- the meaning and effect of the usual undertakings and cross-undertakings given in interim injunction cases.

19 Freezing Injunctions and Search Orders

- The following topics relating to freezing injunctions:
 - the principles for granting such an injunction,
 - procedure for applying for such an injunction,
 - the terms to be incorporated in drafting such an injunction, and
 - the grounds upon which an application may be made to vary or discharge such an injunction;
- The following topics relating to search orders:
 - the principles for granting such an order
 - the procedure for applying for such an order, and
 - how such orders are executed.

20 Offers to settle

- the requirements in making offers to settle under Part 36;
- calculation of the relevant period;
- consequences of accepting offers to settle under Part 36;
- withdrawing, reducing and increasing offers to settle;
- consequences of failing to obtain judgment which is more advantageous than an offer to settle;
- secrecy relating to offers to settle, and the consequences of breach.

21 Trial

- the use of witness summonses;

- skeleton arguments;
- the procedure on the trial of civil cases, including trial timetables, the order of speeches, calling and examining witnesses; and
- judgment and submissions on orders for costs and permission to appeal.

22 Costs, Funding and Community Legal Service

- the nature of private funding, conditional fee agreements, after the event insurance, before the event insurance, and public funding;
- the contrast between conditional fee agreements and contingency fee agreements;
- the difference between funding and costs orders;
- the different methods of assessing costs (summary and detailed assessment) and when each is appropriate;
- the different bases on which costs are assessed (standard and indemnity);
- the various interim costs orders and their effects;
- the situations where costs orders do not follow the event;
- the likely effect on the order for costs where:
 - a party achieves only partial success,
 - there is a joinder of defendants and the claimant succeeds against some but not all of them,
 - one or more parties is publicly funded,
- the effects of state funding and the statutory charge on civil litigation and counsel's duty to the Legal Services Commission.

23 Judgments and Orders

- who, generally, is responsible for drawing up a judgment / order, together with exceptions to the general rule;
- the consequences where a party fails to draw up and file a judgment / order within the time permitted;
- the time for payment of a money judgment;
- penal notices in interim injunction orders; and
- the form of orders requiring an act to be done.

24 Enforcement of Judgments

- the different methods of enforcing money and other judgments (in outline); and
- which method or combination of methods is appropriate to the particular circumstances of the judgment debtor in question.

[NB This topic will be assessed at the level of junior counsel advising a client on enforcement immediately after a fast track trial.]

25 Judicial Review

- the requirements and principles for obtaining permission to claim judicial review; and
- the availability of remedies of quashing order, mandatory order, prohibiting order, injunction and declaration in judicial review claims.

26 Appeals and references to the ECJ

- the principles and procedures governing civil appeals in England and Wales (excluding appeals to the Supreme Court), comprising permission to appeal, routes of appeal, time for appealing, appellant's notice and grounds on which an appeal may succeed, fresh evidence in appeals, respondent's notice, and skeleton arguments; and
- the principles and procedures governing references to the European Court of Justice.

27 Civil Evidence

All the following rules are to be considered in the context of civil claims on the fast track and multi-track.

- burden and standard of proof [but not presumptions or judicial notice];
- competence and compellability of witnesses;
- the law and practice relating to the admission of hearsay evidence in civil trials;
- the practice and procedure relating to the preparation and exchange of witnesses statements;
- the principles underlying the general exclusionary rule in relation to evidence of opinion and the main exceptions to that rule;
- the special rules relating to the opinion of experts, comprising the definition of an expert, the form of experts' reports, disclosure of reports and literature, use of secondary facts, ultimate issues, and the requirements for permission to use expert evidence and to call experts;
- the principles relating to legal professional privilege, privilege against self-incrimination, without prejudice communications and public interest immunity in civil cases, and exceptions to these rules;
- waiver of privilege;
- evidence rules governing examination-in-chief and cross-examination, comprising: leading and non-leading questions; cross-examination as to credit, the rule of finality, and exceptions to that rule, hostile and unfavourable witnesses; and use of previous consistent and inconsistent evidence;
- previous judgments, comprising *res judicata*, abuse of process and the CEA 1968, s. 11; and
- character evidence.

Reading/Reference List:

Books

A balanced selection which should include:

Civil Procedure (Sweet & Maxwell), known as 'The White Book', must be used as the primary text

Blackstone's Civil Practice (OUP)

A Practical Approach to Civil Procedure, S Sime (OUP)

2.2.3 Criminal Litigation, Evidence and Sentencing

A Description/Rationale:

Building on criminal law courses of the Qualifying Law Degree, this area will familiarize students with current procedures relating to arrests, pre-trial issues, summary and jury trials, sentencing and appeals. It will also consider the more important evidential rules that apply to criminal cases.

B Aims and Objectives (knowledge and skills):

This section aims to provide students with details of the law relating to:

- criminal arrest and the various modes of trial and sentencing
- the roles of the Youth Court, adult Magistrates', Crown and appellate Courts
- jury trials
- evidential rules relating to criminal cases
- sentencing powers of the various courts
- appeal procedures

C Intended Learning Outcomes:

On successful completion, the students should be able to demonstrate a *sound understanding of the criminal process as a whole and how cases progress through the system*. In addition the students should be able to demonstrate a sound understanding and knowledge of the following specific topics:

1. the processes related to police investigation and arrest,
2. the law and practice relating to bail in criminal cases,
3. mode of trial, committal, the procedures for sending indictable only cases to the Crown Court and the transfer of cases involving complex fraud and child victims and witnesses,
4. plea and other pre-trial issues in the Magistrates' Court,
5. disclosure of unused material,
6. the conduct of summary trials,
7. the rules relating to indictments, arraignment and conducting pre-trial hearings in the Crown Court,
8. the conduct of jury trials,
9. the main evidential rules relating to criminal trials,
10. the principles, procedures and types of sentence in criminal cases,
11. the procedures for dealing with youth cases,
12. the law and practice of appeals in criminal cases.

D Teaching & Learning Strategies:

Small group sessions should be centred upon the exploration of a prepared problem or case. Large Group sessions may also be used.

E Assessment:

The knowledge areas are assessed through separate papers (but also pervasively through the skills assessments). The precise form of assessment is subject to the conditions set out in the Assessment Framework (A2.1.3). Summative assessment must take the form of one closed book examination, minimum 3 hours long, comprising Part A MCT questions, set centrally, marked locally and electronically, plus Part B SAQs, set centrally and marked locally. There must be a

pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to students as to which parts of the syllabus will or will not be assessed.

F Indicative Content/Teaching schedule:

Unless otherwise indicated (that is, where a topic requires an outline only) at the end of the course the students should be able to demonstrate that they have reached the required standard, as set out in paragraph C above, in all of the individual content areas specified below.

Section 1: Overview

1. Overview of criminal procedure

- the classification of offences (indictable, either-way and summary)
- the court structure in England and Wales,
- how a criminal case progresses through the system (outline of the progress of the three categories of criminal offence, with respect to adults and of offences of varying seriousness with respect to youths),
- the funding of criminal cases (a detailed knowledge is not required, but students should have an understanding of the general structure of funding arrangements),
- the importance and application of the Criminal Procedure rules 2005, in particular the overriding objective and the case management functions of the court (other parts of the rules may be relevant to individual topics; where this is the case they are specifically referred to below).

Section 2: Criminal investigations, commencement of proceedings and Pre-trial issues

2. Preliminaries to prosecution:

- the structure of the codes of conduct issued under the Police and Criminal Evidence Act 1984 (PACE) and their importance to criminal investigations (outline only),
- the provisions of Code C.10 (cautions and special warnings) and Code C.11 (interviews),
- the provisions of Code D.3 (identification by witnesses),
- the different powers of search and arrest,
- the role of the Crown Prosecution Service,
- the different forms of commencing criminal proceedings.

3. Bail and remands

- the difference between adjournments and remands,
- time limits applicable to defendants remanded in custody,
- the general right to bail under the Bail Act 1976 and the occasions when it does not apply,
- the grounds and reasons for refusing bail,
- bail conditions that can be applied and under what circumstances,
- the practice and procedure on appeal to the Crown Court against a decision to refuse bail in the Magistrates' Court,
- the grounds upon which the prosecution can appeal to the Crown court against a decision to grant bail,
- dealing with defendants who have failed to surrender to bail or breached their bail conditions.

4. Plea in the Magistrates' Court, mode of trial , committal, sending and transfers

- the rules relating to the provision of advance information,
- preliminary hearings in the Magistrates' Court (outline only required)
- pleas generally in the Magistrates' Court, including equivocal pleas,

- the factors which the defendant should be aware of in deciding whether to elect Crown Court trial,
- the approach taken by the magistrates to the question whether or not to accept jurisdiction,
- plea before venue and mode of trial, including the special rules for criminal damage cases,
- committal for sentence,
- the committal of either-way offences to the Crown Court for trial,
- sending indictable only offences to the Crown Court,
- the transfer of complex fraud cases and cases involving child victims and witnesses (outline only),
- the committal/sending of linked summary only cases and the procedure for dealing with them in the Crown Court.

5. Disclosure of unused material and defence statements

- the investigator's duty to retain unused material,
- the prosecutor's duty of disclosure,
- the test for determining whether unused material should be disclosed by the prosecution, including the requirement of continuous review,
- time limits for prosecution disclosure,
- applications to compel the prosecution to disclose,
- defence duties of disclosure,
- the requirements relating to the contents of a defence statement,
- the consequences of defence failures in the disclosure process,
- public interest immunity and public policy,
- third party disclosure.

6. Indictments

- the time limits for preferring a bill of indictment,
- the structure and format of an indictment,
- the format of a count,
- counts which can lawfully be joined on an indictment,
- the rules relating to duplicity, specimen counts and overloading of indictments,
- the joinder of defendants on an indictment,
- applications to sever the indictment,
- the consequences of misjoinder,
- applications to amend indictments,
- applications to stay and quash indictments,
- voluntary bills of indictment (outline only).

7. Preliminaries to trial in the Crown Court

- the plea and case management hearing in the Crown Court and its importance to case management,
- arraignment,
- special pleas, autrefois acquit and convict (outline only)
- pleas to alternative counts, offering no evidence and leaving counts to lie on file,
- preliminary and pre-trial hearings in complex and serious and sensitive cases, including the powers of dismissal of transferred and sent cases.

Section 3: Procedural and evidential issues relating to criminal trials

8. Summary trial procedure

- the circumstances in which the Magistrates can proceed in the absence of the defendant,
- abuse of process in the Magistrates' Court (outline only),

- the procedural steps in a summary trial, including reading statements and formal admissions,
- submission of no case to answer
- order of speeches,
- verdicts,
- costs after trial (outline only),
- the role of the Magistrates' Legal Advisor in the trial (outline only).

9. Jury trial procedure

- judge only trials (outline only),
- proceeding in the absence of the defendant,
- abuse of process in the Crown Court (outline only),
- the law and practice relating to juries, including the circumstances when individual jurors or the whole jury can be discharged,
- procedural steps in a jury trial, including submissions of no case to answer, formal admissions and reading statements,
- dealing with points of law during the trial, including the procedure for determining the admissibility of evidence,
- speeches,
- the content of summing up,
- verdicts, including majority verdicts and conviction of a lesser offence,
- costs after trial (Outline only).

10. Preliminary evidential matters

- the basic terminology of evidence,
- facts in issue,
- relevance,
- admissibility, including the discretionary power to exclude under s78 and the common law powers to exclude evidence,
- weight,
- tribunals of fact and law,
- presumptions (outline only).

11. Burden and standard of proof

- the distinction between the legal burden and the evidential burden of proof,
- the general rule concerning the incidence of the burden of proof in criminal cases and the exceptions to it,
- the standard of proof required in criminal cases when the legal burden rests on the prosecution,
- the standard of proof required when the legal burden rests on the defence.

12. Preliminary issues relating to Witnesses

- competence and compellability,
- oaths and affirmations,
- the principles and procedure for the issue of a witness summons and warrant of arrest (outline only).

13. The rules relating to the examination of Witnesses

- examination in chief: form of questioning, memory refreshing, the use of previous consistent statements, hostile witnesses,

- Cross examination: form of questioning, previous inconsistent statements, restrictions on cross-examination, including finality on collateral matters,
- re-examination: form of questions,
- the special measures available to vulnerable witnesses and witnesses in fear of testifying.

14. Hearsay evidence

- the definition of hearsay under the Criminal Justice Act 2003,
- the difference between hearsay and original evidence,
- the difference between hearsay and real evidence,
- general restriction on the admissibility of hearsay evidence,
- the gateways to admissibility under the Criminal Justice Act 2003,
- how to make applications to adduce hearsay evidence and the procedural requirements for making such applications under the Criminal Procedure Rules,
- how to apply to exclude hearsay evidence and what safeguards are set out in the Criminal Justice Act 2003,
- procedural requirements relating to applications to exclude under the Criminal Procedure rules.

15. Character evidence

- the definition of bad character under the Criminal Justice Act 2003,
- the gateways for admissibility of non-defendant bad character,
- the gateways for admissibility of defendant bad character,
- how to make applications to adduce bad character evidence and the procedural requirements for such applications under the Criminal Procedure rules,
- how to make applications to exclude bad character evidence and the grounds upon which such evidence can be excluded,
- the tactical use of character evidence,
- proving convictions under ss73 – 75 of PACE
- good character directions.

16. Confessions and unlawfully obtained evidence

- the definition of confessions under PACE,
- the principles governing the admissibility of confessions, including reference to the effect of breaches of the Codes issued under PACE,
- the admissibility of evidence obtained as a result of inadmissible confessions,
- how to make or challenge applications to exclude confessions during the course of the trial,
- the principles governing the exclusion of other prosecution evidence under s78 of PACE,
- common categories of evidence that are the subject of applications to exclude under s78 of PACE,
- how to make or challenge applications to exclude to evidence under s78 of PACE.

17. Inferences from the defendant's silence and other conduct

- the evidential significance of the defendant's lies and what directions should be given to the jury,
- the principles that apply to and the potential consequences of the defendant's failure to mention facts when questioned: s 34 of the Criminal Justice and Public Order Act 1994,
- the principles that apply to and the potential consequences of the defendant's failure to account for objects, substances and marks: s 36 of the Criminal Justice and Public Order Act 1994,
- the principles that apply to and the potential consequences of the defendant's failure to account for his presence at the scene of a crime: s37 of the Criminal Justice and Public Order Act 1994,
- the principles that apply to and the potential consequences of the defendant's failure to testify in his own defence during the trial: s 35 of the Criminal Justice and Public Order Act 1994, including

the advice that should be given to a defendant about this issue.

18. Identification evidence and other issues relating to corroboration

- the special need for caution required in identification cases ,
- the circumstances in which the judge may withdraw an identification case from the jury,
- the nature and content of a “Turnbull” warning,
- the grounds on which the judge might exclude identification evidence (consideration of Code D.3 of PACE will also be required),
- how to make or challenge applications to exclude identification evidence,
- the circumstances in which the judge might warn the jury about “suspect” evidence as set out in the case of R v. Makanjuola [1995] 2 Cr App R 469

19. Opinion evidence and experts

- the general prohibition on the use of opinion evidence in criminal cases,
- the exception to this rule in relation to expert evidence,
- the definition of an expert,
- the scope and limits of expert evidence in the trial,
- the procedural requirements for the introduction of expert evidence under the Criminal Procedure Rules.

20. Privilege

- the privilege against self-incrimination,
- the principles that apply to legal professional privilege, including waiver of privilege.

Section 4: Cases involving Youths

21. Youth courts

- the categorisation of youths into “child” and “young person” and its legal consequences,
- the diversion of youths from the criminal justice system by the use of reprimands and warnings etc (outline only),
- the procedure in the Youth Court and how it differs from the adult court,
- the circumstances in which a youth will appear in the adult Magistrates’ Court and in the Crown Court, including *brief* reference to how the dangerous offender provisions apply to youths,
- the sentences available to the Youth Court.

Section 5: Sentencing

22. Sentencing principles

- the sentencing powers of the magistrates’ court and the Crown Court (including, their power to sentence youths)
- the sentencing procedure in the Magistrates’ court
- the sentencing procedure in the Crown Court, including committals for sentence,
- determining the facts of the offence, including Newton hearings, the use of a basis of plea and pre-sentence reports,
- indications as to sentence,
- the role of prosecuting counsel in sentence,
- the purposes of sentence,
- the principles relevant to the assessment of seriousness,

- common aggravating and mitigating features of cases, including discount for a guilty plea,
- custody and community sentence thresholds,
- the purpose of the Sentencing Guidelines Council and how it issues guidance for the courts, including the importance of Court of Appeal guideline cases.

23. Non-custodial sentences

- the principles for the imposition of absolute and conditional discharges,
- the principles relevant to the imposition of a fine, including the consequences of default,
- the principles for the imposition of a community sentence, including the objectives of such sentences,
- the main types of community sentences available to the courts,
- the consequences of breach of a community sentence,
- binding over orders (outline only).

24. Custodial sentences

- the requirements before a custodial sentence can be passed,
- concurrent and consecutive sentences, including the totality principle,
- suspended sentences,
- mandatory and minimum sentences,
- principles applicable in determining the length of custodial sentences,
- provisions as to early release and time spent on remand (outline only).

25. Ancillary orders and costs on conviction

- costs on conviction (outline only),
- compensation,
- forfeiture and deprivation orders,
- endorsement of driving licences and disqualification (outline only),
- registration of sex offenders
- confiscation under the Proceeds of Crime Act 2002 (brief outline only).

26. The dangerous offender provisions

- how to identify specified offences,
- the principles involved in the assessment of dangerousness
- the nature of and conditions for the imposition of life sentences, imprisonment for public protection and extended sentences under the dangerous offender provisions.

Section 6: Appeals

27. Appeals from the Magistrates' Court

- The power of the Magistrates to rectify mistakes,
- the general right of appeal from the Magistrates' court to the Crown Court,
- the procedure in the Crown Court for dealing with the appeal, including the constitution of the court,
- the powers of the Crown Court on appeal, including the power to increase sentence,
- appeal to the High Court by case stated (outline only),
- appeal to the High Court by judicial review (outline only).

28. Appeals from the Crown Court

- The power of the Crown Court to rectify mistakes as to sentence
- the right to appeal to the Court of Appeal (CA),
- the requirement to obtain leave to appeal to the CA,
- the more common grounds that can give rise to appeal against conviction and sentence,
- the procedural requirements for applying for leave under the Criminal Procedure Rules, including the practical steps that counsel should take when advising and preparing grounds of appeal,
- renewal of application before full court after a refusal by single judge,
- the power of the Court to make a loss of time direction,
- the rules concerning the CA hearing fresh evidence during the appeal,
- the principles and procedure the CA will adopt when determining appeals against conviction and sentence,
- consequences of a conviction being quashed, including ordering re-trials,
- Attorney General's references on points of law and references of unduly lenient sentences,
- Prosecution appeals against trial judge rulings,
- The Criminal Cases Review Commission (brief outline only),
- appeals to the Supreme Court (outline only).

Reading/Reference List:

Law reports

Criminal Appeal Reports (1908-)
Criminal Appeal Reports (Sentencing) (1979-)
Criminal Law Review (1954-)
Justice of the Peace Reports (1903-) – at least a 5 year backrun
Road Traffic Law Reports (1970-)

Practitioner works

Archbold's Criminal Pleading and Practice. (Sweet & Maxwell, annual)
Archbold's Magistrates' Court Criminal Practice (Sweet and Maxwell, annual)
Blackstone's Criminal Practice. (Oxford University Press, annual)
Thomas, D.A. (ed.). Current Sentencing Practice (including the Sentencing Referencer). (Sweet & Maxwell)
Stones Justices Manual, (Butterworth Law, annual)

Electronic sources

The Stationary Office: www.opsi.gov.uk
The Judicial Studies Board: www.jsboard.co.uk
The Sentencing Guidelines Council: www.sentencing-guidelines.gov.uk
The criminal justice system online: www.cjonline.gov.uk
The Crown Prosecution Service: www.cps.gov.uk

Finding tools

Anthony and Berryman. Magistrates' Court Guide. (Butterworth Law, annual)
Morrish and Mclean: Crown court index (Thompson Sweet and Maxwell)
Criminal Law Week (1997-)

2.2.4 Professional Ethics

a Description/Rationale:

This unit, taught as a discrete topic, highlights the core professional values which underpin practice at the Bar of England and Wales. It aims to instill and build up in students the essential qualities of ethical behaviour at the Bar by nurturing and developing to a high level these existing attributes in students. Encompassing more than the knowledge and formalities outlined in the Professional Code of Conduct, this will furnish far reaching and fundamental knowledge of ethics that underlies practice at the Bar

b Aims and Objectives (knowledge and skills):

This section seeks to:

- inculcate the fundamental concepts of professional and ethical values required of a practising barrister at the Bar of England and Wales
- provide knowledge and understanding of the philosophical issues and purposes underpinning ethical behaviour, including the concept of duty in professional life both to the client and to the rule of law
- provide in depth knowledge and understanding of the requirements of the Code of Conduct and the Equality code

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

1. understand and appreciate the core professional values which underpin practice at the Bar of England and Wales, particularly the additional moral responsibilities held by the profession (over and above the population in general) due to decision-making roles, functions and authority which are key to practice at the Bar
2. correctly identify issues of professional ethics and conduct which appear in given situations as likely to arise in a barrister's practice (eg conflict of interest)
3. demonstrate a sound working knowledge of the provisions of the Code of Conduct of the Bar of England and Wales, and demonstrate existing and future adherence to that Code
4. demonstrate the capacity to provide a professional and responsible approach to clients who place trust in the profession on the basis that the service provided will be of benefit
5. display a professional and responsible approach to the course, staff and other students, and to observe the Code of Practice in order to prevent exploitation of clients and preserve the integrity of the profession, maintaining the public's trust and ensuring continuance of the provision of service
6. be instilled with diversity awareness

d Teaching & Learning Strategies:

Professional ethics must be taught as a separate unit, seriously and in-depth. Case studies (highlighting practical dilemmas) and practical examples should be used. All teaching and learning must be designed to enable students to appreciate the core principles which underpin the Code of Conduct. Providers must ensure the participation of experienced practitioners in the design and delivery of professional ethics issues within the course. Professional ethics issues should be included in group discussions and other course activities, so that Providers can demonstrate that professional ethics pervade all aspects of their course.

e Assessment:

Students must be assessed and be judged competent in professional ethics and conduct, and they should, on a regular basis, be required to make explicit use of the Code in timetabled lessons. The tutor notes accompanying these lessons should clearly indicate the nature of the issue(s) and possible responses. The precise form of assessment is subject to the conditions set out in the Assessment Framework (A2.1.3). Formative-only exercises may be used. Summative assessment must take the form of one closed book examination, 2 hours long, comprised of Part A, MCT questions, set centrally, marked locally and electronically, plus Part B SAQs, set centrally and marked locally. There must be a pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to students as to which parts of the syllabus will or will not be assessed. Mock formative assessments should also be held.

Students may wish to maintain, during their year of study, a reflective journal on ethical issues which relates in particular to their courtroom observation. This is advisable, but not a requirement.

Note that a 'Red Light Fail' may also be applicable to an Ethics issue. See Part B 4.11.2

f Indicative Content/Teaching schedule:**1 Ethical Issues at the Bar**

- core professional values which underpin practice at the Bar of England and Wales (what is meant by ethics and why it matters; the ethics according to which barristers work in England and Wales);
- the disability and equality code, and issues related to working in a multi cultural and diverse society
- core principles underpinning the Code of Conduct and Bar Council guidance including:
 - the principle of professional independence;
 - the principle of integrity;
 - the principle of duty to the court
 - the principle of loyalty to the lay client;
 - an understanding of the problems and perception of conflict of interest
 - the principle of non-discrimination on grounds of gender, race, ethnicity or sexual orientation
 - commitments to maintaining the highest professional standards of work, to the proper and efficient administration of justice and to the Rule of Law;
- issues of professional ethics and conduct which appear in given situations likely to arise in a barrister's practice (including requirements as to the client's identity, the proper keeping of records, and knowledge and awareness of money laundering regulation);
- the 'Cab Rank Rule' and its importance;
- provisions of the Code of Conduct of the Bar of England and Wales (in given situations) – instilling the ability to follow the spirit of the Code in situations where there is no provision that is directly applicable;
- reconciling the different duties owed to a professional client, lay client, the court, and the Legal Services Commission;
 - duties to the Lay Client including performance in and out of court, privilege and confidentiality issues
 - duty to the court – not misleading the court, dealing with clients' previous convictions, pleading fraud;
- means of handling relationships with other people: opponents and colleagues; the tribunal; judiciary; instructing solicitors; clients (both lay and expert); court clerks; dealing with witnesses;

- consideration of dishonest conduct and conduct likely to diminish public confidence in the legal profession
- choosing the course of action which is consistent with the provisions and principles of the Code; where to find guidance if/when needed.

2 Personal attributes and skills

- professional and responsible approaches to the profession, to the course and to their obligations to staff and other students
- approach to equality issues, including non-discrimination on grounds of gender, race, disability, age, sexual orientation or religious belief; awareness of equality issues; need for 'reasonable adjustment' where appropriate
- the Complaints procedure and penalties for infringement of the Code of Conduct (what happens if things go wrong and how to minimise the risk
- and awareness of penalties for academic offences on the BPTC

Reading/Reference List:

Code of Conduct of the Bar of England and Wales. (latest edition)
Boon, A & Levin, J. *The Ethics and Conduct of Lawyers in England and Wales*. (Hart)
A balanced selection of textbooks on professional ethics and client care
Bar Council/BSB Equality and Diversity Code
JSB Equal Treatment Bench Book

2.2.5 Opinion Writing

a Description/Rationale:

The aim of this part of the course is to develop the student's skill in opinion writing, that is, providing written advice to the instructing solicitor and lay client. Providing written advice in the forms of opinions is an important part of professional activity. Opinions must be practical, reliable, clear and well-presented.

b Aims and Objectives:

The unit aims to

- take students from the academic sphere (in which legal essays are expected to discuss legal principles and difficulties with some depth of research) into the professional sphere in which they hope to prosper in competition with other skilled professionals, in assisting clients with particular legal problems
- develop students' skill by teaching them:
 - that they must understand the client's problem and do their best (subject always to ethical considerations) to provide a practical solution to the problem;
 - that they must understand the facts, distinguishing between those which are undisputed and those which are likely to be in dispute, and distinguishing the relevant from the irrelevant (a process which interacts with analysis of the applicable law);
 - they must have a sound knowledge of the applicable law, analysing the problem so as to give reliable and realistic advice on its solution;
 - their advice must be clear, practical and as definite as possible;
 - in giving written advice they must eliminate mistakes in spelling and grammar, cultivate a clear and concise prose style, and present the opinion in a professional format.
- enable students to identify clients' needs through a thorough grasp of the facts, the law and the relevant procedures
- develop in students the skill of analytical reasoning

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

- identify and address the needs and objectives of the client and seek (subject always to ethical considerations) to provide a practical solution to the client's problems
- accurately identify and show a thorough grasp of all the material facts, the relevant law, the real issues, the relevant procedure, parties and evidence, distinguishing one issue from another; and asking
- identify and ask for further information/evidence, when necessary;
- give clear, sound, practical advice on the matters raised in the instructions and advise on any practical steps to be taken
 - where appropriate, advise on the need for expert evidence, on quantum of damages, and on any limitation aspects
 - and generally give realistic and practical advice as to steps to be taken, including further inquiries or investigations, compliance with pre-action protocols, and other protocols necessary to take the matter forward.
- in addition, opinions must:
 - cover everything that needs to be covered, be fully reasoned and follow a clear line of reasoning

- answer all questions put in instructions
- 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
- be signed and dated, properly headed and laid out, making sensible use of sub-headings where appropriate, and written in a style appropriate to an Opinion
- be in clear grammatical English, correctly spelt, appropriately punctuated and written fluently and concisely in appropriate language
- follow a logical order, distinguishing between different topics with appropriate subheadings
- be as short as is consistent with advising properly on all aspects of the matter.

d Teaching & Learning Strategies:

Knowledge and understanding gained in Civil and Criminal areas should be utilised for opinion writing as well as their being taught as a discrete subject.

e Assessment:

Assessment must consist, as a minimum, of one formal unseen time-constrained invigilated examination (where 'open book' materials may be used as specified in advance).

In addition, at least five opinions covering a broad range of scenarios should be undertaken by students as formative exercises. Each exercise must require the application of legal research and legal knowledge, and on each of the six occasions, the student must receive individual feedback from the tutor. Poor English, grammar and syntax must be penalised.

f Indicative Content/Teaching schedule:

1 Overview

- needs and objectives of the client; solution of the client's problems
- identification of material facts, relevant law, real issues, relevant procedure and evidence; - distinction between issues
- specialised language and grammar
- headings, sub-headings, lay out and style; lines of reasoning;
- structure, order, weight and significance; conciseness and length
- practical approach, as opposed to academic discussion of the law;
- addressing questions expressly or implicitly raised in the instructions by expressing clear conclusions where appropriate, alternatively explaining why there can be no clear conclusions
- explanation of legal and factual alternatives, and setting out of conclusions, with full advice
- identifying the need for relevant further information/evidence, explaining where appropriate why the further information is needed
- providing clear, identifiable, appropriate, sound, practical advice on the matters raised in the instructions

Reading/Reference List:

A balanced selection of textbooks on opinion writing

2.2.6 Drafting

a Description/Rationale:

The aim of this unit/section is to equip the student with a critical knowledge, understanding and the conceptual and analytical skills necessary to draft a variety of documents including, inter alia, Claim Forms, Statements of Case and Witness Statements, Indictment, Grounds and Advice on Appeal in a criminal case

b Aims and Objectives (knowledge and skills):

This unit will:

- examine the nature, function and value of pleadings and learn to draft a full range of pleadings and other documents from simple to complex in civil and criminal proceedings using precedent appropriately
- explain and demonstrate how to analyse critically a range of legal issues (claims, Witness Statements, Indictments, Grounds of Appeal and Advice on Appeal in a criminal case and settlement agreements)
- develop practical skills in drafting so that documents are properly presented and structured in clear grammatical and correct English

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

- demonstrate a sound understanding of the nature, function and value of pleadings
- draft a full range of pleadings and other documents from simple to complex in civil and criminal proceedings using precedent appropriately (for example Particulars of Claim in a Claim Form; Any Statement of Case; Order; Witness Statement; Indictment; Grounds of Appeal and Advice on Appeal in a criminal case. Part 8 Claim Form; compromise agreement)
- draft documents that are written in clear grammatical English, correctly spelt and appropriately punctuated, and in a style that is fluent and concise, and appropriate to the document
- draft documents that are well structured, with proper headings and laid out, neat on the page, and containing all necessary formalities
- produce work that is accurate and contains correct figures and sums
- produce drafts that are precise and unambiguous, in terms that are appropriate, in compliance with the requirements of practice, sound in law, settled in the appropriate court and drafted to achieve the objectives agreed with the client
- analyse and set out the material facts and tell a clear story, identifying the material issues and omitting all immaterial matters
- accurately state the client's case, and identify the relief sought.

d Teaching & Learning Strategies:

Teaching may make use of large and/or small group sessions. Following each practice exercise students must receive individual feedback from the tutor.

e Indicative Content/Teaching schedule:

1 General drafting

- claim form with Particulars of Claim;
- statement of Case;
- order;
- witness statement;
- indictment;
- grounds of appeal and advice on appeal in a criminal case.
- Part 8 Claim Form;
- settlement/compromise agreement.

2 Style and terminology

- stating the client's case, and identify the relief sought.
- application of material facts, clarity and identifying material issues (omitting all immaterial matters);
- requirements of practice, relevant law, and court procedures;
- relation structurally to other documents and consistency with accompanying advice;
- use of precedents;
- drafting, terminology
- accurate and correct use of figures and sums
- grammatical English, correctly spelt and appropriately punctuated;
- language and style appropriate to the document
- headings and lay out, formalities and structure

3 Remedies (general)

- whether a range of remedies should be pursued; and
- applicable time limits.

4 Contract

- pleading and responding to the correct heads of damages for breach of contract, including limitations on compensatory damages;
- pleading quantum in accordance with the correct legal principles and consistently with the evidence;
- the availability of equitable remedies, including specific performance, injunctions, rescission and rectification;
- remedies for misrepresentation;
- pleading claims for interest pursuant to contract or statute (Judgments Act 1838; Late Payment of Commercial Debts (Interest) Act 1998).

5 Tort

- pleading and responding to the correct heads of damages, the calculation of quantum, the reduction of damages, aggravated and exemplary damages and the availability of injunctions; and
- quantifying damages in cases of personal injury;
- pleading interest on damages in claims for personal injury.

f Assessment:

Formal assessment must be by means of one formal unseen time constrained invigilated examination (where open book materials may be used as specified in advance).

In addition, at least five practice drafting exercises covering a broad range of legal issues should be undertaken by students as formative exercises. Each exercise must require the application of legal research and legal knowledge. On each of the six occasions in each skill the student must receive individual feedback from the tutor. Poor English, grammar and syntax will be penalised. [NB see section B3.2.3 on language issues.]

Reading/Reference List:

Written skills

A balanced selection of textbooks on drafting

Encyclopaedias and loose-leaf works

A balanced selection which may include:

Butterworths Civil Court Precedents

Encyclopaedia of Forms & Precedents (LexisNexis Butterworths)

The Litigation Practice (Sweet & Maxwell)

Practical Civil Courts Precedents (Sweet & Maxwell)

Books

A balanced selection which may include:

Atkins Court Forms

Blackstone's Civil Practice (OUP)

Bullen, E., Leake, S.M, Jacob, Sir J.I.H, *Bullen, Leake and Jacob's Precedents of Pleadings.* (Sweet & Maxwell)

Civil Procedure (Sweet & Maxwell)

Drafting Manual, CLS, (OUP)

Pleadings Without Tears, W Rose (OUP)

2.2.7 Conference Skills

a Description/Rationale:

The aim of this part of the course is to provide students with knowledge and understanding of the theory underpinning the application of the skills of a conference, making them sensitive to issues of client care, and emphasising the importance of an associated awareness of professional ethics

b Aims and Objectives (knowledge and skills):

This section/unit seeks to:

- provide students with knowledge and understanding of the theory underpinning the application of the skills of a conference
- make students sensitive to issues of client care.
- make students aware of professional ethics and conduct issues that may arise within the context of a conference (including issues regarding ethnicity, gender, sexual orientation, age, disability etc)

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

1. demonstrate an understanding of the objectives of a conference and the factual, legal, procedural and evidential issues that should be raised in a conference
2. 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
3. communicate effectively with the client and advise the client as appropriate

d Teaching & Learning Strategies:

Students must be given the opportunity to practise conducting a conference on at least four occasions across a broad range of scenarios involving lay and professional clients. Each of the four conferences must be observed by a tutor and the tutor must provide feedback to the student. Each conference should, wherever possible, be video/DVD recorded.

Following each conference exercise, students should be offered the opportunity to reflect on the conduct of the exercise and to review their own performance, including how, with hindsight, they might have done it differently.

There should, if possible, be participation by members of the public, as 'clients' or observers to provide additional feedback.

e Assessment:

There must be a minimum of one formal oral assessment, although additional formative assessment should be utilised, as indicated above (ie at least 3 additional 'formative-only' opportunities).

f Indicative Content/Teaching schedule:**1 General Conference skills**

- demonstrating an understanding of the objectives of a conference;
- demonstrating an understanding of the factual, legal, procedural and evidential issues that should be raised in a conference;
- conducting the conference in a structured and efficient way, following an agenda as far as possible and covering all relevant issues in a logical sequence;
- communicating effectively with the client and responding appropriately to the client's concerns and questions by putting the client at ease and using appropriate language;
- advising the client appropriately by explaining the legal, procedural and evidential issues in clear and unambiguous language;
- demonstrating an understanding of the need to observe professional ethics when conducting and concluding a conference.

2 Conducting a Conference with a client

- ensuring the client understands the objectives of the conference;
- listening to what the client says;
- permitting the client to raise concerns;
- listening to the client in a non-judgmental manner, empathising with and reassuring the client when appropriate;
- clarifying the relevant gaps and any ambiguities;
- selecting and using appropriate questioning techniques;
- eliciting the information required to advise the client;
- demonstrating a clear understanding of the client's account of the case/facts.

3 Advising

- setting out the strengths and weaknesses of the case;
- advising on the consequences of any course of action taken;
- advising on what further action should be taken;
- ensuring the client understands what has been discussed;
- obtaining the client's full instructions;
- adhering to the instructions;
- avoiding invention/fabrication of facts;
- avoiding misleading the client as to the facts or the law;
- explaining fully and frankly when required;
- observation of the rules of professional conduct.

4 Interpersonal skills/diversity

- having due regard for the client's cultural, ethnic, social and economic background, together with the impact this might have on their situation and view of their case (and in order to avoid stereotyped assumptions being made)
- possessing and exercising sensitivity to the client's predicament and state of mind (as caused by anxiety, distress, or anger)

Reading/Reference List:

A balanced selection of textbooks on conference skills

2.2.8 Resolution of Disputes out of Court

a Description/Rationale:

This section/part of the course aims to provide knowledge and understanding of the various alternative methods of dispute resolution which fall outside the usual judicial process before courts or tribunals and may be exercised prior to a possible court hearing, or at any time during the litigation process, or prior to appeal, including mediation, negotiation, arbitration, early neutral evaluation, expert determination, and other alternative dispute resolution processes. It focuses on the advisory, representational and advocacy skills required of barristers in such processes with particular attention to mediation. It explains the theory underpinning the application of the skills of such processes, including the range of tactics and strategies for use in mediation, negotiation and other techniques, and their use in the context of professional ethics and conduct

b Aims and Objectives:

This section seeks to:

- provide knowledge and understanding of the theory and processes underpinning the range of methods of dispute resolution that lie outside the normal judicial processes, including negotiation, mediation (through a neutral third party), arbitration, collaborative law and conciliation and the practical skills required to advise upon, prepare for and represent parties at all stages of these processes
- provide an understanding (leading to the use of) the skills needed in a range of tactics and strategies for use as basic tools in negotiation and mediation
- make students aware of the key elements of mediation (but not with the intention of training them as mediators) and the role of the mediation advocate or representative
- make students aware of the links to case analysis and professional ethics and conduct issues that may arise within the context of mediation, negotiation or other forms of dispute resolution
- give students a basic understanding of the barrister's role in mediation and the advocacy skills required to be effective on behalf of their clients and encourage them to develop such skills

c Intended Learning Outcomes:

By the end of this unit the student will be able to:

1. demonstrate an understanding of the importance of the range of methods of dispute resolution outside process in court, and an ability to select cases appropriate for each process together with an understanding of the appropriate stage at which to engage in each process
2. demonstrate an awareness and basic knowledge of the process and practice of mediation, including some of the techniques adopted by mediators, so as to be able effectively to advise professional and lay clients about, prepare them for, and represent them at mediation
3. have a working knowledge of the law and practice of arbitration and expert determination, and other methods of dispute resolution
4. be able to select strategies and methods for conducting a negotiation or representing the client at a mediation that will further the client's best interests including giving advice as to the steps that need to be taken and the preparations in terms of documents, evidence and where necessary invoking the aid of the court to assist the process
5. understand and demonstrate the skills needed in order to conduct a negotiation in their client's best interests
6. apply factual and legal issues in a case that is otherwise being resolved, in an effective way

7. demonstrate an understanding of the need to observe professional ethics when conducting and concluding alternative methods of dispute resolution
8. demonstrate a basic level of mediation advocacy skills

d Teaching & Learning Strategies:

Formal lectures/large group sessions should normally be used for knowledge delivery. Demonstrations by experienced practitioners should also be incorporated. Students may be given the opportunity to practise conducting a negotiation and mediation with fellow students across a broad range of scenarios. These should be observed by a tutor, should ideally be recorded on video/DVD and used for discussion/feedback provided to students involved or observing.

The mediation awareness and mediation advocacy training should be a minimum of eight to ten hours either over two days or in modular form over a longer period and include at least one mock mediation session.

The process should include opportunities for students to demonstrate the mediation advocacy skills they have learned by means of participation in 'mock' mediation. The mock mediation session should be inter-active, with pauses to allow for moderated question and answer sessions.

Opportunities for role play may be included as a formative exercise, as part of the teaching methodology.

e Assessment:

There must be a minimum of one formal examination totalling 100% of assessment for this topic, to include reference to and coverage of the necessary skills involved. Opportunities for role play may be included as a formative exercise, but these should not count towards summative assessment.

The written examinations should ideally involve providing students with a series of hypothetical cases and scenarios and asking them practical and ethical questions.

[NB – there may be a move subsequently to the central setting and/or marking of assessments for this subject area]

f Indicative Content/Teaching schedule:

1 General dispute resolution skills

- the importance of mediation, arbitration and negotiation as means of settling a case;
- the importance of planning alternative ways of resolving a case.
- the importance of giving clear, accurate, advice to a client about the potential advantages and disadvantages of ADR processes such as mediation;
- selecting strategies and methods for involvement in mediation or conducting a negotiation that furthers the client's best interests;
- the observation of professional ethics when involved in these processes

2 Planning

- identifying factual and legal issues and how they relate to each other;
- identifying the objectives of the client and of the other side;
- identifying any conflict in the objectives of both sides and identify means of resolving such conflicts;
- prioritising objectives and controlling clients' expectations;
- identifying the strengths and weaknesses of each side;

- counteracting the perceived weakness of his/her own case, undermining the strengths of the other side's case, and exploiting weaknesses of the other side's case;
- identifying the best alternative to a negotiated settlement ('BATNA') and bottom line as appropriate
- identifying and dealing with practical issues such as choice of appropriate mediator, venue, documentation, and parties attending and authority to settle
- identifying the requisite contents of the pre-mediation agreement

3 Conducting

- choosing and implementing a strategy or strategies for achieving the realistic objectives of the client;
- modifying and/or changing the chosen strategy or strategies as appropriate;
- constructing and working within a structure that allows the negotiation, mediation or other dispute resolution process, to proceed in a clear, logical and coherent fashion;
- creating an environment that is 'safe' and conducive to settlement
- presenting arguments clearly and in a confident and persuasive manner;
- where appropriate presenting the case in a favourable light by emphasising its strengths and mitigating its weaknesses and in a way that is likely to achieve its desired ends;
- picking up points made by the opponent and replying in a way that progresses the client's case;
- advising upon offers and concessions where it is in the client's best interests to do so;
- seeking to protect the client's position against the arguments of the opponent and responding in a way that is likely to achieve the desired ends;
- demonstrating an understanding of the need throughout to observe professional ethics;
- ensuring that the written heads of agreement or settlement agreement is clear, unambiguous and enforceable, and fully complies with the wishes and intent of the parties.

4 Compromise

- principles and procedures governing consent and Tomlin Orders.

Reading/Reference List:

A balanced selection of textbooks on mediation and negotiation skills

A2.3 Options (specialised subject areas)

2.3.1 General Requirements

General requirements relating to the options are as follows:

1. Flexibility is permitted to Providers (subject to validation), so booklists rather than details of course content are provided
2. There should be a minimum number of six options offered (no more than two may be offered as 'double options' to ensure choice)
3. The options must offer a broad range of areas from which the students may make their choice
4. Students must choose two single options or one double option.
5. Taught single options should be delivered over no less than sixteen hours contact time. All other options, such as clinical options and double options should be equivalent in the nature of the contact time provided.
6. No less than 50% of the duration of the option must be directed to the practice of skill(s) learnt in the core of the course.
7. Options must build upon the development of the skills delivered in the core of the course.
8. Options must be taught with a view to professional practice
9. The assessment of the options must include a skills exercise, which may be formative. Summative assessment must be a minimum of one written or oral assessment (materials may be used)
10. Options may be delivered during terms two and three, or three only, but must not be delivered in term one (during the first 10 weeks of the course) with the exception of a Pro Bono/Law Clinic option.

NB Providers will be expected, at accreditation/review, to provide details, for example of the intended learning outcomes, for each option. Owing to the wide range of options which, subject to approval by the BSB, may be offered by Providers, the following list focuses on a selection of the most popular and is indicative of the range of different types of related publications that an institution will be expected to hold. For serial publications, Providers will be expected to possess complete or substantially complete sets covering at least the last 10 years issues. Items marked thus [*] indicate that paper format is essential, electronic optional [may be subject to change].

2.3.2 Administrative Law

Law Reports

A selection from:

Administrative Law Reports (1989-)

Butterworths Local Government Law Reports (1999-)

Crown Office Digest (1988-)

Knights Local Government Reports (1902-1998) continued as Butterworths Local Government Reports (1999-)

Law Journals

Public Law (1956-)

Statute Law Review (1980-)

Encyclopaedias and loose-leaf works

Encyclopaedia of Local Government Law. (Sweet & Maxwell)

2.3.3 Advanced Arbitration

Law reports

Arbitration Law Reports (2001-)

Lloyd's Arbitration Reports (1985-1992)

Law journals

A selection from:

Arbitration International (1985-)

International Arbitration Law Review (1997-)

Practitioner works

International Handbook on Commercial Arbitration. (Kluwer)

Merkin, R. Arbitration Law. (Informa Publishing Group)

Mustill, Sir M.J. & Boyd, S. Commercial Arbitration. (LexisNexis Butterworths)

2.3.4 Company Law

Law reports

A selection from:

All England Law Reports Commercial Cases (1999-)

British Company Cases (1990-), formerly British Company Law Cases (1983-1989)

Business Law Reports (2006-)

Butterworths Company Law Cases (1978-)

Commercial Cases (1896-1941)

Lloyd's Law Reports (1919-)

Law journals

A selection from:

Company Lawyer (1980-)

Industrial Law Journal (1972-)

Journal of Business Law (1975-)

Lloyd's Maritime and Commercial Law Quarterly (1974-)

Encyclopaedias and loose-leaf works

A selection from:

British Company Law & Practice (Sweet & Maxwell)

British Company Law Library (Sweet & Maxwell)

Butterworths Corporate Law Service (LexisNexis Butterworths)

Gore-Brown on Companies (Jordans)

Palmer's Company Law. (Sweet & Maxwell)

Thomas, R. Company Law in Europe (LexisNexis Butterworths)

2.3.5 Competition Law

Law journals

Journal of Business Law (1975-)

Encyclopaedias and loose-leaf works

Butterworths Competition Law Service (LexisNexis Butterworths)

Encyclopaedia of Competition Law. (Sweet & Maxwell)

Books

A balanced selection of textbooks

2.3.6 Employment Law

Law reports

A selection from:

Employment Law Reports (2000-)

Industrial Cases Reports (1972-)
Industrial Relations Law Reports (1972-)
Industrial Tribunal Reports (1966-1978)
Knights Industrial and Commercial Reports (1966-1975)
Restrictive Practices Cases (1957-1972)

Law journals

A selection from:

Equal Opportunities Review (1985-)
European Industrial Relations Review (1974-)
IDS Employment Law Brief (2005-), formerly IDS Brief, Employment Law and Practice (1972-2005)
Industrial Law Journal (1972-)
Industrial Relations Legal Information Bulletin (1973-1992) continued as Industrial Relations Law Bulletin
Industrial Relations Law Bulletin (1993-)
Industrial Relations Review and Report (1971-1994) continued as IRS Employment Review
IRS Employment Review (1995-2007)

Encyclopaedias and loose-leaf works

A selection from:

Encyclopaedia of Employment Law. (Sweet & Maxwell)
Harvey on Industrial Relations and Employment Law. (LexisNexis Butterworths)

2.3.7 Family Law

Law reports

Butterworths Family Court Reporter (2000-), formerly Family Court Reporter (1987-1999)
Family Law (1971-)
Family Law Reports (1980-)

Law journals

A selection from:

Child and Family Law Quarterly (1995-) (Formerly Journal of Child Law, 1988-1995)
Childright: Journal of Child Law (1983-)
Journal of Child Law (1988-1995) continued as Child and Family Law Quarterly
Journal of Social Welfare and Family Law (1978-)
Family Law (1971 -)

Family Court Practice (the Red Book)

Encyclopaedias and loose-leaf works

A selection from:

Butterworths Family Law Service (LexisNexis Butterworths)
Children: Law and Practice (Hersham and McFarlane)
Clarke Hall & Morrison on Children. (LexisNexis Butterworths)
Family Law Practice (annual issue)
Matrimonial Property and Finance (Duckworth)
Rayden and Jackson on Divorce and Family Matters

2.3.8 Housing Law

Law reports

Housing Law Reports (1976-)

Law journals

Legal Action (1972-)

Encyclopaedias and loose-leaf works

A selection from:

Arden, A. & Partington, M. Housing Law. (Sweet & Maxwell)

Encyclopaedia of Housing Law & Practice. (Sweet & Maxwell)

Housing Law & Precedents. (Sweet & Maxwell)

2.3.9 Landlord and Tenant

Law reports

A selection from:

Estates Gazette Law Reports (1902-)

Estates Gazette Case Summaries (1988-)

Estates Times Legal Supplement (1986-)

Property, Planning and Compensation Reports (1950-)

Law journals

Conveyancer and Property Lawyer (1936-)

Estates Times (1968-)

Encyclopaedias, loose-leaf works and practice books

A selection from:

Emmet & Farrand on Title. (Sweet & Maxwell)

Hill & Redman's Law of Landlord & Tenant. (LexisNexis Butterworths)

Woodfall, W. The Law of Landlord and Tenant. (Sweet & Maxwell)

2.3.10 Planning Law

Law reports

A selection from:

Estates Gazette Planning Law Reports (1987-)

Journal of Planning and Environment Law (1948-)

Planning Appeals Decisions (1985-)

Property, Planning and Compensation Reports (1950-)

Law journals

Journal of Planning and Environment Law (1948-)

Encyclopaedias and loose-leaf works

A selection from:

Butterworths Planning Law Service. (LexisNexis Butterworths)

Encyclopaedia of Environmental Law. (Sweet & Maxwell)

Encyclopaedia of Environmental Health Law & Practice. (Sweet & Maxwell)

Encyclopaedia of Planning Law & Practice. (Sweet & Maxwell)

Garner's Environmental Law. (LexisNexis Butterworths)

Sweet & Maxwell's Planning Law, Practice & Precedents. (Sweet & Maxwell)

2.3.11 Sale of Goods and Consumer Law

Law reports

Butterworths Trading Law Cases (1984-)

Trading Law (includes Trading Law Reports) (1984-)

Law journals

Consumer Law Journal (1993-)

Encyclopaedias and loose-leaf works

A selection from:

Butterworths Trading and Consumer Law. (LexisNexis Butterworths)

Encyclopaedia of Consumer Credit Law. (Sweet & Maxwell)

Encyclopaedia of Consumer Law. (Sweet & Maxwell)

Howell. Law of Weights and Measures. (LexisNexis Butterworths)

Miller, C.J. Product Liability and Safety Encyclopaedia. (LexisNexis Butterworths)

2.3.12 Taxation

Law reports

A selection from:

British Tax Cases (1982-)

Reports of Tax Cases (1875-)

Simon's Tax Cases (1972-)

Value Added Tax Tribunal Reports (1973-)

Law journals

British Tax Review (1979-)

Encyclopaedias and loose-leaf works

A selection from:

British Tax Service (LexisNexis Butterworths)

CCH British Tax Library (CCH Publishing)

De Voil Indirect Tax Service. (LexisNexis Butterworths)

Foster's Inheritance Tax. (LexisNexis Butterworths)

Simon's Direct Tax Service (LexisNexis Butterworths)

Sumption, A. Capital Gains Tax. (LexisNexis Butterworths)

2.3.13 Pro Bono work as an option

Pro Bono work may be included as an option (with assessment by means of a self-reflective journal). See also 2.4.3 below.

A2.4 Additional areas

2.4.1 General

Additional subject areas and activities may be included in the course, as described in this section, but they are not assessed. Information on these topics should be covered at induction or subsequently. For example, orientation and general introductions to accommodation, library and IT provision etc should be provided as part of induction. Further and more detailed information about methods of Legal Research, Pro Bono opportunities, Court visits, Forensic Accounting, management skills and other subject areas may be provided as part of induction and/or at a subsequent point in the course. The areas should not be assessed but made available to students:

2.4.2 Legal Research Methods

1 Legal research methods should normally be dealt with as part of induction for students (or otherwise early in the course), in order to furnish the student with the necessary skills to follow a line of investigation and explore the necessary contexts of a case (using both paper based and online resources), effectively building on prior experience to underpin the various knowledge and skills areas

2 Induction into Legal research methods should

- enable students to approach methods of legal research in a practical rather than academic manner
- enable students to be selective, precise and efficient in the identification and utilisation of resources

so that students will be able to:

- analyse issues raised by the case, identifying questions of law that need to be investigated and answered
- analyse and discuss the arguments presented and judgments delivered in cases reported in the law reports
- demonstrate an understanding of the structure of legal literature and the media through which it is made available;
- make effective use of a law library (using both paper based and IT resources), keeping up to date with developments
- examine facts in detail, look at all the possible interpretations, identify which facts are in dispute and which information is missing/needed, how the facts can be linked together to prove a case and construct a persuasive argument
- use and interpret legal citations and abbreviations, and correctly reference material used

3 Steps should be taken (at induction and/or in subsequent sessions) to ensure that students are familiar and able to work with the following:

1 Legal research methods

- analysis of the issues raised by the case and identification of which questions of law have to be answered;
- development of relevant keywords;

- the structure of legal literature and the media through which it is made available;
- use of a law library and the catalogues and indexes it contains;
- use of IT skills to locate and retrieve relevant information;
- selection of relevant original material, commentary, opinion and guidance;
- use of indexes within legal materials to find relevant information;
- use and interpretation of legal citations and abbreviations;
- currency of information and being up to date with legal developments generally;
- organisation of the written response into a logical structure with concise and accurate summary/paraphrase of relevant material;
- application of the law to the facts of the problem so as to produce satisfactory answers to the problem posed;
- provision of clear advice as a result of legal investigation and research;
- acknowledgement/referencing of all sources and materials cited;
- devising a research trail to show how the answers have been reached;
- use of IT skills to present the results of research.

2 Fact Management/Case Analysis

- presentation of data in a variety of ways;
- gaps, ambiguities and contradictions in information, and their identification
- prioritising the objectives of the client in terms of practical outcomes and legal remedies;
- placing information in context;
- identifying and prioritising the facts and legal issues raised;
- selecting possible solutions to the client's problem;
- recognising the interaction between law and fact;
- assessing the strengths and weaknesses of a case;
- organising information in a variety of ways to aid understanding, prove propositions of law, and assist at trial;
- distinguishing between relevant and irrelevant facts; and between fact and inference;
- constructing an argument from the facts to support the client's case by developing a theory of the case and/or by selecting a theme or themes to fit that theory;
- evaluation of issues in response to new information and in the light of tactical considerations.

Recommended reading:

A balanced selection of textbooks on legal research skills

2.4.3 Pro Bono opportunities

Providers are required to ensure there are opportunities for students to undertake suitable Pro Bono (or FRU) work. The BSB recognizes the immense value of such opportunities and experience, and the contribution such activity may make to the overall learning experience. However, it is not compulsory for students to undertake such work. Pro Bono work may be included as an option, with assessment by means of a self-reflective journal. See 2.3.13 above.

2.4.4 Court visits

Students are encouraged to attend court to observe cases for full or half days and Providers may wish to assist or support students' attendance at court. A reflective report (Personal Development Portfolio) may be compiled by the student but is not compulsory and will not be assessed. Recording details of the case(s) observed in court, with consideration of procedures and events and evaluation of how they informed learning on the BPTC, can be very valuable for students (considered in relation to the formal tuition on the course), but is not a requirement. Students may

be briefed and debriefed on the cases they observe and, ideally, have the opportunity to be addressed by the judge or counsel.

2.4.5 Management and 'soft' skills

1 Providers are at liberty to include management skills related to leadership, teamworking, communication, people management, client care and skills for dealing with the public. These may well permeate other areas of the course, but the separate delivery of management skills appropriate to practice at the Bar (as a self employed practitioner or as a member of the Employed Bar) is not a requirement.

The inclusion of equality and diversity training in some form as part of the course is compulsory . That is, the tenets of good training should permeate the course, although such issues do not need to be assessed separately.

Equality and diversity issues must be factored not only into the suggested course content but also into the way in which students are admitted onto the course, with reference to admissions and selection procedures, staff/student behaviour towards each other and so on. Course materials should reflect the diversity of modern society, such that the content itself should refer where appropriate to different groups and the issues that affect them.

2 Forensic accounting (ie guidance in the use of financial information and accounts, both corporate and individual) will normally be covered at the Pupillage stage. The inclusion of such management skills is therefore not a compulsory element of the BPTC, should not be assessed separately and must not contribute to the overall grade for the course.

A3 Teaching & Learning

3.1 Principles of Teaching & Learning

1 A number of principles underlie the requirements for the delivery of the Bar Professional Training Course content as outlined in section A2 above.

2 Courses approved by the BSB must conform in terms of aims and objectives, course content and standards to the requirements as specified. The delivery and assessment of the intended learning outcomes may be achieved in a variety of ways, but certain requirements for the delivery of the course are mandatory and are specified in the sections which follow.

3.2 Teaching & Learning Strategy

It is acknowledged that each Provider will have their own departmental and institutional strategies for teaching and learning. However, it is important that, for delivery of the BPTC, strategies for delivery are in line with BSB requirements as outlined in this document. A copy of the teaching strategy for the course must be provided at accreditation and when any course is reviewed.

3.3 Structure and mode of delivery of the BPTC

- 1 The preponderance of teaching must be delivered by small group lessons
- 2 Small group sessions must be designed for delivery to no more than 12 students
- 3 Teaching and learning must focus on what happens in practice
- 4 Providers must demonstrate the appropriateness of their chosen teaching methodologies for delivery of their chosen approach to content, throughout the course
- 5 The following must be considered in determining how the course is to be delivered:
 - contact hours
 - the learning outcomes for the session in which the particular skill, knowledge or values is delivered or assessed
 - the stage of the course at which the lesson is to be delivered
 - the nature of the pre-session preparation required of students
 - the nature of any learning activities to be conducted in the lesson
 - the number of practice sessions that the student is to be afforded

3.4 Details of delivery

3.4.1 General

The curriculum is presented in this Handbook according to units or modules, and must be assessed according to the schedule provided (A 2.1.3), it is acceptable for delivery to take place integrating knowledge and skills within broad Civil and Criminal areas. Assessment must be as specified.

The skills must be introduced through discrete lessons. Thereafter, they must be developed through small group lessons, workshops, practice sessions, formative assessments and other course activities.

Providers must demonstrate that the format of teaching sessions on the course are appropriate to the skill being taught and that, when taken as a whole and in conjunction with other course activity, these provide a coherent framework for progression and the development of skills.

Providers must be able to demonstrate that the development and practice of the skills is done in the context of the application of legal knowledge, and with regard to what happens in practice. At all stages it must be emphasised that the training is designed to enable the students to render a professional service to members of the public.

3.4.2 Small group sessions

The majority of teaching must take place in small group sessions of 12 students or fewer.

3.4.3 Large Group Sessions

Large groups are defined as those comprising more than 12 students and range from combined group teaching in multiples of 12 or lectures to the whole cohort.

Providers must be able to justify the inclusion of large group sessions within the course, both collectively and for individual sessions. The Bar Standards Board would require strong justification for any ratio of large to small group sessions that favoured large group sessions at more than 25% of contact hours. Justification for large group sessions may include:

- Introducing and providing an overview of a new area;
- Elucidating difficult issues;
- Providing demonstrations;
- Providing a synthesis or summary of learning and testing understanding;
- Providing a forum for debate after small group sessions.

Wherever possible large group sessions should be interactive, encourage questions and answers from the floor and make full use of visual aids.

Large group sessions should not be used merely to deliver or dictate material that is available in a similar format in commercially available texts, or that otherwise is available or could be delivered in printed form.

3.4.4 Practical work/sessions for the delivery of skills and competencies

Students must be provided with at least the following opportunities to practise and receive feedback on each skill in small group sessions across a range of scenarios likely to be encountered by a barrister in the early years of practice:

Advocacy:	the equivalent of twelve 15-minute practice exercises (of which three formally assessed)
Conferencing:	4 complete, tutor observed conferences (of which one formally assessed)
Opinion Writing:	6 assignments (of which one formally assessed)
Drafting:	6 assignments (of which one formally assessed)

Students must on occasion practise oral skills in unfamiliar student groupings.

Students must be provided with training in the skills necessary to support peer review, self-evaluation, and reflective learning.

Providers must ensure that students routinely receive feedback on their practice of each skill, consistent with the learning outcomes set for the session in which the practice took place.

Providers must ensure that students receive formal individual tutor feedback following at least one formative assessment before each summative assessment.

Students must be provided with exemplars of good practice in respect of each skill.

The range of scenarios used for skills practice should reflect the learning outcomes and ensure an appropriate mix of civil and criminal work. Providers should use the scenarios to integrate pervasive themes such as Ethics which should permeate all courses (although also taught and assessed as a separate unit).

3.4.5 Legal Research and Casework Skills

Fact management/Case analysis and legal research methods are the fundamental enabling skills of the specialist advocate, and students need to be judged competent in legal research methods. They must be given due prominence in the course and be closely integrated with other skills. Fact management and legal research must be introduced in discrete induction or training sessions, even though they are not separately assessed. (see section A2.4.1 for a list of areas that will need to be covered at induction, through subsequent sessions or by self direction by students).

Candidates' skills in such areas will be reflected in their written and advocacy work. Providers must demonstrate how the skills of fact management and legal research pervade their course (in addition to the training sessions) and include fact management skills in the assessment criteria for the assessed skills.

For delivery of information about legal research methods, Providers are advised to use a range of sessions, as part of induction or delivered subsequently. It is important that this should be in relation to student needs, given that, owing to variations in undergraduate courses, some students may commence the BPTC with different levels of skills and experience in the field. Where some may need a great deal of support, others may well need less.

3.4.6 Use of Learning resources

Course materials include not only those prepared for or used in teaching and assessment, but also documentation such as student handbooks and other explanatory documents intended for student use. Students shall be expected to make frequent and regular use of an appropriate variety of practitioner and original source material.

Where Providers rely on commercially published teaching manuals, they must demonstrate how Learning resources requirements are achieved within their course, and also be able to demonstrate their appropriateness to the session or activity in which they are used.

The course materials used by Providers must reflect the need to prepare students for practice in a culturally diverse society.

3.4.7 Part time, distance and supported learning

It is expected that appropriate use will be made by Providers of Virtual Learning Environments (VLEs) in order to support student learning, as well as for use as a means of communication with students (eg Blackboard, Web CT or in-house packages). This may in particular be helpful if Providers wish to deliver the knowledge areas in a manner in which distance and supported learning is appropriate.

Where the BPTC is validated for delivery in part time mode, the use of electronic or paper-based additional study material and guidance for students is essential and will be carefully considered at validation. Although the BSB supports in principle the need to make the course available in part time and/or supported learning mode (in order to enable access), the need for the practical skills areas to be delivered in 'live' situations, means that a full distance learning mode is unlikely to be

a successful way of delivering the BPTC and part-time day/evening or block teaching must be included in all part time courses.

3.4.8 Diversity and Equality in Teaching and Learning

Providers must ensure that all students have equality of opportunity both in admission to the course, whilst undertaking the course, and in terms of their final assessments and exit grades. Under its Equality and Diversity Action Plan, the BSB is already committed to equality and diversity training for all barristers, and this approach to the profession, with relevant information and training should be an integral element to the BPTC phase of training. That is, students should be made aware of equality and diversity issues from an early stage, fulfilling the BSB objective 'to ensure that all barristers are sufficiently trained in equality and diversity issues, so that their practices promote equality of opportunity and are free from discrimination.'

Course materials must reflect the need to prepare students for practice in a culturally diverse society.

A4 Assessment and Progression

4.1 Arrangements for assessment

4.1.1 The knowledge areas are assessed through discrete papers and pervasively through the skills assessments. The precise form of those assessments is for Providers to decide subject to the conditions set out in the Assessment Framework (section A2.1.3). However, assessment must be such that any part of the syllabus may be assessed and that a broad range of the syllabus is assessed. No indication must be given to students as to which parts of the syllabus will or will not be assessed, particularly with regard to formal time constrained examinations.

4.1.2 The BPTC assessment regulations of each of the validated institutions shall conform to the assessment framework set out in A2.1.3, providing assessments and calculating overall performance in accordance with those requirements. Students shall normally be assessed in accordance with the assessment regulations in force at the time of their first registration on the course. In addition, students shall be assessed in accordance with the regulations and methods published by the institution at which they are registered. Students must consent in writing to any changes to the assessment regulations made after their registration.

4.1.3 As part of assessment, the minimum attendance requirement of 90% must be met. This should usually be calculated on a termly basis (see B4.11.3 for details). Students should be able to demonstrate, if required, fulfilment of the attendance requirement, i.e. that he or she has maintained full attendance or that where classes have been missed, evidence has been provided of mitigating circumstances accepted by the Provider, and the missed outcomes covered in the student's own time.

4.1.4 All candidates must thus engage in at least the minimum number of supervised skills practice opportunities required by the BSB and made available during the course. Evidence might include videotapes of performance and tutor feedback, or written feedback sheets, in the oral skills, and submitted drafts with written feedback in the written skills. Students are encouraged to maintain a file of their experiences, which can demonstrate coverage of as wide a range of the outcomes as practicable. This may also include the student's own notes and completion of a reflective and analytical report covering court visits undertaken. This is regarded as a useful exercise but is not compulsory.

4.2 Assessments Specification

The BVC assessment regulations of each of the validated institutions shall conform to the assessment framework set out (A2.1.3).

Students shall be assessed in accordance with the assessment regulations in force at the time of their first registration on the course. Students must consent in writing to any changes to the assessment regulations made after their registration.

Students shall be assessed in accordance with the regulations and methods published by the institution at which they are registered.

Assessments shall be provided, and overall performance calculated, according to the details set out in the table at A2.1.5 and A2.1.6.

4.3 **Assessment of Professional Ethics and Conduct**

Professional Ethics and Conduct shall be assessed as a discrete unit (See A2.2.4), but the principles and concepts must permeate all aspects of the course.

4.4. **Assessment of the Knowledge Areas**

4.4.1 The setting and marking of the assessments in the Knowledge Areas shall be such as to enable candidates' marks to be separated into the areas of

- Civil Litigation, Evidence and Remedies
- Criminal Litigation, Evidence and Sentencing
- Professional Ethics

and to identify whether a candidate has passed or failed in each area. The designated assessment exercise in each of the above areas must be in the form of a closed book multiple-choice test (set centrally, marked locally and electronically) plus a short answer examination (set centrally and marked locally). Examinations for each of these discrete Knowledge Area examinations must be in two parts and each part must be passed separately. Each examination shall be of at least three hours' duration in total, except Professional Ethics, which will be two hours. All examinations must be held under formal time constrained and invigilated conditions.

4.4.2 The examinations shall be designed to test that the student has understood the main principles of Litigation, Evidence and Sentencing in all areas of the syllabus; and that the student has the level of knowledge to be expected of a person ready for pupillage. The Providers shall not provide any indication to students about which areas of the syllabus will or will not be examined. Knowledge shall also be assessed through the skills areas.

4.4.3 MCT questions will be set by the BSB and marked locally and electronically, and SAQs will also be set centrally and marked locally. This is in order to apply the same assessment standards for all BPTC students. This system will be new from the end of Academic Year 2010-2011. Resolution of Disputes out of Court will be assessed locally (one formal time constrained examination), but a requirement for this to be tested centrally may be put into place at a later date.

4.4.4 The timing of centralised examinations for 'Civil Litigation, Evidence and Remedies' and 'Criminal Litigation, Evidence and Sentencing' will be notified in advance and normally arranged to take place each year immediately after the Easter Vacation/at the beginning of the third term. Time must be allowed for central marking and moderation and scrutiny by the BSB examination board to feed into Provider Examination Boards so that final results can be determined before July Call ceremonies. 'Ethics' may be assessed earlier, at the end of the second term.

Dates for centralised resit examinations will be announced at the beginning of each academic year. Support may or may not be provided for resits but entitlement (or otherwise) must be made clear to students.

Part time candidates may sit the centralised assessments in either their first or second year, depending on when knowledge subjects are taught. The number of resit opportunities available to part time students will however be the same.

4.5 **Assessment of Skills**

4.5.1 The overall design of the skills assessments shall, in addition to the particular skill being directly assessed, take into account candidates' competence in the skills of Case Preparation, Case Analysis, Fact Management, Legal Research and Professional Ethics and their knowledge

and comprehension of Civil Litigation, Evidence and Remedies, and Criminal Litigation, Evidence and Sentencing, and any other matter which has been taught or set for study on the course.

4.5.2 The skills assessments shall require students to demonstrate knowledge and comprehension of the law together with the ability to manipulate and utilise that knowledge in the analysis and preparation of the case employed for assessment. Inadequate demonstration of such knowledge and comprehension, or inadequate case analysis and preparation shall result in the candidate being failed in that assessment, irrespective of the marks achieved in other components of the assessment. See also the regulation on the 'Red Light Rule' at B4.11.2.

4.5.3 The assessments shall be made up of a mixture of seen and unseen problems. A seen paper, in the case of a written assessment, must be taken away and completed by a specified date. In the context of oral assessments, 'seen' means a paper or case study that students can take away and prepare prior to the assessment. An unseen assessment means a paper first seen at the time of the assessment.

4.5.4 The assessment of Advocacy shall include:

- the preparation of a skeleton argument and its use within a submission;
- examination in chief;
- cross examination;
- judicial intervention within the submission.

4.5.5 Options shall normally be assessed through a skills exercise of sufficient scope to draw upon a range of the specialist knowledge developed by the student during the option. Alternatively, the option may be assessed by a skills exercise augmented by a more traditional written exercise.

4.5.6 Arrangements shall be made, where appropriate, to allow students to use permitted materials e.g. practitioner works, notes made by the student (typed or hand-written) and numerical calculators.

4.5.7 Where possible, there should be lay participation in providing feedback prior to the formal assessment of conferencing.

4.6 **Forms of assessment**

4.6.1 Coursework (incourse assessment)

Procedures for the submission of coursework will be in accordance with institutional procedures. Care must be taken to ensure there is no 'bunching' of assignments, and that scheduling of assessments/deadlines is appropriate.

4.6.2 Recorded 'performance' assessment

Skills assessments should wherever possible be recorded (by video or DVD) to facilitate feedback and discussion of performance.

4.6.3 Formal time constrained examinations

Formal time constrained examinations must be conducted in accordance with the regulations for examinations B4.5.

4.7 External Examiners and External Moderators

4.7.1 In order to ensure that assessment is fair to candidates and that there is comparability of assessment across Providers, a system of External Examiners is also in place. External Examiners moderate the assessments and student performance in the areas to which they are allocated in particular Providers. They do not mark individual papers, other than in exceptional circumstances. For details see Part B Regulations (section B4.8) and Part C Quality Assurance Procedures (section C7).

4.7.2 In addition to External Examiners, a system of External Moderators was piloted from Academic Year 2007-08. Where used, External Moderators give formal consideration to assessments and student performance in one subject but across all Providers. Details of this system/role are given in Part B Regulations (section B4.9) and section C7.3 of Part C Quality assurance Procedures. External Moderators will be put in place from time to time to moderate subjects across Provision.

4.8 Referrals and resits

The facility should be made available for candidates failing assessments to retrieve or make good that failure. Regulations governing this process, together with any limitations are given in section 4.11 of Part B Regulations.

4.9 Academic offences and plagiarism

Procedures are in place to deal with academic offences that may occur as part of the Assessment process. Details are provided in Part B, Regulations, section B6, together with information about the related appeals process. The BSB takes academic offences very seriously and students must be warned by Providers that any such transgressions by students will clearly impact on the appropriateness of their behaviour in terms of professional ethics and conduct.

Transgressions or 'convictions' for academic offences (including plagiarism) by students will be reported to the Inn of Court of which they are a member and can result in the exercise of a disciplinary procedure that may lead to expulsion from membership of the Inn of Court.

A5 Resources

5.1 Staffing

5.1.1 Staff:student ratio

The current staff to student ratio (SSR) is set at 1:12.5 for the first 125 validated student places. Thereafter, a full-time equivalent member of staff must be appointed for every group, or part group, of 16 students. A part-time student should be calculated as 0.5 of a full-time equivalent student (FTE) when calculating the staff student ratio.

There must be a sufficient proportion of full-time staff who are entirely or largely dedicated to the BPTC in accordance with specified SSRs above. Any staff drawn from undergraduate teaching must be fully inducted to the ethos of the BPTC. Utilisation of a large number of fractional staff (below 0.25 full-time equivalent) will require specific justification.

5.1.2 Support Staff

In addition to the course team there must be:

- a dedicated course administrator
- an on-site IT/AV technician (need not be dedicated to the BPTC but support must be adequate)
- a professionally qualified law librarian responsible for maintaining the BPTC book-stock and services
- sufficient library staff trained to support the BPTC.

5.1.3 Staffing Requirements

1 In order to teach and assess advocacy, staff must be accredited by the BSB on the recommendation of the ATC. Prior to seeking accreditation, they must have received adequate in-house training in the principles and application of the Hampel Method of advocacy teaching.

Staff appointed for the teaching and assessment of advocacy must be accredited at the date of being first employed to teach advocacy on the BVC/BTPC. In exceptional circumstances (for example where an appointment is made at short notice due to the sudden departure of an existing member of staff, or to cover for illness or maternity leave etc) staff who are not accredited must gain accreditation within ten weeks of having first started to teach advocacy.

During this ten week period unaccredited staff may teach but not assess advocacy, and must be monitored and receive guidance and support from a nominated accredited advocacy trainer.

Where a candidate fails to be recommended for accreditation, he or she will receive written feedback on their performance from the ATC examiners, and may seek accreditation on another occasion. Such candidates may not teach or assess advocacy until such time as they do become recommended for BSB accreditation by the ATC.

Note: *Additional guidance on the process is provided by the ATC. There will be no exemptions to the above policy, since it is difficult to define the circumstances under which a trainer has qualified, and to distinguish between the standards of accreditation in other countries. It is unlikely to be onerous for those accredited in other jurisdictions to undergo the BSB/ATC accreditation process as a form of staff development, which is likely to be beneficial in any circumstances.*

2 Each full-time member of the BPTC team must undertake at least 5 days of staff development each year. The course leader will decide what is considered legitimate staff

development. In the case of staff who no longer practice as barristers, it should include time spent with practising barristers whose practices cover the subject(s) being taught by the staff member (see 5.1.4 below for details). The monitoring panel will review the course leader's decisions. Proportionate training must be undertaken by staff on fractional appointments to a minimum of one day per year.

5.1.4 Staff Development activities

Staff development may exceptionally be carried over for up to three years where an individual member of staff plans to, or has taken part in, an approved, extensive staff development activity. But, in such a case, the member of staff would be expected to complete at least one day of staff development in each of the intervening years.

Under normal circumstances the staff development activities should address (over a given period of time)

- delivery skills
- professional practice experience
- changes in the law and legal process
- the ability to relate to a cultural and ethnically diverse student body (achieved, for example, by training normally expected to be provided in a Higher Education Institution)
- facility with IT equipment and software
- management skills
- engagement in developments in education within the wider academic community

Examples of activities that would fulfil these requirements are:

- enrolment on a teaching qualification
- in-house designed and delivered courses
- externally delivered courses
- conferences (Bar, BPTC, LPC, ALT, SLS etc)
- professional practice as a door tenant or on a release basis
- marshalling
- engagement in external working parties and projects
- delivering legal training to other professional bodies e.g. the police and solicitors

The above list is not intended to be complete or exclusive. However, the spirit of the requirement is that the development needs of staff are identified honestly (during appraisal and review) and that staff are exposed to a range of development activities from which their involvement on the BPTC will benefit. In this regard it would be usual to see staff engage in professional updating and delivery skills courses on a regular basis. A notional budget of at least £500 per staff member per annum should be agreed.

5.2 Rooms and accommodation

5.2.1 General Requirements

- 1 Accommodation must be appropriate to professional training in specification and presentation.
- 2 Institutions will be expected to ensure that all reasonable adjustments are made to accommodate disabled candidates, and in accordance with current legislation on disability and equality. [see also section on assessment below]
- 3 Lecture theatres must contain modern presentational tools (eg video or DVD, PowerPoint, CD-ROM, Internet, OHP). The acoustics and sight lines of the lecture theatre must be

satisfactory. The layout should facilitate an interactive approach to teaching in large group sessions and the seating ideally should be raked.

5.2.2 Seminar Rooms

- Seminar rooms must be of sufficient size to conduct oral skills in groups of twelve comfortably
- Furnishings and the size and nature of the room must be sufficiently flexible to be able to conduct advocacy exercises that facilitate behaviour in court (stance, voice projection, position of court officers, witnesses, defendants etc) and in the judge's chambers, with other students being well sighted to observe comfortably
- Court room furniture, whether demountable or permanent, must be available in a sufficient number of seminar rooms to enable advocacy exercises to take place in a court room setting regularly
- A permanent mock court room must be available
- A video/DVD camera/player and TV must be available in each room
- Core practitioner works must be readily available for reference within seminar rooms

5.2.3 Collaborative study

There must be a common, social or base room to provide a place for study and discussion. The room must have access to refreshment facilities.

5.3 Library

5.3.1 Library Facilities and services

Each Provider shall have a dedicated law library. Where this is part of an undergraduate provision or is not close to and readily accessible to BPTC accommodation, a practitioners' library must be provided that houses the reference material as listed in this document and meets the other specifications set out below and elsewhere in this paper relevant to the provision of a library.

The law library should meet the essential criteria for law library provision outlined in the *Statement of Standards and Indicative List* (2003) published by the Society of Legal Scholars (or its current version), available at <http://www.legalscholars.ac.uk/documents/standards2003.pdf>. This sets out the standards that a law library established for educational purposes should provide to meet the resource needs of staff and students. The *Statement* is wide-ranging in scope and covers management, liaison and staffing issues, services to students, space and physical facilities, the content of printed collections and electronic database provision.

The library provision as a whole should be to a practitioner level, with an appropriate range of practitioner works (treatises, encyclopedias, precedents) for all areas of legal practice taught on the course, and consistent with the principles set out in the *Statement of Standards and Indicative List*. The provision of general sources must be over and above that provided for use by undergraduates but, on condition that sufficient multiple copies are provided, these may be shared with students following other courses of study. With regard to BPTC specific material also, Providers must include texts for the study of professional ethics and practice, the knowledge subjects, the skills areas and option courses which must be over and above those provided for use by undergraduates but, on condition that sufficient multiple copies are provided these may be shared with students following other courses of study.

The collection of the law library should be held in a format, or combination of formats, that best serves the needs of its users and teaching requirements. A suitable balance between printed and electronic formats must be maintained so that students are able to make use of both paper-based and electronic legal research resources. A range of different types of publication must also be

offered, which must include law reports, law journals, encyclopedias and loose-leaf works, other practitioner works and finding tools.

Collections must be kept up-to-date with loose-leaf works regularly updated. The latest editions of textbooks must be purchased. Sufficient multiple copies must be provided, and alternative and specialist works must be available where the syllabus requires.

The library must be open in term time for at least 11 hours a day from Monday to Friday inclusive, 7 hours on Saturdays and on Sundays where practicable. Opening times must adequately address the support needs of part-time students.

The library must provide study spaces at a ratio of 1 study space to 3 students (FTE). This ratio excludes spaces for use with PCs unless there is adequate space around the PC for workbooks to be laid flat.

The library must provide a book loan service. Adequate printing and photocopying facilities must be provided at a reasonable price.

5.3.2 Budget

Since pupil barristers should be able to display equal competence in the use of paper and electronic research sources, Providers should ensure that their policies for access to research sources and the provision of library collections reflect this requirement. Providers must also ensure that, in the allocation of time to training and practice in legal research methods, a reasonable balance is maintained between the two formats. This will need to be demonstrated at approval, and during monitoring and review.

The library budget must be set at a level sufficient to provide the resources needed in order to meet the requirements set out in the *Statement of Standards* referred to above and any additional course requirements set out in this document. It must for example take into account the need for both printed and electronic formats of some material in order to meet the requirements that pupil barristers be able to display equivalent competence in paper and electronic research.

Annual expenditure must keep pace with current prices for materials and with developments in course provision, teaching needs and professional legal practice. The annual budget is exclusive of capital expenditure for set-up costs; back runs of material, staff books and copies of manuals to students. The sufficiency of the budget will need to be demonstrated as approval, and during monitoring and review.

5.3.3 List of Library Holdings for the BPTC

The lists included with each subject area in Part A2.2 give the titles of required and/or recommended texts and materials in paper and electronic format. Reference works listed in this Handbook are those institutions should provide, unless a particular title is marked "holding optional" in the list.

5.4 Information Technology

5.4.1 Hardware

The following specifications must be met:

- Providers must meet a ratio of one IBM compatible PC to every five students.
- An appropriate number of printers must be provided.
- CPUs and the operating system must be to current or immediately previous industry standard.

- 95% of PCs must be networked and capable of supporting the software outlined below.
- Wireless network technology must be available and operational over a substantial part of the study areas in the library and in any seminar rooms frequently used by students for personal or group study purposes.

5.4.2 Software

The following software should be available to staff and students:

- a word processing package to current or immediately previous industry standard.
- a keyboard skills package to current or immediately previous industry standard.
- a spreadsheet package to current or immediately previous industry standard.
- a presentation package, such as PowerPoint
- full internet access with an up to date internet browser
- a substantial range of legal research databases providing access to statutes, law reports, law encyclopedias and practitioner works
- off-site access to legal research databases, virtual learning environments (VLEs) and, ideally, the personal accounts of students containing word processing software and files
- an e-mail service
- a network/web site for use by the BPTC.

Providers will be expected to be using virtual learning environments (VLEs) for the delivery of at least a part of the course.

5.4.3 Training

Providers will be required to provide IT skills support classes for students.

5.4.4 Audio–Visual

In addition to the audio-visual equipment mentioned under accommodation and the technical support mentioned under staffing, institutions must provide sufficient audio-visual recording and playback equipment and appropriate accommodation to enable students to practise their oral skills (through self study or in informal groupings) outside of class time.

A6 Student support

6.1 Information to students and student handbooks

6.1.1 Providers will be expected to act in accordance with the Charter for Higher Education, and the requirements of the Quality Assurance Agency for Higher Education. Providers will be required to publish a student charter (or equivalent) setting out the rights and duties of staff and students.

6.1.2 Prior to admission, Providers are advised to make applicants aware of what will be expected of them on the course and how they should prepare. Information should include reference to the formal admissions requirements, attendance requirement and the standard of English language required.

6.1.3 In addition to information about entry requirements and the standard of the course, information must also be provided about careers, expectations and possibilities, in terms of the numbers of pupillages available nationally, and the success rates. A 'Health warning' about the risks of entering the profession should be given to all students and statistical information should be prominently displayed in on-line and paper material. Destinations (including pupillages) of graduates should be included, normally for the previous three years.

6.1.4 On enrolment, every student must be provided with a copy of the course handbook containing, inter alia, staffing list, accommodation and learning resources (dedicated and shared), the course structure, course timetable, assessment timetable, course regulations, assessment regulations, equality policy and appeals procedure.

6.2 Admissions advice

The formal admissions requirements must be met before the course commences (see Regulations section B3). Providers should have in place a transparent system for scoring candidates' application to the BPTC. [Examples of good practice can be supplied.]

6.3 Attendance

6.3.1 Providers must include within the student charter details of the attendance requirement that sets out what is expected of students. This must make clear the interactive and participative demands of the course and, in this respect, their obligations to the learning experience of their fellow students. See Attendance Rule section B4.11.3.

6.3.2 Each applicant must be made aware of the Bar Standards Board's attendance requirement and each student must agree to abide by that requirement. The attendance requirement must state that full attendance on the course is expected but that, with reasons acceptable for the purposes of any internal mitigating circumstances procedure, the student may be absent for up to 10% of classes or other timetabled activities. Students who fall between 80% - 89% attendance may exceptionally be allowed these absences, where there are documented medical or other circumstances and missed work has been made up. A student falling below 80% attendance should be failed on the basis that it is not possible to meet the learning outcomes nor to demonstrate that they have been met through assessment (B4.11.3).

6.3.3 Students who fall below the attendance requirement for reasons that would not normally be accepted as mitigating circumstances should be considered on an individual basis and warned accordingly if they are at risk of failure due to non attendance. Such activities as attending mini-pupillages, Moots, events of Inns of Court, pro bono work, pupillage interviews etc may be allowed as mitigating circumstances if in moderation (see B4.11.3.3).

6.4 **Academic advice**

Students must have a designated tutor for academic advice, and must be provided as appropriate with advice and guidance on:

- study skills (note taking, essay writing etc)
- examinations technique
- correct forms of referencing
- contacting staff
- withdrawal, deferral

6.5 **Pastoral support**

Provision must be made for student counselling services. Each student must have access to a counsellor for pastoral purposes if needed (this may be the same as for academic support).

6.6 **Special needs**

Procedures must be put in place to identify and evaluate the needs of any student with special needs, such as disabled students. Prior to enrolment, the Provider must agree a learning contract with any student with disabilities who requires special facilities or accommodation, in which the duties and obligations on each side are clearly set out.

6.7 **Student Services, including Students Union**

Students must have access to the normal range of recreational and social facilities appropriate for those undertaking postgraduate study. Access to formal advice outwith the Provider's counselling services (such as a Student Union would supply in the event of academic offences, complaints or disciplinary procedures) should also be made available.

6.8 **Careers**

A careers service must be provided to students studying on the BPTC, making them aware of opportunities and means for progression at the Bar, and elsewhere.

6.9 **Work Based Learning – placements and Pro Bono**

Opportunities for placements, for example Pro Bono work, must be made available to students (see also A2.4.3 and A2.3.13).

6.10 **Student involvement in Quality Assurance**

Provision must be made to collect students' views on the course through questionnaires and for student representation on the course committee or similar body. There must be student involvement in Quality Assurance Processes, including:

- representation on committees
- opportunities to provide formal and informal feedback on the course and/or aspects of it
- use of student questionnaires

6.11 **Health and Safety**

There must be adherence to all standard Health and Safety requirements, according to the legal requirements for educational institutions.

Part B – Academic Regulations

Note: *The BPTC (from 2010) is governed by the Bar Training Regulations as approved on [date] 2008/9 (which supersede the previous Consolidated Regulations of the Inns of Court and General Council of the Bar). Sections of the Bar Training Regulations relevant to the BPTC are included as Appendix A. The material which follows below summarises and supplements those regulations. The making of an application by a Provider, or of enrolment on an approved course by a student, implies acceptance of these regulations.*

B1 General regulations for the BPTC

1.1 Overall standard

The Bar Professional Training Course must be designed and delivered in accordance with the BPTC specification, to the level as defined in A2.1.4 above. The BPTC must be delivered as a discrete course, and students must not be co-taught with others on different programmes with different study aims.

1.2 Academic Awards and professional qualifications

Accreditation for the award of the professional qualification is the responsibility of the Bar Standards Board as regulator. The requirements for the BPTC are specified as a means of determining both the level and duration of the course, but the granting of an academic award within the Framework for Higher Education Qualifications is within the remit of the awarding institution (or University) with Degree Awarding Powers. It is expected that the course will be delivered at postgraduate level.

It is anticipated that only very exceptionally would a candidate attain the academic award but not the professional qualification, for example where a disciplinary matter resulted in expulsion from Inn membership.

1.3 Credit framework

In addition to the professional qualification, Providers may wish to deliver the course in such a way as to be recognised as a postgraduate diploma, equivalent to 120 CATS credits at postgraduate level (Level M or level 7, formerly known as level 4) according to the QAA Framework for Higher Education Qualifications. The facility to ‘top up’ such an award to a Master’s degree (180 credits) following suitable additional study is similarly outside the remit of the BSB, but is viewed positively. It is of interest to the BSB to know whether such an option is offered, even though there will be no BSB involvement in the validation of the academic award. An ‘exempting degree’ may combine the academic stage of training with the BPTC.

1.4 Duration of course

1.4.1 The course shall begin no earlier than the third week of September each year in accordance with normal arrangements for the academic year at the providing HEI. It must be of at least 30 weeks’ duration, excluding vacations. The course may be delivered in any of the three following modes:

- Full-time over one academic year
- Part-time over two academic years
- Integrated as an extension to a qualifying law degree, to a total of 4 academic years

1.4.2 Providers must demonstrate a minimum notional study time of 1200 hours. (ie 3 x 10 week terms or 2 x 15 week semesters. The course must commence not earlier than the third week of September each year, in order to fit in with the normal pattern of the Academic Year.

“Notional study time” includes all scheduled lessons and associated course activity, placement days or weeks, revision time and assessments, and private study time calculated as appropriate to the task for which the student is preparing.

1.5 Structure of the course

1.5.1 It is expected that teaching on the full-time and integrated degree modes will take place on at least four out of five days of the working week.

1.5.2 The course must be structured so as to ensure the completion of the ‘induction’ components of the course at an early stage (eg guidance on legal research methods).

1.5.3 The ‘knowledge areas’ of Civil Litigation and Criminal Litigation should also be ‘front loaded’ on the course, and may be delivered in supported or online mode, if justified and approved at validation. Knowledge areas should not, however, be taught in isolation. The focus in the latter part of the course should be on the skills elements with, in particular, a significant proportion allocated to the teaching of skills, particularly Advocacy. The options may be taught in the final phase or term. There must be a significant proportion of final assessment in the last weeks of the course, in order to take into account the ‘exit velocity’ of students.

B2 Regulations for approval, monitoring and review

NB *this section covers the regulatory aspects of approval, monitoring and review. Details of procedures are included in Section C of this handbook.*

2.1 Regulations for the approval of Courses

[this section should be read in conjunction with the procedures in Part C2]

2.1.1 Approval of new Bar Professional Training Courses

All new courses must be approved both internally by the University/Provider and externally by the Bar Standards Board. Accreditation by the BSB will ensure that: the course is consistent with the BSB’s mission and objectives; it meets the BSB’s requirements; standards are appropriate to the professional qualification; the documentation is in accordance with requirements; the resources (staffing, library and IT) are satisfactory; and the quality and standards of teaching are maintained and will be enhanced where possible.

2.1.2 Changes to approved courses and approval of new modules/units

Changes to existing provision will also be subject to approval, the level of scrutiny being dependent on the amount and nature of the change. All individual new units/modules or components of courses leading to the BPTC qualification must be approved internally by the University/Provider in accordance with internal approval processes. The level of scrutiny by the BSB will depend on the nature of the new proposal and/or additions or changes to the existing course.

- **Minor modifications**, such as updating of bibliographies, timing of assessments or, other small changes not affecting the aims and outcomes of the course may be made without affecting its accreditation. Such changes should be dealt with through the normal internal monitoring processes.

- **Significant changes**, such as changes in assessment methods or weightings, addition or subtraction of units, or changes that may affect the aims and objectives of the course must be notified to the BSB, accompanied by evidence of internal approval through the Provider's own mechanisms. This process must be completed before the change is implemented. Approval cannot be granted retrospectively.
- **Major changes**, such as major content or structural changes, significant increase in numbers, the addition of a part-time mode, delivery on an alternative or additional site, or a collaborative arrangement of any kind will require re-accreditation. Part time courses will only be approved where the Provider already delivers the course full time. 'Serial franchising' of the course (ie delegation to a third party) will not be permitted.

2.1.3 Requirements for accreditation

A proposal will only be accepted by the BSB if it conforms to all BSB regulations and procedures. The process of accreditation will normally be based on consideration of the rationale, aims and objectives of the course, a review or critical appraisal of any former, existing or related provision, scrutiny of available documentation, and a visit by a panel to consider the proposal, after which a report will be produced. Where advanced information or advertising of proposed course is undertaken, these must normally be approved first, but may be advertised as 'subject to accreditation.' Costs of accreditation visits will be met by the Provider.

2.1.4 Time limits for approval

Courses will normally be accredited for three years in the first instance, after which review and reaccreditation must take place. Continued approval will always be subject to satisfactory monitoring of the course. A shorter period of approval or limit to the number of intakes may be imposed if concerns are identified.

2.1.5 Conditional approval

Approval may be subject to certain conditions being met. All conditions must be fulfilled, and confirmed by the BSB as having been fulfilled satisfactorily before delivery of the course can commence.

2.1.6 Infringement of conditions and 'triggered' visits

Where conditions have not been met, or where there is infringement of conditions (eg student numbers, unacceptable operation of Examination Boards), then it is possible that an additional procedure, such as a special visit, may take place as necessary. Costs of such visits will be met by the Provider.

2.1.7 Appeals against accreditation decisions

In the event of a proposal not being approved by the BSB, further discussion should take place between the potential Provider that has made the appeal, and the Chair of the BSB, the Chair of the Education & Training Committee and members of the accreditation panel. The decision of the BSB will be final.

2.1.8 Withdrawal of approval/course closure

Withdrawal of approval of a course may occur if there is evidence that it no longer meets minimum standards required or is no longer viable (for example if it no longer forms part of the strategic or business plan of the Provider). Withdrawal/termination of a course may also be instigated by a Provider that decides to close a course for similar reasons. In no case will approval be withdrawn without discussion with the Provider and those concerned. Where a

course closes, then special care must be taken of students on the course and support provided so they can finish their studies as appropriate. This may mean assistance with arrangements to complete the course elsewhere, or possibly financial compensation by the Provider. The care and support of any students on the course to be closed should always be a primary consideration.

2.1.9 Information requirements for accreditation

Documentation must be provided according to the guidance in Part C2. BSB requirements are designed to align with internal requirements so as to avoid repetition and/or duplication of effort. A self evaluation or review of former or related provision will need to be produced specially, as well as the rationale as to why a licence should be granted to deliver the BPTC, and accreditation given to the course specified. In summary, the formal submission must include the specification for the course (and title of any award), the aims and objectives; details of how the course framework is to be structured, delivered and assessed; the resources available; and the duration and mode of study. For details see Part C2.

2.1.10 Courses delivered on additional sites

Courses delivered on secondary sites will require special scrutiny, including a site visit (see procedures in section C2.9.1).

2.1.11 Courses offered in partnership with other institutions

Courses delivered through collaborative partnerships will require special scrutiny including a site visit and discussion of the management and quality assurance relations and structures at the partner institutions, and the mechanisms for oversight of the course by the HEI (see procedures in section C2.9.1).

2.2 Regulations for the monitoring and review of Courses

[this section should be read in conjunction with the procedures in Part C3]

2.2.1 All courses must be subject to extensive internal monitoring on an annual basis. Providers will also be required to allow free access each year to the course for inspection and review purposes by the Bar Standards Board's Education Department, review/visiting panels and External Examiners. The Annual Monitoring process by Providers must be based on rigorous self critical analysis of the previous year's performance, to be carried out following the completion of the academic year (in line also with QAA guidance). Consideration should be given to individual units, as well as the course as a whole. Pass and progression rates of students, and feedback from students, employers and other stakeholders should also be taken into account. An Annual Monitoring Report (AMR) must be drawn up (normally by September each year), including an action plan to address areas in need of improvement. AMRs must be carefully considered and discussed according to Providers' internal systems.

2.2.2 In addition to the internal annual monitoring process, all courses will be subject to monitoring/review by the BSB. This may take the form of:

- a Periodic Review (full, 2-3 day visit)
- an Interim ('Pastoral') Review (one day visit)
- a Triggered visit (ie where a cause for concern has been identified)

Reviews are used to ensure that provision is up to date, fit for purpose and well resourced – and to consider the cumulative effect of the internal annual monitoring process over a period of time. The process of Periodic Review is based on the provision of a self critical analysis, with accompanying documentation, to be considered and discussed at an event with a review panel

involving both internal and external assessors and subject specialists. For guidance on procedures see Part C3.

B3 Admission regulations

[NB see Appendix A, with the relevant extract of the Bar Training Regulations]

3.1 Entry requirements (principles)

3.1.1 The admission of an individual applicant to the Bar Professional Training Course is managed by the BPTC Provider but subject to fulfilment of the entry requirements to the BPTC as required by the Bar Standards Board, and there being a presumption that the applicant will be able to complete the course successfully and have the potential to progress eventually to practise at the Bar..

3.1.2 Applications to the BPTC must be made via the BPTC Online clearing system.

3.1.3 Providers must abide by the minimum requirements for admission to the BPTC, as set down and amended from time to time by the Bar Standards Board.

3.1.4 Providers must operate an admissions policy that is fair, based on merit, and non-discriminatory. Applications from 'non-standard' entrants from all sections of society (regardless of race, gender, disability, age or religion/belief) should be welcomed as long as requirements are met.

3.1.5 Entry requirements are summarised as follows:

- Completion of the Academic Stage (Qualifying Law Degree or non Law Degree plus CPE/GDL)
- Membership of an Inn of Court
- Proficiency in the English Language
- A minimum of a threshold pass in the BSB Aptitude entry test for the BPTC

3.2 Entry requirements (details)

Detailed below are the specified entry requirements for the Bar Professional Training Course.

3.2.1 Completion of the Academic Stage of Training (see Training Regulations)

- a A person completes the Academic Stage of training by:
 - obtaining a Qualifying Law Degree; or
 - obtaining a Qualifying Degree and successfully completing a Conversion Course.
- b A Qualifying Law Degree is:
 - a Qualifying Degree approved by the Board which includes a course of study of the Foundations of Legal Knowledge (see Appendix A)
- c A Qualifying Degree is:
 - a degree of the required standard awarded by a University in the United Kingdom following a course of study of the minimum period; or
 - a degree awarded by a University or establishment of equivalent level outside the United Kingdom which the Board accepts as equivalent

[NB JASB regulations currently in force concerning possible compensation and condonement of Foundation subjects must be adhered to. Compensation of core subjects will not normally be acceptable by the BSB].

- d Unless the Board on an application showing good grounds permits otherwise:
 - the required standard is first or second class honours (360 credits); and
 - the minimum period [in which the honours degree may be undertaken] is three years
- e A Conversion Course is:
 - a course approved by the Board which includes study of the Foundations of Legal Knowledge.
- f Where a prospective applicant has not completed the Academic Stage of Training, for example by:
 - having referral work outstanding or
 - a degree classification lower than the required minimum
 then the Director of the BSB may exercise discretion. This will only be granted in exceptional circumstances (for example if the candidate has a good reason for not yet having completed the Academic Stage, eg if there are documented and accepted mitigating circumstances, and the student has a strong profile and is expected to complete. An application must be made using form CR11(b), [or equivalent for the new Training Regulations] in time for the process to be completed before the commencement of the Course. Candidates not completing the Academic Stage must immediately withdraw from the course once results are known (whatever the financial consequences).
- g In addition:
 - Exemptions: candidates may be exempted under Part VII of the Training Regulations from the Academic Stage.
 - Currency of Qualifications: a person may not commence the Vocational Stage more than five years after completing the Academic Stage except with the permission of the Board and after complying with any condition which the Board may impose. Applicants must be warned if they are in danger of Academic Stage Qualifications becoming stale.

3.2.2 Membership of an Inn of Court

- a Before commencing the BPTC, a person must have been admitted to an Inn of Court .
- b As with the requirement for completion of the Academic Stage of training, the process of obtaining membership of an Inn must similarly be fully completed before commencement of the BPTC. Applications must normally be made by 31 May each year. The process of application for membership of an Inn may take a considerable period of time and a candidate admitted to the Bar Professional Training Course who has not obtained membership of an Inn before the course commences will not be able to enrol or, having enrolled, will be asked to leave (or otherwise not have their BPTC qualification recognised professionally by the BSB).

[NB Inns fees, or a portion thereof, are normally refundable if the candidate wishes for good reason not to apply or take up, or to withdraw from, a place on the BPTC. If the Provider accepts that the fees are properly refundable, Inns admission fees will also normally be refunded. [Sanctions may be imposed against Providers accepting candidates who do not fulfil this requirement.]

- c Where membership of an Inn is withdrawn for disciplinary or other reasons then the student must withdraw from the BPTC with immediate effect. It should be noted that there is currently no requirement for a CRB check for applicants to the BPTC. The Inns of

Court currently rely on self declaration. This may in future be reviewed and revised with possible introduction at the point when an entrant joins the profession. This may in future be on entry to pupillage and may well be conducted by Chambers or other Pupillage Training Organisation. Candidates should be warned at earlier stages when self declaring to the Inns that there might be a CRB check at this later stage.

3.2.3 English Language requirement

[see separate rule on the Bar Standards Board website for most current information]

- a Fluency and proficiency in the English Language is required for entry to the BPTC. All applicants must demonstrate that their oral and written English language ability is fluent, and readily comprehensible to native English speakers. Those whose first language is not English or Welsh must achieve a score of 7.5 in all parts of the IELTS Test. This must be verified by Providers.
- b If, subsequent to being admitted to the course, a student's language ability (particularly in relation to oral fluency and comprehensibility) is considered unsatisfactory, he or she will be required to take the IELTS test . If the student fails to achieve a score of at least 7.5 in all sections of the IELTS test, they must withdraw from the course.
- c In all cases the student will be wholly liable for any costs incurred.
- d Note that the Inns of Court also have their own requirements for membership, for example a GCSE in English at Grade C or above; a score of 7.5 IELTS; or a minimum 2:2 from a UK University

3.2.4 Bar Aptitude Test

From September 2010, starters of the BPTC may be required to take the Bar Aptitude Test as part of a pilot scheme, as may applicants for September 2011 start. From September 2012 all applicants for the BPTC will be required to take (and achieve a threshold pass on) the Bar Aptitude Test, as set by the BSB.

NB where any of the above specified entry requirements (3.2.1 – 3.2.4) have not been completed and evidenced in full, any offer letter by a Provider must clearly indicate that the offer is conditional upon the requirements (eg revival of stale qualifications) being completed prior to the commencement of the course.

3.3 Admission with 'advanced standing' or AP(E)L

There is no admission with advanced standing to the BPTC. The course must be undertaken in its entirety. However, exemptions may be granted to those who are, or have been, practising in other jurisdictions (eg overseas) or as solicitors. Such persons may undertake the Bar Transfer Test for entry into pupillage. This is designed for this purpose as a means for qualifying to undertake pupillage (see Training Regulations paragraph 61f.)

3.4 Study mode and admission requirements

3.4.1 Mode of study (full time, part time, distance learning etc) does not modify the regulations regarding admission. These regulations apply equally and uniformly to full-time and part-time study, to 'conventionally' taught courses and courses delivered through open, flexible, work-based or distance learning.

3.4.2 Students may be allowed to change the mode of study in the light of their changing academic, personal or professional circumstances if the Provider is able to offer the alternative

study mode for that course, and if the proposed change is consistent with the aims and outcomes of the BPTC being met in full.

3.5 **Changes of course to another Provider**

3.5.1 Students may, at the discretion of the Provider, transfer to another Provider subject to:

- the availability of a 'vacant' place on the proposed course, and
- the agreement of the Course Directors of both current and future/proposed courses, and
- the change being proposed at an appropriate stage in the new course, and
- successful resolution of financial matters.

3.5.2 Sufficient time must remain between the agreement of the change and entry to the new course for the student to be able to fulfil the learning objectives according to the proposed new course, and to demonstrate that they have been fulfilled. The Inn of which the student is a member must be informed.

3.6 **Authentication of entry qualifications**

3.6.1 The Provider must seek evidence of personal, professional and educational experiences that indicate ability to meet the demands of the course. Students are required to provide proof that they hold the qualifications that they claim in seeking admission to a given course of study. Such documentation must be verified by Providers.

3.6.2 Any student who

- does not comply with any reasonable request to provide such proof;
- makes a false claim in respect of application for admission;
- presents false or fraudulent evidence of qualifications; or
- engages another person to impersonate him or her, or themselves impersonates another person in connection with an application for admission or in providing evidence of qualifications

is liable to exclusion. The facts must be reported to the relevant Inn of Court in every such case, in order for the Inn to assess whether the candidate is a fit and proper person to practise as a barrister.

3.7 **Interviewing of prospective students**

The interviewing of prospective candidates, in order to determine suitability, is considered by the BSB as desirable, but it is not a requirement.

3.8 **Securing pupillage before commencing the BPTC**

The securing of pupillage before undertaking the BPTC is considered by the BSB as desirable but is not a requirement. [It should be noted that, due to changes made by the SRA, holders of the BVC/BPTC may not be entitled in the future to take the Qualified Lawyers Transfer Test (QLTT) to qualify as solicitors. The exemption previously allowed to holders of the BVC will no longer apply, since Call to the Bar does not indicate qualified lawyer/entitlement to practice status].

3.9 **Students with disabilities**

In terms of the Disability Discrimination Act (DDA) and other relevant legislation 'reasonable adjustment' should be made for candidates with disabilities, including adjustments for

assessment. The BSB should be consulted where there are any special difficulties. Disabled students should be advised of any difficulties they may face, given the content and nature of the course. Note also that in certain circumstances it may possibly not be in a student's best interests to undertake the course.

3.10 Registration information (as required by BSB and Inns of Court)

3.10.1 It is a requirement of the Bar Standards Board and the Inns of Court that a student may not enrol on the BPTC unless he or she is a member of an Inn of Court. Consequently, both the Inns and Bar Standards Board request that the data is provided to both parties simultaneously according to the agreed Protocol set out below. This data will be used in conjunction with the BSB Register of the profession.

3.10.2 A draft list of all students who have enrolled must be provided within 10 working days of the start of term. A final list of all students who have enrolled on the course indicating any students who have since left the course should be provided by 15 October or the next working day. Where a course does not commence until after this date, then information must be provided within 10 working days of the commencement of term.

3.10.3 Each list must present students in alphabetical order by surname, and should include all first and middle names together with a gender and/or professional title (Mr, Ms, Dr etc), and the Inn of Court of which he/she is a member. An indication of whether the student is home or overseas domiciled should be given. The details must be provided in electronic form in a table in Excel. Information required: Surname, first/second names, Inn, Mode of study, home/overseas:

Surname	First name	Second name	Title	Inn	Mode of study	Home Overseas	Additional Notes
Smith	Philip	John	Mr	Middle Temple	PT	O/S	
Brown	Samantha		Ms	Lincoln's Inn	FT	H/S	Joined Inn, 2002
Mohammed	Ali	Ahmed	Prof	Gray's Inn	FT	H/S	

Any student who leaves the BPTC after the October list has been issued must be notified to the relevant Inn of Court and Bar Standards Board as and when they leave.

B4 Assessment regulations for the BPTC

4.1 General principles

4.1.1 The purpose of assessment is to allow students to demonstrate that they have fulfilled the course objectives (and achieved the standard required for the award).

4.1.2 The process of assessment must be clear, precise, valid and reliable.

4.1.3 Assessment must be carried out with rigour and fairness by examiners who are impartial, and who are competent to make judgments about the performance of individual students in relation both to the cohort and to students on other comparable courses. The particular role of the examiners is to ensure that the standard of the course is maintained and that each individual student receives fair treatment.

4.1.4 Each individual course will have its own description and assessment requirements, within the specified framework. Students must be informed at the commencement of the course of the material covered within each course and its assessment requirements (both formative and summative), including weightings.

4.1.5 The medium of assessment shall be in English. Written assessments may be provided in Welsh if requested by candidates. The requirements of the Welsh Language Act 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.

4.1.6 Assessment of the BPTC must include an element of formal time-constrained examinations. Any instances of where this may not be appropriate for a particular candidate must be discussed with the BSB.

4.1.7 The maximum proportion of MCTs permitted for the assessment of any individual course (including those assessed centrally) is 50%. The maximum proportion of MCTs permitted for the assessment of the BPTC as a whole is 40%.

4.1.8 Provision will be made for centrally set and/or assessed final examinations in Civil Litigation, Criminal Litigation and Ethics for candidates first enrolled on course from Academic Year 2010 – 11. This will be compulsory for all BPTC students. Other areas may be added in due course.

4.2 Processes

4.2.1 Detailed arrangements must be specified for the operation of the assessment process, including the scheduling and amount of assessment, security, first and second marking, and moderation and arrangements for Examination Boards.

4.2.2 Assessment grades must be recorded accurately and systematically by suitably trained academic and/or administrative staff, with arrangements made for the aggregation of marks and grades. Students' achievement must be recorded and their progress monitored for the duration of the course, including notification of failure of components and/or their being at risk of failing the course (for example through non adherence to the attendance rule, see B4.11.3).

4.2.3 Decisions (ie provisional grades for incourse assessment) should be notified to students as soon as possible after assessments, but it should be noted that all grades are provisional until moderated by External Examiners and confirmed at Examination Boards. End of course assessment grades and final overall course grades must not be notified to students until they have been confirmed at the final Examination Board with External Examiners present.

4.2.4 It must be made clear to students where assessment is summative (ie the marks will count towards the grading of the final award) or where it is 'formative' only. Appropriate feedback must be provided to students on their assessment, so as to promote learning and ensure improvement.

4.2.5 All staff involved in assessment must receive appropriate training and development, for example mentoring for new staff, or practitioner staff new to teaching, and ongoing staff development for others.

4.2.6 Anonymity of assessment should be in place where practicable (eg for examinations).

4.2.7 Oral examinations should be used for the skills areas as appropriate.

4.2.8 Provision must be made for retrieval of initial failure where appropriate. One opportunity to resit each failed assessment is allowed in any subject, regardless of and not subject to any minimum grade being achieved on the remainder of the course. Where there are documented and accepted mitigating circumstances, a resit examination may be taken as 'first sit' and thus not count as the single permitted resit opportunity. Candidates who fail 50% or more of the course on first sitting may forfeit the right to be referred. That is, they should not be allowed to retake half

the course, but should rather be counselled about possible alternatives (at the discretion of the Examination Board when BSB external Examiners are present).

4.3 **Assessment details**

Details of assessment must be provided and must:

1. state the overall basis on which students will be assessed in relation to the overarching aims and intended outcomes of the course and in accordance with the assessment framework (A2.1.3).
2. state the specific requirements for individual assessments as they occur at different points in the course (with criteria for the marking and grading of assessments A2.1.5).
3. provide an appropriate balance between course work, practical work and formal examinations. It may be specified that all components of an assessment must be passed to demonstrate that all outcomes have been met.
4. specify which assessments are formative only, that is the grades do not count in the overall grade for the course, for example in mock and practice assessments. (NB coursework that is designated as 'summative' may also serve a formative function, although this is not normally applicable to examinations and other end of course work).
5. adhere to regulations concerning the drafting of questions and assignments
6. adhere to the criteria for the recommendation of the qualification/level of qualification (eg Outstanding/Very Competent/Competent/Not Competent).
7. make clear to students that no compensation for failure in assessment is permitted
8. provide details concerning how initial failure may be made good (including the limit to the number of attempts at resit to one only – unless there are documented and accepted mitigating circumstances).

4.4 **Responsibilities of students**

- 4.4.1 Students must make themselves available for examination and assessment, and present their work as required by the Provider.
- 4.4.2 Where a student fails to attend an examination or to submit work on time without good reason (supported by evidence, eg a medical certificate) then the student will be deemed to have failed that assessment.
- 4.4.3 Work must be legible and comprehensible and word processed or written in ink.
- 4.4.4 Students must provide details of any special circumstances which may affect their work (such as Mitigating Circumstances, see B4.11.5 below). These must be communicated as soon as possible and normally in advance of the date of the examination, or due date for coursework. Special circumstances may not subsequently be invoked as 'insurance claims' following poor performance, nor as excuses for academic offences. Long standing conditions are dealt with separately (see B4.11.6.2).
- 4.4.5 If students are found to have cheated or attempted to gain an unfair advantage then they may be deemed to have failed in terms of the academic offences procedure (see B6 below), and a decision may be taken as to whether the student may be reassessed and/or continue with their studies. Where a student is found to have cheated or behaved

improperly in any assessment, that fact must be reported to the relevant Inn as soon as it is known to the Provider. The student must report the matter in his or her Call declaration (Training Regulations paragraph 4), but if it is left until the student identifies it in the Call declaration, for practical purposes that is too late for the Inn to take effective action before the scheduled Call date. The inns must be in a position to decide on a person's fitness for Call.

- 4.4.6 The Provider is responsible for making information accessible to students regarding the timing, nature and location of assessment/reassessment but responsibility to attend lies with the student.

4.5 Examinations

4.5.1 Timing and location of Examinations

Students are required to attend for examinations and other assessments in locations specified by the Provider. The time and place of formal time-constrained examinations must be specified in advance by the Provider, giving due warning to candidates. A calendar of examinations must be drawn up and published to students well in advance. An accurate register of students eligible to take the examination must be made. Where a disabled student has particular access needs in relation to an assessment centre, it is the responsibility of the provider to ensure that locations are accessible for such students.

4.5.2 Format and duration of Examinations

Examinations may take a variety of forms, which may include permitting access to specified equipment or material (ie 'seen' or 'unseen' examinations). The kind of examination, and also the duration, must have been approved at validation and should not be varied (unless the change is notified to the BSB and approved). The length of an examination may vary. Some forms of examinations (eg Multiple Choice) may be shorter in duration. Centrally set examinations will be managed by the BSB.

4.5.3 Drafting of course work and Examination papers

Tutors with responsibility for specified areas of the course must draft examination and assignment questions (at least 20 working days before the examination). Papers must undergo internal checking and moderating to ensure that questions are clear and unambiguous, that they are a valid means of assessing that outcomes have been met, that they are properly edited and that external advice is sought if needed. The same assessment questions must not be reused within a three-year period. All assessments must be approved by External Examiners. Papers must then be kept in a secure place until required, for delivery to the place of the examination. Questions for examinations and referral or resit examinations must be drafted at the same time and must be similar (to ensure fairness) but not repeated/identical.

4.5.4 Conduct of Examinations

Examinations must be carried out in accordance with institutional procedures that adhere to the QAA Code of Practice, section 6 on the assessment of students. Examinations should be invigilated by members of staff who must be made aware of their responsibilities and provided with appropriate guidance on how to ensure that necessary arrangements are made, check attendance lists, 'patrol' from time to time, and deal with irregularities eg late arrivals etc. Invigilators must be able and alert to detect the use of any unfair means or cheating.

4.5.5 Cheating in Examinations

If a student is suspected of cheating in an examination (eg using notes, overlooking etc) then the invigilator should, acting according to institutional guidance, move the student and/or remove the material in question, sign the script at the point, note the time and details on the report, but allow the candidate to continue. Students suspected of communicating should first be warned and then moved if the situation recurs, with the time noted. If cheating or indiscipline of any kind disturbs other students then the offender should be removed from the room. Such incidents must be reported to the relevant Inn as appropriate (see B6 below).

4.6 Marking and moderation of Examinations and Coursework

4.6.1 When submitting work for assessment, students are expected to comply with instructions, including the assessment criteria for individual assessments, which should have been notified. They should also take cognisance of the generic grading descriptors (A2.1.5). If candidates do not comply with instructions (eg by exceeding a word limit), then a penalty may be imposed. Work submitted late without special permission due to Mitigating Circumstances (applied for in advance) should not normally be marked. An extension should not be granted beyond the time when work is due to be returned to other students (unless this is exceptionally allowed as part of a 'reasonable adjustment' for a disabled student).

4.6.2 Moderation of marks (ie by other internal examiners) is not necessary for every single piece of assessed work. However, work should be sampled by a second internal marker, who should pay particular attention to the top and bottom ends of the scale, and borderlines. This should preferably take place with the second internal marker unaware of the grade awarded by the first marker. If serious disagreement occurs between internal markers then a third marker may be consulted. The External Examiner, appointed by the BSB, will have the final say in matters of academic judgment, if there is any disagreement.

4.6.3 Coursework scripts should be annotated with feedback to students (indicating errors, highlighting areas for improvement and showing how this may be achieved) and returned within three weeks. Since examination scripts are not returned to students there is no need for formative feedback. However an indication of the reason for a high/low mark can be helpful for the external examiner or moderator.

4.6.4 Oral presentations can be double marked by appropriate sampling, by a second marker in attendance, or by the use of video/DVD. Examination scripts have no formative function and are therefore not returned to students.

4.6.5 Samples/copies of both course work and examination papers (top/middle/bottom and borderline) should be retained for 3 years in case they are needed for scrutiny by BSB External Examiners. Examination papers should be retained and made accessible to students for reference purposes, except for case studies that are reused. Students should be advised to retain work at least until they have been assessed for the qualifications.

4.7 Examination Boards

4.7.1 A Board of Examiners must be appointed for every BPTC in order to ensure fairness to students. The Board must be chaired by a senior academic who is not involved with the BPTC or responsible for delivery of the course and must include the director/leader responsible for the course itself. It should also if possible include a representative of the Provider's Quality unit/department. The Board must include at least one BSB appointed external examiner, without which it will not be regarded as quorate by the BSB. An administrator or secretary must be present to record the final grades and awards.

4.7.2 The Bar Standards Board gives no discretion to the boards of examiners to amend the grades of students in the light of circumstances affecting performance (ie marks may not be raised as a result of special circumstances) or for any other reason. No results may be recommended for conferment of the professional qualification other than by a properly constituted Board of Examiners. Hence course work grades may only be released (as provisional) to students after they have been confirmed by External Examiners, and grades of end-of-course assessments or final results must not be released to students until moderated by External Examiners and confirmed at the Examination Board. The final decision for any professional qualification rests with the BSB.

4.7.3 A Board of Examiners is authorised to consider students' individual grades and overall profiles in accordance with the approved assessment regulations for the course (see A2.1.5 for grading of individual assessments and A 2.1.6 for overall grades for the course). The qualification will be awarded to candidates who in the judgment of the Examination Board have fulfilled the objectives and achieved the specified standard. Boards must determine the action to be taken where a student fails to complete some or all of the course or where mitigating circumstances have affected a student's performance.

4.7.4 Meetings of Boards of Examiners

The appointed secretary to the Examination Board (working with the Chair of the Board and the course leader/director) is responsible for organising the board, notifying the date, and providing the following documentation:

- a detailed agenda, including: note of apologies; consideration of minutes of the last meeting; consideration of mitigating circumstances as appropriate; consideration of any applications of the Red Light Rule or the Attendance Rule; approval of results with discussion of borderlines; oral reports of External Examiners on standards and any other issues; date of next meeting
- the BSB and Provider assessment regulations
- examination papers and project titles or briefs
- the marking schemes used
- the full draft mark sheet showing marks for the course, individual units and individual profiles of each student
- information about how sample and double marking and moderating was carried out
- an analysis of the statistics
- any additional information, for example any mitigating circumstances or any examination or invigilation irregularities

4.8 External Examiners

4.8.1 Principles

1 The Bar Standards Board appoints (and pays for) External Examiners. The role of the Bar Standards Board's External Examiners is slightly different from that generally operating in UK Higher Education since they are involved with both quality (monitoring of provision) and standards (as set and attained by students). However, the system of External Examiners should operate broadly in accordance with the QAA Code of Practice section 4, External Examining.

2 External Examiners are appointed to each individual subject area at each Provider, the number appointed being proportional to the numbers of students on the course or in a specific subject area. The view of the majority of the External Examiners shall prevail on any matters of principle at an Examination Board.

3 External Examiners may also be used by institutions to fulfil QAA requirements for External Examiners and the verification of their academic awards. This is not, however, of direct concern to the BSB.

4.8.2 Rights and responsibilities of External Examiners

The primary responsibilities of External Examiners are:

- to ensure that the objectives of the BPTC are met
- to verify that the standards of the BPTC, as indicated by students' attainment in assessment, have been set and maintained at the correct level by Providers
- to ensure that the appropriate assessment regulations are correctly followed, and
- to ensure that justice is done to all students
- to act as members of Examination Boards

In order to carry out these responsibilities, the External Examiners for the BPTC must, individually or collectively:

- 1 be able to judge students impartially on the basis of the work submitted for assessment without being influenced by previous association with the course, the staff or any of the students;
- 2 be competent in assessing students' knowledge and skills at higher education level, expert in the field of study concerned, impartial in judgment and able to calibrate the performance of students with that of their peers on other BPTC courses;
- 3 approve the form and content of proposed assessment tasks that count towards the qualification. External Examiners will normally approve all proposed assessments (ie examination papers as well as coursework and other, eg oral, assessments) before implementation. This is in order to ensure that all students will be assessed against the aims and objectives of the course syllabus and have reached the required standard;
- 4 scrutinise the work done by a sample of students (including Outstandings, borderlines and failures), in order to ensure that the students are correctly placed in relation to the national standards of the BPTC. It may be necessary for examiners to see a sample of referral work to ensure the equivalence of standards of marking (ie that resits are not graded more leniently). Referral work should be marked as pass/fail only, the grade being capped at a bare pass.
- 5 have the right to moderate the marks awarded by internal examiners, and adjust the overall range of grades if warranted. Examiners moderate, they do not mark, and hence should not adjust individual grades but rather ensure that, where marking is too strict or too generous, the whole cohort will be adjusted accordingly.
- 7 attend the meeting of the Board of Examiners, ensuring that recommendations have been reached according to the BPTC requirements and participating as required in any reviews of decisions about individual students' performance .
- 8 report back to the Provider and to the BSB on the effectiveness of the assessments and any lessons to be drawn from them (see External Examiner report proforma, Appendix F, and interim report proforma, Appendix G).
- 9 report immediately to the Head of Education Standards at the BSB on any matters of serious concern arising from the assessments which might put at risk the standard of the BPTC.

4.8.3 The appointment of External Examiners

1 All External Examiner appointments must be approved by the BPTC Sub Committee. Responsibility for nominations for examiners lies with the Education Department of the BSB but may be determined in consultation with Providers. A board of examiners which does not include an approved External Examiner is not authorised to assess students for the BPTC or to recommend the attainment of the professional qualification.

2 External Examiner nominations must be submitted to the BSB Education Department for the approval procedure so that they may be appointed in time to take up their duties before submission of assessments. Proposals should be made on the Nomination (or Self-Nomination) form, available from the BSB, and will be scrutinised, using the criteria below (B4.8.4). Advertising for the 'pool' of examiners will be carried out from time to time by the Bar Standards Board. An examiner's normal term of office will be one which allows the examiner to be involved in the assessment of three successive cohorts of full time students (normally 3 years), extendable for one more year.

3 External Examiners should not normally hold more than the equivalent of two substantial examining appointments at the same time including appointments other than for the BVC (see below, criteria for appointment).

4 In order to protect their independence, External Examiners should not concurrently act as consultants to the Course team on its design, or be members of a panel established to review the course they examine. However, they are encouraged to support course teams by identifying areas for enhancement and improvement.

5 The Course Director must make arrangements for new External Examiners to be briefed as soon as possible after appointment. Each External Examiner should receive the necessary material including the Course Specification Requirements and Guidance (BPTC Handbook), the Provider's definitive document or student handbook plus supplementary material; a copy of the assessment schedule for the course, including the dates when scripts will be available for scrutiny and the dates set for meetings of the Board of Examiners. Briefing of External Examiners should include the provision of previous External Examiner reports (see Appendix H for schedule).

6 An agreement will be made with each External Examiner, specifying the subjects or units for which he/she is to be responsible. External Examiners may also be responsible, by arrangement, for units/subjects as delivered on additional site by the same Provider. Additional payment may be made.

7 All assessment questions must be sent to External Examiners in advance for approval. This includes formal examinations, course work and details of oral assessments.

4.8.4 Criteria for appointment

1 External Examiners for the BPTC must:

- have relevant knowledge and experience of the area of the course for which he/she is appointed as examiner
- have previous experience of assessing students on the BPTC and/or
- have professional expertise in the subject area for which they are examiner
- maintain their independence from the Provider and course team
- not hold more than one other External Examinership in another higher education institution
- be familiar with the practices established in the higher education community of the UK
- have appropriate practitioner experience

- be impartial in judgment and not have previous close involvement with the Provider or its staff which might compromise objectivity

Where an External Examiner is appointed who is employed in professional practice but is not directly familiar with higher education, then such experience must be present amongst the External Examiner team as a whole appointed to the course.

2 To ensure independence of External Examiners, there should not be:

- more than one examiner from the same institution in the team of External Examiners;
- reciprocal external examining between BPTC courses;
- replacement of a retiring External Examiner by another from the same institution

4.8.5 External Examiners' reports

1 External Examiners are required to report annually, normally by 31 August each year, to the BSB (Head of Education Standards). Receipt of the annual report (for which a proforma is available, Appendix F) is a necessary pre-condition for payment of the examiner's fee. In this annual report, the External Examiner should report on the conduct of the assessments just concluded and on issues related to assessment, including:

- the overall performance of the students
- the strengths and weaknesses of students
- the quality of knowledge and skills (both general and subject specific) demonstrated by the students
- the structure, organisation, design and marking of all assessments;
- the quality of teaching
- any implications which the experience of conducting the assessments may have for the curriculum, syllabus, teaching methods and resources of the course
- any other recommendations arising from the assessments.

2 The purpose of the report is to enable the BSB to judge whether the course is meeting its stated objectives and to satisfy itself that any necessary improvements are made, either immediately or at the next review as appropriate.

3 A report will be made annually to the Education & Training Committee (via the BPTC Sub Committee) on the issues raised by the External Examiners in their reports, highlighting in particular any common matters of concern and any examples of good or bad practice which warrant institutional attention. Copies of the External Examiners' reports will be supplied to Providers for consideration and a response to each External Examiner's report must be made by the Provider. The reports form an intrinsic part of the annual monitoring processes, and the standing of the course in the eyes of its External Examiners is an important part of the evidence which Providers should consider in evaluating their courses annually. External Examiner reports are also extensively used in the review visits undertaken by the BSB. External Examiner reports may be made public in whole or in part.

4 Course teams must respond to each External Examiner's report, copied to the BSB.

4.9 Regulations concerning External Moderators

4.9.1 Principles

1 The primary responsibility of External Examiners is to verify that the academic standards of the University's awards, as indicated by students' attainment in assessment, have been set and maintained at the appropriate standard.

2 In order to supplement the system of External Examiners, the role of the External Moderators is to calibrate the performance of students with that of their peers across all Providers. The emphasis of the work of the External Moderators is therefore to look at the process of assessment and comparability of standards in a subject across Providers (not to consider the actual results etc, which is the role of External Examiners).

3 External Moderators also have the responsibility of playing a developmental role, by comparing the approaches used in order to disseminate 'best practice'. In particular external Moderators will be expected to express their views about how the assessment of the subject area and/or the overall process might be developed.

4 As well as considering the overall process and viewing the reports of the External Examiners, Moderators should also liaise with External Examiners in their subject or skills area.

4.9.2 Responsibilities

External Moderators are appointed in order to consider, across a specific subject area:

- Course content as it is delivered in the BPTC
- Resources available (library, learning resources, staffing)
- Standards and outcomes set for students
- Standards and outcomes attained by students
- How knowledge and understanding is assessed (i.e. how assessments are set and monitored first by internal examiners, and then by External Examiners)
- How skills are assessed, to ensure that the assessments are conducted in accordance with the course requirements and regulations
- Quality procedures relating to assessment, particularly the internal and external marking and moderation of scripts (internal double marking and use of External Examiners)

See section C7.3 for further information on process and procedures.

4.10 Decisions of the Examination Board

4.10.1 After the Board's decisions are finalised the results must be signed off by the Chair. Action must be noted against any decisions for referral or resit 'as if for the first time' (where there are mitigating circumstances). The minutes must record all decisions and actions as well as the names of those present, time and date. The list of successful candidates must be notified to the BSB. Under no circumstances should results be given to students until a duly constituted Board of Examiners has confirmed them. Results should be notified to students in writing normally within one week after the Examination Board.

4.10.2 Fails, referrals or resits should be notified and discussion should take place including reference to the means by which failure may be retrieved (if applicable) and how further advice may be sought in order for the student to be considered for eventual completion of the course.

4.11 Failure, non attempts and reassessment

4.11.1 General principles

1 Provision must be made for a student to make good an initial failure (or to demonstrate a competency not yet demonstrated), and a Board of Examiners which decides to refer a student must specify which elements must be retaken and when this reassessment shall take place. A student may be required either:

- to retake an assessment in order to gain a pass in a unit or
- to retake an entire unit

2 Failure in any assessment gives the right to one further opportunity to retake the failed assessment(s). If there are two parts to a single assessment then it must be retaken as a whole even if only one part is failed. A maximum of a total of two attempts shall therefore be permitted for any single assessment, excepting where documented and accepted mitigating circumstances (see below B4.11.5) have caused an attempt to be assessed 'as if for the first time'. Opportunities are not normally provided to resit assessments or retake the course as a whole if 50% or more has been failed.

3 Where grades have already been approved and agreed by the external and/or an interim Examination Board, a maximum of one incourse resit may be taken within the duration of the course. Apart from this, the timing of referral work shall be at the discretion of the institution.

4 Even in cases where there are documented and accepted mitigating circumstances, the course must be completed within a maximum of two years of the originally expected completion date [or three years for part time students] (NB in the event of long term illness or disability, a candidate would normally withdraw their registration and suspend study and/or start again *ab initio* or resume at a specified point.)

5 Where an assessment has been failed on two occasions, then the candidate shall be recorded as having failed the course. Where there are mitigating circumstances, and a 'first sit' has been allowed, then the number of attempts will be considered accordingly, but no more than two attempts (not affected by mitigating circumstances) will be allowed. A candidate who fails the course in its entirety in this way will not normally be permitted subsequently to retake the course either in part or *ab initio* at the same or a different Provider.

6 A student may not retake an assessment in order to improve upon a mark which is already above the pass level.

7 A student who does not complete referral work by the specified time limit must be assessed as Not Competent.

8 Opportunities for resits should normally be provided during August/September following the June examinations. In-course assessment will therefore only be appropriate where marks have been moderated by External Examiners and confirmed at an interim Examination Board. Where an assignment or course is retaken then the mark or grade will be capped at the minimum pass mark. All attempts must be recorded on the student's transcript.

9 Candidates passing all elements of the BPTC on first attempt will normally be Called to the Bar in the Trinity (July and October) Call. Those who have not passed everything on first attempt will normally be Called to the Bar at the Michaelmas Call (November) or later.

10 Requirements for reassessment must be equivalent (but not the same as) those for the initial assessment.

11 A student who withdraws, or is required to withdraw, from the course may incur financial loss, but this is a matter between the Provider and the student. Where there are special reasons for withdrawal, eg serious mitigating circumstances, then a student may intermit, and resume study at a later date. It is expected that Providers will be sympathetic to special, serious cases. The BSB should be consulted for advice if necessary.

12 Whether a Provider will give support to students undertaking resits (with or without extra financial charges) must be made clear to students in advance.

4.11.2 The Red Light Rule

1 Principles

The Red Light Rule has been put in place in order to ensure that a candidate gaining an average overall pass can still be failed or referred if an essential (or 'must pass') element was failed. Inadequate demonstration of knowledge and comprehension, or inadequate case analysis and preparation should result in the candidate being failed in that assessment, irrespective of the marks achieved in the different components of the assessment.

2 Application

The rule must be applied where legal or other analysis by the student is so clearly incorrect that it would:

- put the client(s) interests at risk, and/or
- put the [potential] barrister at risk of liability for negligence.

A case of this 'fatal flaw' type cannot be addressed by the weighting of assessments since such mistakes might be unpredictable. A 'fatal flaw' is normally defined, for these purposes, as an error of law or procedure. However, an Ethics issue may also be regarded for consideration as a 'fatal flaw.'

3 Examples of where the Red Light Rule should be applied are as follows:

- A personal injury claim where counsel advises that the claim is statute barred because the three years since the date of the accident have expired (has failed to consider the date of knowledge and or an application under section 33).
- A contract claim where counsel fails to advise that the claim cannot be brought because the breach of contract was over 6 years from the date of the advice.
- Giving inaccurate advice in conference, for example advising a client to settle a civil claim where they have a perfectly good defence, e.g. on limitation.
- In advocacy, failing to challenge inadmissible evidence that might lead a client to be convicted.
- In negotiation, making a concession contrary to specific instructions
- Serious professional misconduct that would result in action by the BSB.

4.11.3 The Attendance Rule

1 The 'Attendance Rule' states that students are *expected* to attend all sessions (100%) and *must* attend 90% of sessions of the BPTC in order to achieve a pass grade. Attendance is defined as including classes and other timetabled activities. It can exceptionally include rescheduled classes when the student is unable to attend their scheduled class for good reasons (in accordance with 4.11.3.3) if written verification is provided and accepted, and an alternative class is attended by arrangement with the provider. Further, if a student has not prepared for class, is more than 5 minutes late, or fails to participate fully in that class, then this can also be counted as non-attendance. Attendance should be calculated on a termly basis, in order for warnings to be provided where a candidate is at risk of falling below the requirement for the course. Attendance during the induction process is essential and permission not to attend induction and the first weeks of study will only exceptionally be granted.

2 Application of the Attendance Rule

100% attendance - This is the normal expectation.

Attendance between 90% & 99% - The student may be absent for up to 10% of the course with reasons acceptable for the purposes of any internal mitigating circumstances procedure. Students must be able to demonstrate that they have made up any missed work. Both circumstances and additional work can be verified by the Provider.

Attendance between 80% and 89% - Students may exceptionally be allowed absences in excess of the 10%, where there are exceptional documented medical or other circumstances and missed work has been made up. Full details of the case must be referred to the External Examiner with advice from the Examination Board, for a decision. The Examiner must be satisfied that the intended learning outcomes of the course have been met in full. Any appeals should follow normal appeals processes but the BSB and External Examiner must be informed.

Attendance below 80% - The student must be failed, on the grounds that with less than 80% attendance it will not be possible to meet the learning outcomes, nor to demonstrate that they have been met, through assessment.

3 Additional points

- The following may be taken into consideration as mitigating circumstances: pro bono work, attending moots, mini pupillages, pupillage interviews etc, although these exceptions must be applied sensibly, for instance a person could not miss four weeks whilst attending four mini pupillages. Mini pupillages are important for the student but should preferably be undertaken prior to the start of the BPTC or during vacation. They should not cause students to miss important formal training.
- Inns events, such as Qualifying sessions may also be taken into account. Note that Providers outside London should pay for travel and make a contribution towards accommodation if needed for students attending events in London, as appropriate.
- Where serious documented and accepted mitigating circumstances have occurred so as to cause attendance to fall below 80% (such as serious long term illness or accident) then the student should be advised to defer and resume study the following year. Students who fall below 90% attendance may be required to intermit or leave the course (in both cases, financial considerations are a matter between the student and the Provider).

4.11.4 Compensation for failure

Under no circumstances may a student's overall performance on the course compensate for partial failure in an assessment for the BPTC. All components of the course must be taken and passed satisfactorily.

4.11.5 Mitigating and other circumstances

1 Where a student provides evidence of mitigating circumstances that have, in the opinion of the board of examiners, affected his or her performance in one or more assessments, or prevented the undertaking of an assessment, then the board of examiners has the discretion to disregard the result and offer the student the opportunity to sit the assessment(s) as a first attempt of that sitting.

2 If it is established that there are valid reasons for poor performance or that a student's absence was due to illness or other cause for which acceptable evidence has been provided, then those circumstances may be considered in determining the decision of the Examination Board. This must be in accordance with the Institutional procedures of the Providing Institution for the consideration of mitigating circumstances, as audited by the QAA.

3 A student whose case is accepted as having been affected by mitigating circumstances should have the right to be re-assessed as if for the first time (ie with no penalty or restriction on the mark that may be obtained).

4 In order to prevent the proliferation of 'insurance claims' for special circumstances, where a candidate has effectively declared him or herself 'fit to sit' then a subsequent declaration of special circumstances will normally be accepted. One exception might be where a candidate is suddenly taken seriously ill during the course of an examination.

5 If the Board (and the BSB External Examiner) is not satisfied that the student has presented a valid case then the student will not be offered the chance to resit as if for the first time.

6 Disabled students (ie those with long term disabilities) must be considered separately (see below, B4.11.7).

7 Aegrotat qualifications should not be granted for the BPTC. They may only exceptionally be offered where there is no prospect of the student completing the requirements due to serious, life threatening or terminal illness, and as long as there is evidence that performance has been at the standard in question. A posthumous award may be made and accepted on the deceased student's behalf where there is evidence of performance at the standard in question. The BSB must be consulted.

4.11.6 Consideration of Mitigating Circumstances

1 Mitigating Circumstances must be formally reported by students in accordance with any institutional procedures, as acceptable to the QAA. This must be at the time of the event (for example by telephone on the day of an examination) or as soon as possible afterwards, and accompanied by formal documented evidence, such as a medical certificate (ie this must not wait until after results have been confirmed). Pleas for mitigating circumstances should not normally be considered retrospectively, ie after a poor grade has been obtained or as an excuse to excuse academic offences, plagiarism or other premeditated dishonest actions. Mitigating (or 'Extenuating'). The dating of the mitigating circumstances in relation to the timing of the assessment will always be checked by Examination Boards. Circumstances should thus be dealt with prior to final Examination Boards, the intervening period being used to allow for the provision of further evidence if appropriate. If further evidence is requested at the Examination Board, then this will cause delay, because it will be necessary to wait until the next Examination Board until results can be agreed. There should be an appeals procedure in place.

2 Ongoing circumstances such as a long term physical disability, a visual or hearing impairment, dyslexia, a heart condition etc should be discussed and negotiated prior to the start of the course and special arrangements or facilities negotiated and agreed in advance, eg extra time for dyslexia (see B4.11.7).

3 Mitigating Circumstances which affect coursework will normally be dealt with by the granting of an extension until a later date. This should not exceed the date of return of work with feedback to other students. The work should be marked according to merit.

4 Circumstances arising during the last weeks of the term/semester need a different treatment, especially if the ability to undertake an examination is affected. The following should be taken into consideration:

- whether the circumstances were outside the student's control (ie not of their own choosing)
- how significant the effect of that circumstance would be
- how relevant the circumstances were to the assessment, for example proximity in time, which must be carefully recorded and considered
- whether independent and reliable evidence is provided about the circumstance. Medical certification of a condition affecting the student would normally be accepted.

5 Examples of circumstances that would normally justify special consideration include:

- serious personal injury, such as a broken limb, or a medical condition requiring hospital attention or one with an incapacitating effect
- an acute illness affecting the time available, so that a reasonable person would have been unable to carry out the assessment task as required
- being the victim of a serious crime, such as robbery, burglary or a violent assault during the period immediately preceding the assessment
- the serious illness or death of a close relative: such as a parent, child, sibling, spouse, partner, grandparent (or other in appropriate cases)
- unforeseen and unavoidable and imposed work pressures serious enough to interfere with the student's study or ability to meet an assessment deadline or sit an examination
- unforeseen and unavoidable serious difficulties with caring arrangements
- transport difficulties of an unpredictable and uncontrollable nature, where alternative arrangements could not be made (with independent evidence)

6 Examples of circumstances that would not normally be acceptable include:

- the illness of a distant relative
- financial problems or difficulties with housing
- inadequate arrangements for baby-sitters, child-minders or other domestic or work situations
- foreseeable transport difficulties, road works or private transport break downs
- computer problems such as disc corruption, photocopying or printing problems
- problems with handing in work by the given deadline
- any claim not supported by reliable evidence (eg a letter from a 'flatmate')
- confusion over time, date or location of the examination on the part of the candidate when this has been clearly notified, and not posed any problem to other students
- cases where medical certificates are retrospective, ie dated/issued after a student has completely recovered from the illness claimed
- examination stress

7 A student whose claim for Mitigating Circumstances is accepted will normally be recommended to be reassessed with no academic penalty (ie mark not restricted to a threshold pass). There is no provision for raising marks of borderline students who have mitigating circumstances accepted. Where a course is to be repeated then fees may be waived where there are accepted mitigating circumstances, but this will be at the discretion of the Provider.

4.11.7 Assessment of students with disabilities

1 If a student is unable, due to a permanent or long term disability, to be taught and/or assessed by normal means, then the Provider should negotiate and agree to 'reasonable adjustment' ie additional support or a varied method of assessment as appropriate. If known, this should be arranged before enrolment.

- 2 The need to ensure that course objectives are met and that the student should be assessed in a manner which is fair both to them and the other students (neither advantaged nor disadvantaged) must be borne in mind.
- 3 It is the student's responsibility to ensure that the Provider is made aware of the disability and written evidence (normally medical) must be provided. Advice should be sought from relevant medical agencies if necessary.
- 4 Disabled students may be permitted extra facilities, particularly in examinations – for example extra time (eg students with dyslexia), technological aids (dictaphone, computer, larger fonts etc), breaks in examinations (physically disabled students, impaired manual dexterity), an amanuensis or scribe (visually impaired students, or unable to write eg limb disability), or a reader (for visually impaired). In some cases it may be necessary for assessments to be adapted or modified in order for a disabled student to be assessed in an equivalent way to the able-bodied (eg alternative to presentation for speech impairment). [NB some of the above may also apply to short term disabilities, eg broken limb].
- 5 Such conditions must be notified at or before the commencement of study, ahead of registration. It may be advised that the course may simply not be suitable for a candidate with a particular disability. Any additional facilities or considerations can thus be agreed well in advance, unlike consideration of Mitigating Circumstances which occur on a short term basis by definition.
- 6 Where a condition (eg dyslexia) comes to light subsequently, then the student should appeal against an assessment decision on the grounds that circumstances affected performance that were not known at the time (see B5.1.5).

B5 Appeals against assessment decisions

5.1 Appeals Policy

- 5.1.1 Each Provider must have a published appeals procedure, which facilitates the proper conduct of the investigation and resolution by the institution of students' appeals. In accordance with the QAA Code of Practice, the Provider must deal openly and fairly with students who wish to appeal against assessment decisions. They must not penalise students for making an appeal, nor note this on their academic record.
- 5.1.2 Appeals must be made by students within a specified time limit, and according to institutional guidance and procedures.
- 5.1.3 Since all grades are subject to internal marking and moderation systems and are confirmed by a Board of Examiners, appeals based solely on disagreement with the academic judgment of the staff making the assessment should not normally be considered by Providers.
- 5.1.4 Appeals systems will typically consist of an informal stage where, for example, a query is made as to why a lower grade than expected was awarded. Such queries should be resolved locally if possible with the relevant member of staff.
- 5.1.5 Where a query is not resolved through an informal process (for example if a student can show that not all evidence was taken into account) then a formal request should be made for the case to be considered by the Examination Board. Formal appeals against Examination Board decisions are normally only possible where performance was affected by ill health or other mitigating circumstances not declared at the time (for good reason), where regulations were not followed correctly, where an administrative error occurred, or where decisions were not in accordance with natural justice and fairness. Such cases should be subject to the Provider's systems as acceptable to the QAA. If a student remains dissatisfied, then the case may proceed to further stages, with additional evidence provided and the possibility of remarking by a BSB

approved new examiner. Typically the final appeal will be made to the Vice Chancellor or Head of Institution or special Review Board whose decision is final.

5.1.6 The Provider should seek advice from the BSB if necessary and, in turn, monitor their own procedures and the scale, range and outcomes of academic appeals.

5.1.7 Where a case is referred to an Inn, the Inn will not attempt to go behind the findings of the Provider or the Office of the Independent Adjudicator [see www.oia.ac.uk]. However, in deciding the appropriate punishment (expulsion, delay of call etc) the Inn will require a full set of documentation. The Provider's conclusions and sanctions should not bind the Inn as to the appropriate outcome. The Inns' Conduct Committee exists in order to achieve consistency which may be lost if the decision of a Provider as to sanctions or 'sentence' must always prevail, with regard to the Inn. This will include copies of the scripts if plagiarism or collusion has been proved, statements by the marker, and the reports and findings of any previous appeals.

B6 Academic Offences

6.1 Principles

6.1.1 A student commits an academic offence if it is demonstrated that (on a balance of probabilities) he or she has used unfair means in order to obtain an advantage in carrying out an assessment or other academic work through cheating, plagiarism or fabrication of information. Academic offences will be reported to the student's Inn and may result in termination of membership of the Inn, and termination of study on the BPTC.

6.1.2 Those who undertake the BPTC aspire to attain the professional qualification of barrister. Any student who copies the work of another and presents it as his or her own work, thereby jeopardises their personal integrity and is likely to lose their reputation for honesty, putting into doubt their fitness to practise as a barrister. For this reason, any offence of dishonesty (cheating, plagiarism or misrepresentation) is a matter of concern in a potential barrister and will not only be dealt with by the Provider but must also immediately be reported to the student's Inn. This will normally lead to a referral by the Inn to the Inns' Conduct Committee to ensure continuity and equality of treatment. A judgment can be made in relation to whether or not that student remains a fit and proper person to be called to the Bar.

6.1.3 Procedures for dealing with offences should be in line with and as approved by the QAA. Action and penalties taken will depend on the class of offence and the degree of falsehood which may be significant, serious or grave.

6.1.4 Examples of offences include cheating in an examination or test that contributes to a summative grade by:

- copying or attempting to copy from work of other candidates
- bringing unauthorised materials into the examination
- referring to unauthorised materials during the examination
- obtaining, or attempting to obtain, help from others in the examination
- obtaining help in an examination by use of a mobile phone, text, pager or other device
- any form of impersonation
- providing, or attempting to provide, help in an examination
- any arrangement to break, avoid or subvert the regulations
- fabrication of data in any form of assessment
- plagiarism from published or unpublished sources, including collusion (see next section)

6.2 Plagiarism

6.2.1 Plagiarism is defined as 'copying or attempting to copy from any other source (published or unpublished, and including the work of a fellow student or another person) in an unauthorised manner and attempting to present that work as if it were the student's own in order to obtain an unfair advantage'.

6.2.2 Work presented for assessment is expected to be the student's own and while quotations from recognised sources are usually acceptable, this must be clearly acknowledged and a reference given for the source.

6.2.3 Collusion, whereby a second student or person knowingly supplies work with consent is also defined as plagiarism. Supplier and receiver may be equally guilty.

6.2.4 Steps must be taken by Providers to prevent plagiarism and academic offences (particularly copying from the internet), for example by basing assessment on specialised topics or case studies; requiring working plans, drafts and notes to be submitted; warning students that electronic devices may be used to check for plagiarism; warning that vivas (oral examinations) may be required to check that work is the student's own; warning students of penalties (eg noting the offence on their academic record or transcript; failing or expulsion in extreme cases; or in ineligibility for professional qualifications).

6.2.5 It is recognised that acts of plagiarism, fabrication and cheating may vary in the degree of seriousness, for example, ranging from:

Type A

- a first offence (may be less serious)
- the reproduction of small amounts of texts, not properly referenced/without attribution

Type B

- the reproduction of large amounts of texts, not properly referenced/without attribution,
- use of another student's work with or without his/her knowledge
- collaboration or collusion, knowingly or unknowingly
- a second or subsequent offence

Type C

- the reproduction of very large amounts of texts, not properly referenced/without attribution, at any level, with intent to deceive or fraudulently obtain the qualification

It is not anticipated that offences categorised as Type A above, such as incorrect referencing, would be committed by students who had successfully completed the Academic Stage. Type B and Type C will all be considered to be very serious in terms of the requirements of the profession and must always be reported to the student's Inn.

6.2.6 Procedures

1 Procedures as detailed above, as required by the BSB and the Inns of Court are paramount. In addition, Institutional procedures for dealing with academic offences must also be in line with the QAA Code of Practice and in accordance with procedures in place, and approved by the QAA, at the awarding institution. Typically, for example, where an academic offence is suspected in an examination (eg cheating by using unauthorised books or notes in an examination), then details and evidence must be recorded and unless a satisfactory response is received, the institutional procedures should be implemented.

2 Where an academic offence is suspected in-course work (eg plagiarism, fabrication) the matter should be reported to the Course Director providing details of the alleged offence and evidence for it (such as a passage quoted verbatim or paraphrased without proper acknowledgement).

3 A student suspected of cheating or plagiarism should normally be called to a formal meeting with the Course Director. The allegation should be put to the student and the student should be given the chance to answer the allegations. If the offence is admitted, then the admitted facts must be reported to the student's Inn for the Inns' Conduct Committee to decide what action they should take. The Provider will be advised accordingly. In the interim the Provider will decide whether the student shall be permitted to continue with the course and if so on what terms. This will be notified to the student and reported to the Board of Examiners. If the offence is admitted, then this should also be reported to the student's Inn and it may be decided that the student should have their studies terminated.

4 If the offence is not admitted, then a formal hearing should take place as soon as possible at which the relevant evidence must be considered, and a decision made, on hearing the evidence, whether an academic offence has been committed. If the hearing establishes that an academic offence has been committed, the facts must be reported to the student's Inn for the Inns' conduct Committee to decide what action should be taken. In the interim, the Provider will decide whether the student should be permitted to continue with the course and if so on what terms. Acting on the advice of the Inn, an appropriate punishment should be determined, notified to the student, and reported to the Board of Examiners. If the case is not proved, then work should be assessed in the normal way.

5 Penalties should be in accordance with institutional practice, but bearing in mind the particular need for honesty and integrity for those undertaking training for the Bar.

- For lesser offences (Type A), a fail grade should be awarded but permission given for the student to be referred (capped at a bare pass). The student will be issued with a formal warning that further offences will be treated less leniently and the offence will be recorded in the student's academic record. [Note: where the candidate had failed in spite of the attempt to cheat then referral must not be allowed.]
- For serious offences (Type B and C), a fail grade should be awarded with no possibility of referral. This effectively means that the student will fail the course. Failure to be permitted to complete the course will almost certainly be followed by expulsion from the Inn. Membership of an Inn and attendance on the BVC alone must not result in an individual being able to practise in some foreign jurisdictions.

6.3 Appeals against Academic Offences

There must be a system of appeals against Academic Offences, in accordance with institutional procedures. Such appeals may only be made on the grounds that Mitigating Circumstances, that may have affected the student's behaviour, were not taken into account, or that new evidence may be presented that was not previously available. Appeals may not be made on the basis of continued denial of guilt. The appeals process will normally be referred to an Academic Offences Committee or to the Head of Institution.

B7 Student Code of Conduct

7.1 General Requirements

7.1.1 It is expected that all Providers will have in place a Student Code of Conduct together with Student Disciplinary procedures to deal with infringement of the Code. The Bar Training regulations must also be adhered to (see extract in Appendix A).

7.1.2 In accordance with the aims and philosophy of the BPTC, as outlined above (section A1), BPTC students are expected to conduct themselves with due regard for their responsibilities as adults and members of the academic community, and with regard for the good name and reputation of the Bar.

7.1.3 Individual codes of conduct as implemented by Providers for BPTC students are expected to cover such areas as:

- engaging in any behaviour that prevents, obstructs or disrupts teaching, learning, research, administrative activity or recreational, and social activities
- acting in a way likely to cause injury to or impair the health of others
- assaulting, engaging in harassment or discriminatory behaviour (eg sexual or racial harassment), or otherwise insulting other students or staff, or, for example, engaging in any other sexist or racist or other manner liable to give offence
- acting in a violent, indecent, or threatening manner, or insubordinate behaviour
- misusing or damaging premises or property
- committing a breach of the regulations (for example by committing an academic offence)
- being found guilty of any criminal offence, or engaging in fraud, deceit, deception or dishonesty
- failing to adhere to any institutional Code of Practice, for example relating to the usage of Library, Learning resources and IT
- failing to comply with a previous sanction or penalty imposed
- or behaving in a way that brings the Provider, BSB or the Bar into disrepute

7.1.4 Such infringements of the Code of Conduct must be rigorously investigated on a case by case basis. The Provider must take appropriate action which may include, but is not limited to warning, suspension, exclusion, expulsion, transfer, remediation or termination.

7.1.5 A student may lose the right to continue with the BPTC if enrolment has not been completed by the due date, if he or she is not in good financial standing with the Provider (eg fees are owed), if the outcome of an academic offence is that they should not continue, if he/she has brought the BPTC into disrepute, or if there are circumstances that may affect the health or welfare of other students or staff.

7.1.6 Student Disciplinary Procedures must be in place to deal with any breach of the Code of Conduct. This will be a serious matter and any student subjected to the procedure will be dealt with by the relevant Inn of Court. The BSB must be informed. The system should normally consist of stages, for example Preliminary investigation, Formal Hearing, Final Hearing, and possibly appeal to the Head of Institution, Vice Chancellor, and/or the Inn of Court. The BSB must be kept informed.

B8 Complaints

8.1 Policy

8.1.1 It is acknowledged that problems do occur and in such cases a complaint may be made. The Provider should deal openly, fairly and effectively with any comment or complaint about its services, and offer an appropriate remedy to anyone who is adversely affected by a service which fails to meet specified standards.

8.1.2 A complaints procedure (in line with the requirements of the QAA) must therefore be in place, that can be used in relation to any service that does not appear to be up to the required standard. It may be used by students, prospective students or other interested parties. The Provider should not penalise anyone in any way for making a complaint about services provided.

8.1.3 Complaints must be investigated as fairly, openly and as quickly as possible. Procedures must be in place, and publicised to students. Complaints made to the BSB will be referred to the relevant Provider.

8.1.4 If a student or other person wishes to comment or make a suggestion about improving the course or a related service, it can be done informally by raising it with those concerned or otherwise providing feedback (for example, the library, IT etc). Suggestion boxes are also helpful and feedback, suggestions, or complaints at this level should be considered carefully by Providers.

8.1.5 The student's Inn will also have a legitimate interest in pursuing a complaint, for example on behalf of a student member in relation to the quality of provision made for a particular student or for students generally at that Provider.

8.2 Procedures

8.2.1 If there is a general comment relating to the course, it may first be raised informally, through the staff student liaison committee or through a student representative. If a student wants personal and specific redress on a particular issue, this is defined as a complaint. Wherever possible, efforts should be made to resolve a complaint at the local point where it arose, with the members of staff concerned.

8.2.2 If a complaint cannot be resolved informally, then the institutional procedures should pertain, normally involving the detailing of the complaint in writing, followed by formal consideration of the evidence etc, whether anyone else was affected, or saw what happened, and the response or redress sought.

8.2.3 It will normally be the complainant's responsibility to provide all the relevant evidence that supports the complaint. The complaint must be properly investigated, normally in a staged process at various levels if satisfaction is not obtained. The final stage normally involves an independent external person.

8.2.4 Advice can be provided by the BSB, who may also be notified by the student if a cause for complaint against a Provider arises. Such students are normally advised to follow the complaints procedure of the Institution. The highest authority is the Office of the Independent Adjudicator (www.oiahe.org.uk).

Part C – Quality Assurance Procedures

NB Quality Assurance procedures are designed to fit in with institutional procedures for validation, monitoring and review. It is expected that common documentation should be used wherever possible.

C1 Quality Assurance principles and processes

1.1 Quality and Standards: principles

In accordance with the mission and strategic objectives of the Bar Standards Board, to promote excellence and quality within the profession and ensure that those who qualify as barristers have the right level of skills and knowledge to provide services to the public, including employers, quality assurance of the BPTC is based on the following principles:

- that, as regulator, the BSB is responsible for determining the aims, content, outcomes, and methods of delivery and assessment of the BPTC
- that each Provider, however, also bears responsibility for ensuring that all BPTC requirements are met in the delivery of the course
- that there is always room for improvement with regard to the quality of the BPTC, such that the BSB will seek to ensure continuous enhancement of the BPTC, as well as performing a 'quality control' function, in order to improve both design and performance
- that judgments about quality should be made by suitably experienced and trained academics and professionals

1.2 Key terms and definitions

In accordance with practice in the Higher Education sector worldwide, key terms are used in the following way:

Quality (of student experience): *refers to what is done or provided to ensure that students are enabled to meet the learning outcomes and standards of the BPTC*

Standards (to be attained by students): *are predetermined, explicit levels of achievement to be attained by students in order to justify progression or awards and qualifications*

Quality Standards (for delivery of the course): *must be met as specified*

Quality Assurance: *refers to the planned and systematic mechanisms that are in place in order to ensure that given requirements are met; and responsibilities properly discharged*

Quality Enhancement: *focuses on systems for improvement; learning from experience; nurturing, disseminating and exchanging good practice*

1.3 Quality Assurance: processes

In order to ensure that the quality of provision and standards of awards are maintained, and to assist with improvements and developments, the following processes are implemented in the course of the accreditation (approval), monitoring and review of the BPTC:

A *Validation/accreditation of the BPTC*

Accreditation (or reaccreditation) of Bar Professional Training Courses is subject to a rigorous process of validation by the BSB, in cooperation with the (existing or potential) Provider. Every

new course must be approved by the BSB in order to be recognised for professional accreditation.

Accreditation procedures are detailed in section C2 below. It is expected that any new proposal will have already been subjected to internal scrutiny, and that final accreditation procedures will be combined with institutional (re)approval processes. The accreditation process will be managed by the BSB Education Department who should be contacted for further information.

B Procedures for approval of changes to courses

Any changes to Bar Professional Training Courses must be notified to the BSB, and reapproval processes may be required, depending on the degree of change

C Annual monitoring

Providers of the BPTC are required to produce an Annual Monitoring Report (AMR) each year, with information on the previous year's activity (with evidence from a variety of sources including examiners, academic staff, and students, and statistical information), as well as a self evaluation of activity. A formal action plan is required to be developed and must be fully addressed.

D Review (formerly known as 'Monitoring') visits

A system of periodic review, with an emphasis on quality management as well as review of the course itself aims to review the effectiveness with which Providers have managed the BPTC and to consider the cumulative effects of the annual monitoring process. Such visits to Providers (of varied scale, length and depth) may take place each year, on a needs basis (known as 'full' or 'interim/pastoral' or 'triggered' visits, as detailed below) . For a full visit, Panels comprising 5-6 members make a two-three day visit to an institution. The panel members have available to them a wide range of information including the External Examiners' reports and the Providers' annual reports.

E Interim (Pastoral) visits

Shorter interim or 'Pastoral visits' may be conducted in the period between full review visits. Each visit lasts a day and includes a meeting with the course leader, a representative group of students and the staff team. The meeting with the course leader focuses upon checking progress since the last panel visit; the meeting with students focuses on satisfaction with the course; while the meeting with the staff team is an opportunity to discuss the development of the BPTC in a more creative and informal context than may be possible during a panel visit.

F Triggered visits

A special 'triggered' visit may take place where cause for concern has been identified, such as falling standards, over recruitment or deficiencies in facilities. Details will be organised on a needs basis. Additional costs may be incurred.

G External Examiners

A system of External Examiners is in place, attached to every subject area at each Provider, with the key functions of verifying standards of assessment and ensuring continuity across Providers. In addition, External Examiners also have a role in monitoring the quality of courses and provision of resources. Each examiner visits the institution at least twice during the year (including the final Examination Board) and sends an interim report and a final report each year to the Provider and the BSB. Where issues are identified, unless those issues are significant or repeated, the Provider may resolve them subject to the approval of the External Examiner concerned. Repeated or significant issues may be addressed directly by the BSB, or in the course of a review

or visit as appropriate. All External Examiners receive induction training, documentation and annual training (normally two days a year).

H External Moderators

External moderators have been appointed to monitor delivery of the same course at each Provider. Piloted in 2007-08, the system aims to scrutinise subjects across all Providers, from time to time.

I Student feedback

Students participate in academic approval, monitoring and review decisions through questionnaires relating to specific courses or by means of the online Student Perception of Course (SPOC) questionnaire, common to all Providers. Provision must also be made for students to provide feedback through the use of focus groups and to have input into quality assurance through student representation on formal committees.

J Staff feedback and development

Opportunities should be provided for staff involved in the BPTC (management, teaching and support staff) to have input into the delivery of the BPTC at each Provider. Staff groups provide support and help to ensure uniformity and the exchange of good practice. Peer observation of teaching, and a system of staff appraisal (and details of staff development) are also required, in order to contribute to the maintenance of standards and the nurturing, development and dissemination of good practice.

K The BPTC Sub Committee of the BSB

The BPTC Sub Committee oversees all matters relating to the BPTC and reports to the Bar Standards Board's Education and Training Committee. Each year, overall reports on the external examining and annual monitoring processes are produced for consideration by the Education and Training Committee. Any proposals arising from the reports will be actioned as appropriate.

L BPTC Providers' Group Meetings

Regular meetings with representatives of the Providers take place at the BSB office, approximately five times yearly. They involve the course leaders and directors from each of the BPTC Providers and are managed by the Education Standards team. The meetings provide a valuable forum to disseminate information, and discuss and debate initiatives.

M The BPTC Conference

A 2-3 day conference is held annually, usually in July. The BPTC course teams, External Examiners, advisers, Bar Standards Board staff, practising barristers and members of the judiciary, and, increasingly, members of the wider academic community, attend. The conference deals with issues affecting the quality of the BPTC and wider initiatives for development and enhancement.

N User/Employer feedback

Care is taken (in the processes of validation, monitoring and review as described above) to ensure that feedback is obtained from professionals, employers and other interested parties as appropriate, as 'users' of the graduates of the BPTC.

O *Additional procedures*

Additional scrutiny and special procedures will be drawn up as necessary and specified for use where arrangements for additional sites or for collaboration are proposed.

1.4 **Relation between internal and external procedures**

It is the intention that BSB Quality Assurance Procedures and requirements mesh in with institutional procedures, rather than requiring the replication or duplication of effort on the part of Providers. Documentation required for approval, monitoring and review is designed to be in line with the requirements of the Higher Education Institution (HEI) or private Provider, and in accordance with that normally required of institutions by the Quality Assurance Agency for Higher Education. Where audit and review is carried out by the QAA with positive outcomes, then the BSB will normally have confidence in the Provider so far as such areas as general QA mechanisms, general resources, and student support etc are concerned. Documentation for students, for approval, annual monitoring reports, External Examiner reports etc will normally be virtually identical to QAA and/or internal requirements. However, self evaluation documents (SEDs) written specifically for the BSB may be required from time to time.

1.5 **The Quality Assurance Agency**

The BSB is mindful of activity carried out by the QAA in reviewing and auditing provision in UK Higher Education. However, the accreditation of the Professional Qualification of the BPTC is the statutory duty and responsibility of the BSB. The quality control and quality assurance specifically of the BPTC as a professional qualification is also a matter for the BSB as regulator of Education and Training for the Bar. The validation of courses in terms of an academic award in accordance with the QAA Framework for Higher Education Qualifications is a matter for the Degree Awarding Institution and the QAA. It is acknowledged that the BPTC has in the past frequently been delivered in HEIs as a postgraduate diploma (consisting of a minimum of 120 credits at postgraduate level) with the facility made available by some Providers for students subsequently to top up to a Master's award.

C2 Approval and accreditation of courses

2.1 Aims and objectives

2.1.1 The overall aim of course accreditation, validation and review is to ensure that BPTC students have a high quality educational and academic experience (directed to preparing students for practice as members of the Bar), by assessing the quality and standards of the course as it is to be (or is being) delivered. The approval process also stimulates development by requiring Providers to evaluate their courses, in the context of the thinking and practices of others.

2.1.2 Objectives

Validation of any course must ensure that:

- 1 the course as proposed and defined according to the Provider's specification has been thoroughly thought out and adequately documented, and is consistent with the BSB's official BPTC course specification
- 2 the course meets the BSB's requirements for the professional qualification, its content matches the stated rationale, and the standards that will be achieved are appropriate in terms of the specified descriptors
- 3 the course and its documentation are in accordance with the requirements of the BSB
- 4 the staff and physical resources available, and the environment within which the course is offered, are satisfactory
- 5 the quality of teaching and standards of assessment in the subject are maintained and, where possible, will be enhanced.

2.1.3 Expressions of interest

An expression of interest in providing the BPTC must first be made by a potential Provider, using the appropriate form, available from the Education Department. Costs of the accreditation process will be met by the proposer (details are available separately).

2.2 Procedures and information requirements for new courses (documentation)

2.2.1 The documentary requirements of the accreditation process must be as concise as is consistent with clarity for the external audience/panel members. Firstly a formal expression of interest must be made to the BSB, outlining the proposal. Once this has been agreed then the procedures for accreditation can be put into place.

2.2.2 For accreditation of a new BPTC, material can be presented either as a Definitive Course Document (DCD) or it may be focused on the production of information for students. Student handbooks with overall course and unit/module specifications may form the basis of a submission, supplemented by additional information such as a review of related provision, the rationale for the proposed course, analysis of student demand, details of resources, accommodation and facilities, (library and IT) as well as details of staffing (staff CVs), so that appropriate academic consideration of the proposal may be made.

2.2.3 Where a proposal relates to existing, previous or similar provision, then a critical review of a former or related course must be provided, together with analysis of admission, progression, retention and destination statistics.

2.2.4 Documentation should be presented in three parts as follows:

A Student Handbook, containing information about:

- aims, objectives and philosophy of the proposal – rationale for tendering to provide the BPTC
- the specific course objectives, structure and regulations as it is to be delivered at the Provider
- admissions criteria and details of the management of the process
- details of the course structure/syllabus and content (ie the Programme Specification as required by the QAA, and descriptors for each unit/module/area)
- details of the intended learning outcomes
- teaching and learning strategies
- teaching methods
- assessments and assessment regulations; schedule and criteria for assessment for each element/unit (with information about progression, withdrawal, failure, mitigating circumstances etc)
- progression regulations (including information about resit and referral procedures)
- individual unit/module content (summaries)
- details of any special requirements (eg projects, portfolios) if appropriate
- information about exactly how the skills and competencies are to be attained by students and assessed
- details of work placements/experience/Pro Bono opportunities as appropriate
- details of equal opportunities, diversity processes
- arrangements for student support arrangements (academic and pastoral) with cross references to student services and careers support)
- information or cross references concerning complaints/appeals procedures and procedures for dealing with academic offences and other disciplinary matters
- concise summaries/information about staff involved in the course
- details of mechanisms for student representation, feedback and input into QA systems

B Critical self evaluation, including details of:

- rationale and demand (the context of the course in terms of institutional, departmental strategies and mission – and of regional and national demand and provision)
- critical review/self evaluation in terms of relation to existing provision and previous monitoring, review and external comments and responses

C Supplementary information (not appropriate for inclusion in student handbooks)

- resources information (indicating approval/guarantee by relevant Academic Planning/Resources Committee), particularly any major items of equipment and/or any specialist accommodation to be devoted to the course; as well as library, computing and other provision, as agreed
- copies of any existing or previous contract (if appropriate)
- staffing (full CVs including qualifications, teaching/practitioner experience and dates)*, evidence of practice, scholarly activity and research if applicable, staff development strategies, and details of any posts to be filled
- quality assurance arrangements, including the constitution and operation of the course, how this fits in with institutional procedures,* the name(s) and position(s) of the manager(s),* and the constitution and terms of reference of any committees/examinations board*
- teaching, learning and assessment strategies; sample teaching materials*
- any special supporting arrangements eg for projects, work placements etc as appropriate*

NB *Documentation marked thus [*] above may be made available on the day of the accreditation event (in a 'base room') rather than sent in advance*

2.3 Validation/accreditation reports

2.3.1 The accreditation process demonstrates the BSB's public accountability for the standards achieved by the BPTC, so reports will be produced on the validation of all Bar Professional Training Courses leading to the professional qualification. The report will provide a clear indication of discussion and conclusions to an external audience with evidence and analysis sufficient to explain the panel's conclusions and any conditions of approval and any recommendations. These will normally be produced by the Education Department of the BSB. It is expected that internal reports will be available that relate to earlier internal scrutiny processes by Providers.

2.3.2 Reports of all final stage accreditation events should be circulated to panel members for confirmation and to the BPTC course director to check for factual accuracy. Reports must be formally approved by the BPTC Sub Committee, received by the Education & Training Committee of the BSB, and reported to the BSB itself.

2.3.3 Validation/accreditation reports must record the date(s) and place(s) of the meeting(s) of the validating panel; membership of the panel (showing members' names and occupations); members of the course team and other contributors; any conditions which must be fulfilled (together with the dates by when they should be met); and any recommendations for changes or future developments desirable in order to enhance the quality of the course, and/or any matters to which particular attention should be given at annual monitoring. The BPTC Sub Committee will ensure that validation conditions are met before a course starts.

2.4 Procedures and timetable of events for accreditation

2.4.1 Procedures for conducting and arranging validation events (including appointment of panels, chairs and officers) must be strictly followed. Occasionally, a different (or 'lighter') level of scrutiny may be acceptable, depending on whether a proposal is based on largely existing provision or on a significant amount of new material.

2.4.2 After an expression of interest in providing the BPTC has been made, a planning meeting may be held and a preliminary assessment given as to the quality of the proposal, the Provider's support for it and confirmation of the availability of all the necessary resources to operate the BPTC successfully. If this first stage is successful, the second, BSB organised stage will be implemented. It is following this stage, that the final 'yes/no' decision is made (subject to confirmation by the BSB) as to whether the course will be allowed to run.

2.4.3 New proposals must normally be notified to the Education Department of the BSB by the commencement of the academic year in which the process of accreditation is to take place. That is, two years before the proposed commencement of the new course (allowing for one year for the recruitment process). Further proposals may come forward later, if approved, but no validations (eg for an additional mode) will normally take place after May each year for recruitment the following October. Any later than this does not allow time for a response to be made and circulated, and for conditions to be demonstrated as having been met.

Accreditation events will not take place automatically following an expression of interest and formal submission of documentation, but only where the submitted material is of sufficient quality.

<i>Commencement of the academic year prior to the academic year in which recruitment is to take place (eg October 2008 for a 2009 recruitment for a 2010 start)</i>	Expressions of interest to be submitted to the Education Department of the BSB
<i>Approximately 4-6 months before the BSB accreditation event</i>	Liaison to take place between the Education Department and the Provider to determine schedule of events and date by which documentation is due
<i>Approximately 2-4 months before the accreditation event</i>	The Education Department will appoint and contact panel members, who will be appropriately briefed. Arrangements for venue, refreshments, accommodation etc will be made.
<i>At least 2 months before the accreditation event</i>	An internal event (at the Provider) should preferably take place, a report should be produced and the teaching team should respond as appropriate.
<i>Two weeks before the accreditation event</i>	Sufficient copies of the validation documents should be made for all participants of the accreditation event, for circulation with event programme to the panel [NB. If documents are not received 14 days before the event, it will be postponed/cancelled.]
<i>After the event</i>	The Education Department will circulate an unconfirmed report to the panel and course director for comment normally within two weeks
<i>By a set/agreed deadline (normally about two months)</i>	Course team provides written response to any conditions/recommendations. The response will be circulated and the panel's comments invited. Approval may be confirmed or a supplementary response (and further visit) sought.
<i>Once conditions are satisfactorily met</i>	Letter of confirmation of approval is sent out together with contract (with confirmed report)
<i>Three months after final approval</i>	Definitive documentation (hard copy and electronic) must be supplied to the Education Department

2.5 Information and guidance for validation panel members

2.5.1 The Accreditation event will normally take the form of a one day event involving discussions between the course team and a panel appointed by the BSB. The panel will usually consist of up to 5-6 persons:

- A senior practitioner/senior member of the BSB or Secretariat as Chair (to focus on the overall proposal and Quality management systems in place)
- A senior practitioner (to focus on curriculum/content)
- A senior legal academic, member of another BPTC Provider, or practitioner (to focus on Teaching, Learning and Assessment issues)
- A lay member, where possible (to focus on Student support)
- A member with appropriate learning resources expertise
- A member of staff from the Education Department to act as officer to the panel
- A member of the University/Institution may attend as an observer and in order to fulfil University requirements if appropriate

Each panel should therefore consist of two practising barristers, one legal academic, one member of the BSB/secretariat, and where possible and appropriate a member with the ability to scrutinise Learning Resources. Each panel must also include a member of the BPTC Working Group and/or a member of the BPTC Sub Committee or Education & Training Committee. Each panel member will be responsible for drafting the relevant section of the report (see below C2.5.5).

2.5.2 Panel members must have undergone briefing/training before they are able to participate. They will be able to contribute in different ways, with some having experience and expertise in curriculum design, delivery and management, and others having more specific subject knowledge. Prior to the event, panel members will be supplied with the submission documentation (as detailed above), together with notes of any earlier planning or internal meetings, and any other relevant documentation. The event will normally begin with a private (or 'closed') meeting of the panel at which members will decide on the issues which they wish to discuss with the management and course team. During the event it should normally be possible for panel members to meet students on the existing or a related course where this is in place. There will not normally be any teaching observation, nor scrutiny of student work, but sample teaching material may be required to be available. . A well equipped base room is helpful to visitors/panel members, including PC/lap top and internet connection, printing facilities, and stationery)

2.5.3 The role of panel members

Panel members should read the submission documentation carefully (bearing in mind the purposes and objectives of accreditation) and also the criteria given below. Panel members should rotate between institutions if engaged on multiple occasions. The role of panel member is an important one and the documents and discussions will help the panel to decide if a proposal is satisfactory, and whether it should go forward in its current form, or with modifications, or not at all.

Before the event, panel members must:

- familiarise themselves with the purposes and procedures for validation
- carefully read the documentation supplied
- note any strengths and areas of excellence
- note areas which may require clarification or discussion
- note any possible shortcomings, omissions or deficiencies, or any other matters which should be discussed with the team during the event

Subject specialists should scrutinise the course content, in the context of the course specification requirements. They should ensure that it is up to date and at the appropriate level. Areas that might appear to need clarification or improvement may be redeemed by a convincing team discussion on the day. If this is the case, documentation should normally be revised and improved to match the quality of the team's responses. Conversely, good documentation may occasionally appear as the work of one member of the team alone, and the team may appear less strong. This should also be tested.

2.5.4 The accreditation event

The event will be chaired by a senior practitioner, member of the BSB or Secretariat. All panel members must be independent of the Provider making the proposal. At the first closed meeting, panel members will be asked to give preliminary judgments about the proposal, voicing any concerns but also commenting on any examples of good practice. An agenda for meeting(s) with the senior management and team will then be drawn up.

At the meeting with the team, the panel should allow team members to explain their proposal and to clarify any areas on which further discussion is needed. The panel should allow the team to explain or provide further detail by using a constructive approach and positive atmosphere. Rigour is necessary, but the process must be conducted in a spirit of co-operation. There is likely to be some critical comment and identification of areas for improvement but praise should be given where it is due, in a spirit of dialogue and discussion, as much as inspection and control. Where there are issues, it may be necessary to attach conditions to approval, and/or to provide recommendations. A response must be provided and conditions must always be met before a course is allowed to run. If

panel members have strong doubts as to the team's readiness to run the course, they may reject the proposal, or refer it back for further development. Keeping notes of key issues will help panel members to formulate views at the end of the event.

If possible, panel members should meet a group of students on a similar or related course. The meeting should not be too formal as it provides the opportunity to find out about the students' experiences, what they think of the institution, the learning environment, the teaching and assessment methods and the resources.

At the end of the event there will be a private meeting of all the panel members to make a final, appropriate, decision which must reflect the consensus of all panel members. Courses will not be approved where panel members have serious reservations. General feedback will be provided orally to the team at the end of the event, but decisions may be deferred until all those tendering to deliver the course have been considered.

2.5.5 The report

A report of each event will be compiled by the visiting panel members, according to each section for which he or she is responsible. A proforma for the report is available at Appendix E. The report will be compiled and edited by the Education Standards team, with an executive summary suitable for publication on the web (once finalised).

2.5.6 After the event

Panel members will be asked to comment on the draft report of the event and will normally be involved if further action takes place (for example, more information may be supplied or the team may respond to issues raised).

2.6 **Criteria for accreditation** (checklist for panel and team members)

A Course will be successfully approved if the panel is confident in the proposal itself and in the ability of the course team to deliver it satisfactorily. These are the fundamental criteria for success. Proposals must be academically sound and well documented, and based on a good self critical evaluation by the course team. Areas to be considered include:

2.6.1 Rationale and demand

The rationale behind the proposal to deliver the BPTC must be sound and in line with the Institution's mission and strategic plan. Management support must be demonstrated, with evidence of demand and need (possibly local or regional, but not confined to that). A review of existing or related provision should be used to demonstrate this. Details will be sought about the proposed fee to be charged, how it is arrived at, and the criteria that would be applied in increasing fees.

2.6.2 Aims, objectives and philosophy of the BPTC

Adherence to the aims and objectives of the BPTC must be demonstrated, consistent with the BSB framework for the course.

2.6.3 Resources

The specific physical and human resource requirements of the course must be detailed and evidence provided of how resources (eg facilities, library, IT) will be funded. This must include purchasing plans, particularly for new proposals.

2.6.4 Staffing and staff development

Details must be provided of suitably qualified staff who are to run the course. These may be curricula vitae of staff to be involved or job/position specifications where they are not yet appointed. This can be difficult since staff may not be appointed before approval is given - but approval cannot be given until information is provided about staff who are to deliver the course. Staff must be able to run the course to the level as specified, and relevant developmental and practitioner activity should be undertaken (collectively) by staff. Plans for the continuing development of staff should also be laid out. Involvement of local practitioners is essential.

2.6.5 Equal Opportunities

The course must promote the development of all students to their full potential, and provide equal opportunities for the range of student intake - fairly, and without discrimination based on race, colour, ethnicity, nationality, citizenship, gender, marital/partnership status, sexual orientation, disability, age or religion/belief.

2.6.6 Admission criteria and regulations

Admission to the BPTC must comply with the BSB admission regulations. It must be securely demonstrated that all admissions requirements will be met by students before they are admitted onto the course (see Admissions Regulations, Part B, section B3).

2.6.7 Course structure and content

The course structure must be clearly stated, consistent with the BPTC framework as specified by the BSB. The content, and methods of teaching, learning and assessment, must be demonstrated as appropriate, at the right level, and up-to-date.

2.6.8 Skills

The delivery of specified professional skills (as opposed to knowledge) must be identified for the course, in line with the BSB framework.

2.6.9 Teaching and learning methods

There must be effective and varied teaching and learning methodologies which should relate to the aims and objectives of the course.

2.6.10 Assessment strategy and assessment methods

There must be an effective assessment strategy, in line with the regulations and requirements for the BPTC. This must ensure assessment at the right level whilst allowing for variety. Individual assessments must be very clearly stated and must provide effective measurements of performance, with an acceptable student workload. Evidence must be provided of verification of the students' own work in assessment (such as by the use of time constrained examinations). It must be clear what a student has to achieve to progress through each part and achieve the professional qualification (see A4 Assessment information and B4 Assessment Regulations).

2.6.11 Content of individual units

Panel members (particularly those with specific subject expertise) will check that the content of each individual unit/area is appropriate in terms of aims and objectives, level, standards, learning outcomes, assessments, transferable skills and competencies, and reading lists.

2.6.12 Project, work placements, work-based and independent learning.

Where placements are a formal part of a BPTC, details must be provided of the aims, methods of supervision and assessment methods to be used.

2.6.13 Student Support

Details must be provided of academic, general and special support to be provided for students.

2.6.14 Quality Assurance

The proposal must demonstrate how the Institution's monitoring and evaluation procedures will be implemented, how these fit in with BSB procedures and how the team will respond to QA processes and maintain standards.

2.7 The outcome of an accreditation event

2.7.1 The outcome of an accreditation event will be a recommendation to the BSB, which will be one of the following:

1. Unqualified approval (possibly with recommendations or suggestions);
2. Approval subject to conditions, for example that specific amendments are made (conditions normally have to be met by a specified date, before the commencement of the course);
3. Approval, but for a limited number of intakes only, with indications of developments that must occur if the course is to receive any longer or fuller approval;
4. A decision that the panel should consider revised documentation before being able to give its approval, but without the necessity for another meeting of the panel;
5. A decision not to approve at the present time, but to reconvene the panel at a later, specified date to reconsider the proposal after stipulated changes have been made;
6. Rejection, possibly accompanied by a recommendation concerning the timing of any future re-submission. This will be accompanied by a clear statement of the reasons why the panel does not feel able to approve the proposal, and by further dialogue and discussion.

2.7.2 The broad views of the panel will normally be notified to the course management orally at the end of the event in a short report-back session. Final decisions may be postponed until the full accreditation process for the new course has been completed. If it is felt that the panel has not given them full opportunity to justify their proposal, or that the panel's decision is unjustified, they may appeal against that decision (see Regulations B2.1.7).

2.8 Procedures following an accreditation event

An unconfirmed report of the event will be produced normally within two weeks of the meeting. This draft will be sent to the panel members for agreement, and to the institution to check for factual accuracy. The agreed report will then be formally sent to the Institution to provide a formal response within a specified time interval. Any response will be circulated to panel members. If panel members are not content with a response made to conditions, further action may be required. Students cannot be recruited before full approval at a time when all conditions have been met. The final confirmed report will be sent to the BPTC Sub Committee and the Education & Training Committee. A final definitive set of documentation (eg student handbook and other material) will be kept by the Education Department of the BSB.

2.9 Amendments/changes to Courses

2.9.1 Changes to a BPTC

To make amendments to a course (where a full revalidation is not needed) the following steps should be taken:

1 A full report must be written on the changes, providing the rationale for every change. The report should give:

- full details of the proposed change
- the rationale for the amendment
- the amended section of the course
- full details of new/amended sections
- any additional documentation which helps to clarify the purpose of the amendments (eg records of internal processes governing change)

2 The amendment procedure should be conducted prior to the students' enrolment on the changed course, since changes may not be made while students are undertaking the study. The proposal, along with the necessary documentation, must be submitted for approval to the BSB. Note that minor changes need not be notified but the BSB must be consulted where there is any doubt.

3 For major changes, for example the addition of a part-time mode, delivery on a different or additional site, or in partnership with another organisation, then a full visit will be required (see Regulations B2.1.2). Part time courses will only be approved where the Provider already delivers the course full time.

C3 Annual Course Monitoring by Providers

3.1 Principles

3.1.1 Annual monitoring is an essential component of professional course quality management. It is acknowledged that all institutions will have their own internal systems. However, the BSB also needs to receive an Annual Monitoring Report (AMR) from each course Provider in order to monitor the quality and effectiveness of the BPTC. The process should have as its focus the quality of BPTC students' educational experience and the attainment by candidates of the required professional (and academic) standards.

3.1.2 As highlighted in the QAA Code of Practice for the Assurance of Academic Quality and Standards in Higher Education (section 7, precept 7, p. 14), institutions should routinely monitor the effectiveness of their courses in order

- to ensure that they remain up to date;
- to evaluate the extent to which the specified learning outcomes are attained by students;
- to evaluate the effectiveness of the curriculum and assessment in relation to the intended learning outcomes; and
- to ensure that recommendations for appropriate actions are followed up to remedy any shortcomings.

3.1.3 It is expected that the process as required by the BSB will be very closely related to internal procedures and require little additional effort to conform with BSB requirements for an Annual Monitoring Report (AMR). All documentation required (with the exception of a self evaluation if requested) should be that which the institution would wish to produce for itself for its own purposes. The annual report should be, primarily, a management tool for the course team,

which reviews the past year and sets direction for the forthcoming year. It should be evaluative, critical and concise, and supported by evidence. In reviewing the operation of the course over the previous academic year, account should be taken of relevant sources of information such as reports of BSB visits, student questionnaires and feedback, information about staff development activities and notes of team meetings.

3.1.4 The annual monitoring process is essentially an analytical and judgmental exercise, based on a critical self-evaluation by the course team responsible. The process should not be a simple reporting mechanism of data and events, but an evaluative process with reflection on the past year's activity and performance that will be used to inform future actions. As well as being crucial to the annual process, Annual Monitoring Reports (together with any External or Examiner Reports), will provide the basis for scrutiny of provision during validation or review visits.

3.1.5 Each BPTC Provider is expected to review the previous year's performance and give careful consideration to achievements and shortcomings or areas for improvement. Production of Annual Monitoring Reports (AMRs) will be a collective effort involving all teaching staff, and some administrative staff, but responsibility will lie with the course director. It is expected that reports produced for the BSB will be closely aligned with (if not the same as) reports produced internally for annual monitoring. Institutions will normally hold meetings between their 'Quality Committees' and course staff in order to discuss the contents of their annual monitoring reports, in accordance with good practice. AMRs as required by the BSB should be formally submitted to the BSB Education & Training Department, by the end of November each year.

3.2 The Report

3.2.1 The Annual Monitoring Report should be based on a short evaluative report (5-10 pages maximum) drawn up by the Course Director, with a critical analysis of the previous academic year covering:

- 1 summary information about the management of the course, with any changes adopted during the year or planned for the future set out and discussed
- 2 evidence that the standard of the award(s) is being pitched at the correct level, and that the intellectual challenge being set for students is sufficiently demanding. The report should include evaluation of the assessment regime and summarise any changes e.g. timetabling, structure of the assessment regime, and general comments of the External Examiners not specific to individual subjects. Any academic appeals by students should be indicated
- 3 evidence that the integrity of curriculum design has been maintained in accordance with the present Course Specification Requirements and Guidance (ie this Handbook), together with demonstration of which areas are specifically delivered at postgraduate or Masters Level in accordance with the QAA Framework for Higher Education Qualifications – and as required by the BPTC framework
- 4 evidence of the provision of a high quality of learning environment, including a detailed resource statement, identifying any changes that occurred during the year, or are planned, and the reason for such changes. IT, library and bookstock usage should be analysed
- 5 evidence of the effectiveness of the teaching, learning and assessment methods used in relation to curricular aims and objectives; together with details of any changes proposed in delivery, teaching methods or resources for the following academic year
- 6 evidence (ie a list of) teaching staff, in grid form demonstrating subjects taught, and proportion of time/appointment on the BPTC. Details of any changes and CVs of new staff must be provided, as well as information about staff development and other activities to show that the course is being kept up to date with developments in the subject discipline and

professional practice. Details of Advocacy training and ATC accreditation must be included. The report should identify areas where future staff development is believed to be necessary and indicate the form such staff development might take.

- 7 analysis of statistical information, according to the Protocol (C3.4), and with particular reference to student applications and admissions; progression, completion and resit rates, and including consideration of trends over time (ideally three years). Results must be tracked against entry qualifications in order to provide detailed evidence of any correlation between honours degree classification or CPE/GDL grades as against BPTC success/failure. It is very important that statistical data is analysed and commented on – not simply presented
- 8 feedback from students and demonstration of responses to issues raised by students
- 9 the results of action resulting from the previous year's monitoring (including action in response to comments of External Examiners)
- 10 action taken in response to any approval, monitoring or review visit by the BSB, including comments made on full/pastoral visits, and responses to reports from any other internal/external agencies (for example internal periodic review or scrutiny by the Quality Assurance Agency)
- 11 commentary on student support, with reference to academic and pastoral support, any special needs, equal opportunities, careers advice and advice on alternative or related careers, extracurricular activities guest lectures, mootings, debating and pro bono work.
- 12 evidence of adherence to the QAA Code of Practice and Framework for Higher Education Qualifications where relevant (Programme Specification as required by the QAA)
- 13 the identification of good practice, with examples
- 14 commentary on the previous year's action plan
- 15 action plan for the forthcoming academic year, with timetable and dates

NB The above may be used for section headings in the self evaluation report

3.2.2 Appendices/additional information

The following should be included as appendices to the report:

- 1 External Examiners' report(s)
- 2 response(s) by the Provider to External Examiner's report(s)
- 3 analysis of any student satisfaction questionnaires
- 4 notes of staff-student liaison meetings
- 5 data on student entry, progression, completion and destinations
- 6 subject reports on the compulsory subjects (these should also be summarised in the main report, in table form highlighting areas with high/low pass rates or satisfaction etc). Reports should focus upon the aims and objectives for each subject, the success of the delivery methods, the appropriateness of the form of assessment and a commentary on student performance and the method and appropriateness of the assessment instrument.

It is expected that matters raised in the Annual Monitoring Reports (AMRs) will have been discussed in-course committees, and institutional monitoring meetings as appropriate. It is not necessary for the minutes to accompany the annual reports, unless requested.

3.2.3 Action plans:

Central to the Annual Report is the production of an Action Plan in tabular form, which brings together issues identified (as above) with the suggested action and the timescale for implementation. The Annual Monitoring Report must include:

- 1 Response and update on the action plan for the previous year (showing how actions arising from the previous year's report have been followed up)
- 2 An action plan for the forthcoming year with target dates for completion of actions, indicating success criteria, those responsible and a full schedule for completion, but also any success constraints. These can be effectively presented in the form of a table, eg:

General Action points for Academic Year XXXX-XX

	<i>Issue identified</i>	<i>Action</i>	<i>By whom</i>	<i>By when</i>	<i>Outcome</i>
1	Response not yet provided to XYZ	Complete any outstanding responses to recommendations	Course team	Immediate	Done
2	Examiner indicated lack of response	Ensure adequate responses made to all External Examiner reports	Course team	By October	Done, but not all yet copied to BSB
3	Data needed on XXX	Improve quality and availability of statistical data to support annual monitoring	Information Services	By November	Improved but still ongoing
4	Lack of administrative support causing overload	Improve administrative support	Course Administration	When possible	Improved under new system, further improvement expected
5	Suspicion and evidence of plagiarism	Further efforts should be made to address plagiarism issues	Academic staff	Ongoing	Measures taken, but further action needed
6	Good practice identified	Examples of good practice should be circulated	Quality Unit	By end of the year	Done

3.3 **Schedule for annual monitoring reports**

The following schedule should be adhered to:

July	student examination and assessment results confirmed
July/August	analysis of end of year student comment/feedback
By 31 August	submission of External Examiners' reports
Early September	resit results and decisions
September	drafting of reports
October/November	reports discussed with institutional representatives (eg academic standards/Quality Assurance departments and committees)
By 30 November	Reports submitted to the Education & Training Department. BPTC SC considers reports and draws up overall report and action plan
February	Education and Training Committee considers overall report and normally feeds in to February BSB meeting

3.4 Statistics Protocol

3.4.1 In accordance with best practice, and in order to ensure that it carries out its public duty, the BSB is required to collect statistical information in relation to the BPTC. The following data must therefore be collected by each Provider of the BPTC and submitted to the Education Department at the BSB:

At the beginning of each academic year (ie by 1 October)

- a) Ratio of applicants to places
- b) Numbers of students enrolled broken down by ethnic origin, age, gender, jurisdiction, entry qualifications (classification of honours degree, grading of CPE/GDL), disability/impairment and special needs requirements

At the end of each academic year (to be included in AMR, by 30 November each year for the preceding academic year)

- c) Completion rates and progression data, for first time attempts/successes at summer Examination Boards, broken down by unit/module (broken down by ethnic origin, age, gender, jurisdiction, disability, entry qualifications, classification of honours degree, grading of CPE/GDL, and special needs requirements)
- d) Final completion rates and progression data following all resit boards (broken down by ethnic origin, age, gender, jurisdiction, entry qualifications, classification of honours degree, grading of CPE/GDL, and special needs requirements)
- e) Numbers of students who dropped out of the course during the year
- f) Destination survey results including, for example, the number of students who have obtained pupillage, are to be employed in the legal field, employed outside the legal field etc. Further tracking to tenancies or jobs as employed barristers is also desirable.

3.4.2 The above details should be provided in electronic form in a table in Excel. The information must be received by the BSB following the academic year in question and should also be included as appendices to the Annual Monitoring Report. See Appendix I.

C4 Periodic Review of the BPTC

4.1 Principles, aims and objectives of review

4.1.1 The overall aim of the review process is to secure for students a high quality of educational and academic experience. Its most important function is to assess the quality and standards of provision of the BPTC, by considering the academic management, content, teaching, learning, assessment and support for the BPTC. It will be particularly important as the new BPTC is rolled out in a range of Providers, and will help to ensure that standards are met, that there is continuity across provision, and adequate support and resources. It is expected that careful scrutiny will be necessary in the early period of the new course, but that, gradually, where there is confidence a more 'hands-off' approach maybe taken. This will be based on a risk management approach, with a lighter touch where there is confidence in a Provider, but including mechanisms for 'triggered' visits if and when causes for concern arise. The review process also provides a mechanism for quality enhancement and the identification and exchange of good practice

4.1.2 Principles

The main principles of the process of review are that:

- it is based on self-evaluation
- it uses existing documentation and materials as much as possible
- it relates closely to Providers' existing quality management structures
- it focuses on objectivity, peer review and an external perspective

4.1.3 Aims

The general over arching aims of the review process are:

- to enable the BSB to satisfy itself that the BPTC is being appropriately delivered to the right standard and that students are attaining the correct level of achievement, before being assessed as competent
- to consider the cumulative effect of the processes of approval, validation and annual monitoring by Providers
- to provide a mechanism for the identification, nurturing and dissemination of good quality management practices across the HEI.

4.1.4 Objectives

The evaluation/review process provides the opportunity:

- to ensure that the BPTC is being delivered to the agreed specifications and standards as laid down by the BSB, and to provide assurance that appropriate standards are being set and maintained
- to review how Providers are managing academic quality and standards and fulfilling their responsibilities for delivering the BPTC
- to evaluate the study experience of students, through feedback from the students
- to ensure that the human and physical resources available and the environment within which the course is offered are satisfactory
- to ensure that the quality of teaching and standards of assessment in the subject are maintained
- to ensure that appropriate support is provided for students, and the quality of the student experience is appropriate for the achievement of the aims and outcomes of the course
- to encourage the enhancement of the quality of the course and share good practice amongst the Providers of the BPTC as a whole
- to disseminate to the public accessible information about provision by means of reports (placed on the BSB website)

4.2 Procedures and information requirements for Periodic Review

4.2.1 Periodic Review is based on a process of self evaluation undertaken by the course team/Provider being reviewed.

4.2.2 The necessary documentation will therefore consist of a formal, written self-critical assessment, which must in turn refer to a range of other evidence provided. Apart from the critical review statement, all material should be existing rather than new. For example, details of provision, annual course monitoring reports, examiners' reports, strategic statements/plans and policies, the accreditation report, details of external activities and scholarship, any external reports, details of staff induction, mentoring and peer observation, student induction, statistical

indicators, and details of academic support services. Providers are advised to ensure that papers on all these topics are routinely collected and stored.

4.2.3 Courses to be reviewed will be identified in a provisional rolling schedule and notified in advance to Providers. A Review Panel will be set up for each review, who will visit the course in order to review the provision, undertake discussion with staff and students and make conditions and/or recommendations for continuing approval and improvement. An agenda of matters to be discussed will be drawn up, based on the self critical statement and previous action plans. This agenda will be discussed at an event by the formally constituted panel. This may be a 'full' review lasting 2-3 days and including a wide range of meetings and also teaching observations. Alternatively, where deemed appropriate, the review may take the form of a short one-day 'pastoral' or interim visit. The panel will scrutinise the supporting documentation, and meet members of staff and (in some cases) technical support staff and student representatives.

4.2.4 Following the review, a written report will be agreed by the panel and presented to the BPTC Sub Committee and the Education & Training Committee for consideration. Checking that recommendations and observations have been addressed ('closing the loop') will be carried out through the cycle of monitoring and reporting. An update or response should be provided by the course director subsequently showing how any conditions or recommendations identified (as 'desirable', 'advisable' or 'necessary') have been addressed. A panel may wish to see a report or response on issues requiring immediate attention within a defined time limit. 'Conditions' are unlikely to be set in the same way as at accreditation unless there is a serious issue. One year will be the maximum allowed for any Provider to address any matters identified as 'unsatisfactory' and to respond on the implementation of recommendations, although shorter timescales may also be set..

4.3 Review Panels and membership

An agenda for review will be discussed at a 2-3 day event by a formally constituted panel. The panel will scrutinise the supporting documentation, and meet members of staff (including support staff) and student representatives from the subject area in question.

Panels should comprise (as a minimum):

- a senior practitioner/senior member of the BSB or Secretariat as Chair (and to focus on Quality management systems)
- a senior practitioner (to focus on curriculum/content and structure)
- a senior legal academic, member of another BPTC Provider, or practitioner (to focus on Teaching, Learning and Assessment issues)
- a member with appropriate learning resources expertise
- a member of staff from the Education Department to act as officer to the panel

Each panel must therefore consist, as a minimum of two practising barristers, one legal academic, one member of the BSB/secretariat, and a member with the ability to scrutinize Learning Resources. Each panel must normally include a member of the BPTC Sub Committee or Education & Training Committee. Panel members must have undergone training before they are able to participate.

4.4 Timetable/schedule of events for the process

It is important that a careful timetable or schedule of events, with responsibilities allocated, is determined in line with the following:

<i>At least six months before the Review visit</i>	Course and timing of review identified in consultation with the Provider
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<i>At least five months before the Review visit</i>	Date agreed for the event
<i>Four months before the Review</i>	Planning meeting/discussion to take place with those involved to determine details of meetings, panel membership, and documentation requirements.
<i>Two months before the Review</i>	Panel members to be contacted with confirmed date of the Review. 'Housekeeping arrangements' (accommodation etc) for the review and visitors to be determined.
<i>At least three weeks before the Review</i>	Sufficient copies of the advanced documentation should be sent to panel members, together with a list of participants and draft programme
<i>The Review</i>	Proceeds according to the draft agenda
<i>Within two weeks after the event</i>	Unconfirmed report sent to the panel for agreement and Course director (to check for factual accuracy) within two weeks
<i>Within one month after the event</i>	Final report circulated and response given by Provider.
<i>Within three months after the event</i>	Report and response considered by the BPTC Sub Committee, and the Education & Training Committee
<i>Within one year maximum(sooner if specified)</i>	Action taken on any recommendations will be monitored

4.5 Timetable/schedule for the Review event

1 Outline programmes for review events are provided in Appendix D. The programme will be negotiated for each event individually in consultation between the Education Department and the Course Director, according to the availability of staff, observations, tours of resources etc. The visit may be extended to continue over 2-3 days to include scrutiny of student work and class observation if considered necessary. A well equipped base room is helpful to visitors/panel members, including PC/lap top and internet connection, sufficient sets of teaching materials and schedules if observation is to take place, printing facilities, and stationery)

2 Meetings should be arranged at convenient times, in accordance with the programme outline. This should include, as a minimum, meetings with management, teaching staff and students. The following are indicative of areas that will normally be discussed, depending on what appears to be particularly relevant to the provision and in relation to matters raised in annual monitoring reports and External Examiner reports:

Meeting with Management

- Course management and resourcing
- Quality assurance arrangements; response to previous reports etc
- Physical resources e.g. accommodation, library
- Learning resources e.g. IT library services
- Staffing & staff development
- Student services and welfare, including equality policies and disabled access arrangements
- Likely developments

Meeting with students

- Induction, workload, level and challenge of the course

- Clarity of information, student handbooks, teaching materials, case studies and the aims and objectives of each class
- Understanding of teaching methods, methods of assessment, and criteria for assessment
- Appropriateness of the teaching and assessment timetable
- Number/range of opportunities to practise skills
- Quality and timeliness of feedback received on coursework and progress (written and oral)
- Operation of the personal tutor system, academic and pastoral
- Quality of resources and equipment - accommodation, IT, library etc
- Participation in QA – feedback, issues and action taken; awareness of procedures
- Personal tutor system and careers advice
- Special activities and events (involvement of local practitioners)
- Aspects of the course they have found most difficult and most enjoyable

Meeting with Teaching staff

- Recruitment and selection
- Course materials
- Teaching and learning methods
- Assessment methods
- Any other issues raised by External Examiners in their reports
- Any issues arising out of the meeting with students
- Notable achievements and areas of best practice.

Additional meetings should be held with library, learning resources, student support and careers staff as appropriate. The purpose of the visit should be made clear to students, and assurances provided of student anonymity. There will normally be sampling of student work, some formal teaching observation, and a short tour of resources/facilities, particularly if there have been changes since the last visit.

4.6 Details of documentation required for Review

Good quality documentation supplied in advance is essential, so that the review panel can give due consideration to the provision

Documentation to be provided in advance:

1 A formal, written self evaluation document (SED) compiled by the subject leader and team, and about 10 pages long, detailing the rationale for the provision and the main aims and objectives. Evidence must be provided that the standard of the BPTC is set at the correct level; that the intellectual challenge is sufficiently demanding; that there is a high quality of learning environment; and that the teaching, learning and assessment methods used are effective. Evidence should also be provided that, through staff development activities underpinning the curriculum, syllabuses are being kept up to date with developments in the subject and professional practice

Additional material to be provided in advance (can be presented as appendices to the SED):

- 1 outline of the structure of the course, together with course statement, plans and policies (including admissions policies and procedures)
- 2 definitive course documentation (either a DCD or a student handbook plus additional information) giving details of each knowledge and skills area by method of delivery (indicating contact and study hours)
- 3 statistical information relating to student intake and progression data

- 4 the previous 3 years' Annual Monitoring Reports (including action plans and responses)
- 5 External Examiner reports for the previous 3 years
- 6 approval/accreditation reports, and reports of previous BSB visits (up to 3 years) as appropriate
- 7 a short summary of staff, with a note on each member, mentioning qualifications, main teaching activity and involvement in practice (Full CVs should be provided during the visit but it is helpful for panel members to have a brief summary of staff in advance.)
- 8 a summary of resources, including a description of major items of equipment and specialist accommodation; library, computing and other relevant supporting provision

Documentation to be made available on the day of the review event (in a 'base room')

- 1 relevant committee minutes and reports (course teams, staff student liaison meetings, quality assurance meetings)
- 2 course documentation, course manuals, textbooks etc as given to each student
- 3 further details of individual units or subject areas, including timetables, lesson plans and tutor notes for the course, including details of assessment instruments and procedures, assessment criteria and marking schemes
- 4 lesson plans, tutor notes and sample teaching materials for the period of the visit (ie materials relating to any observations to be undertaken)
- 5 details of staffing with CVS of all members contributing to the course, whether full time or part time, full time equivalent contribution to the BPTC, staff development undertaken and dates, whether an accredited advocacy tutor, years of practice experience, whether currently in practice (and if so to what extent), professional updating and teaching qualifications if any
- 6 staff development policies and strategies, including details of staff induction, mentoring and peer observation, and staff development/career review
- 7 details of student induction and support; appeals and complaints procedures
- 8 statistical indicators of trends (entry profiles, staff-student ratios, progression and output data, examination results, pass rates, destinations, student questionnaires etc)
- 9 information on support services including learning resources, registry functions etc,
- 10 financial statement setting out income from the BVC and expenditure on it

4.7 **Guidance on the compilation of the self evaluation document**

4.7.1 The Self Evaluation Document (SED) should be no longer than 10 pages plus appendices. Following a short introduction, it should begin by stating the aims and objectives of the department and courses. This needs to be written analytically, so it is not sufficient simply to describe the teaching and learning activities. There should be an indication of how Quality Assurance procedures have been used to identify areas which need to be addressed and indicate what action has been taken as a result. Evidence of continuous effective self assessment (eg

annual monitoring gaining feedback from students, peer observation) which leads to an improved learning experience for students as well as increased opportunities for staff will be highly rated.

The document should be well structured and logical. Clarity and coherence are essential and it should relate to annual monitoring and evaluation processes, showing how and why things operate in the way they do. Attention should be drawn to evidence to support statements (eg cross references to appendices).

4.7.2 An outline framework is suggested below (which may be used for headings):

- 1 Introduction: educational aims of the provision: statement of aims and objectives, summary of plans and policies and strategies for any future development
- 2 Curriculum/course management: summary of the course including any changes made or imminent; evaluation of appropriateness of courses to the BPTC aims and intended learning outcomes
- 3 Summary of institutional quality assurance: eg discussion of action plans, how change has been achieved as a result of annual monitoring or feedback
- 4 Standards: discussion of standards, showing that the standard of the BPTC is at the correct level, and that the level of intellectual challenge is appropriate, in accordance with the course specification
- 5 Quality of student experience and teaching and learning opportunities: evidence of the provision of a high quality of learning environment and student support, and of the effectiveness of the teaching, learning and assessment methods used in relation to aims, objectives and learning outcomes.
- 6 Student data and progression: analysis, drawing on statistics of student admission, retention and progression rates, and commentary as appropriate (see Statistics Protocol, as in section C3.4)
- 7 Staffing: Staffing (including changes and developments); staff development, practice and other activity. A summary of staff (ie 4-5 lines on each showing teaching/research responsibilities) can be helpful (it is also helpful if full CVs are available in the base room)
- 8 Resources: Information on resources and facilities, and critical review of this provision, including any updating/developments
- 9 Externality and benchmarking: confirmation that national expectations are being met
- 10 Conclusions: Summary discussion of strengths, good practice and any special distinguishing features, and of areas identified as requiring improvement

4.8 **Guidance for participants in Review**

4.8.1 The main role of panel members is to consider the submission in terms of aims and objectives of the review process as specified above, with particular emphasis on the quality of the student experience and the standards of awards. Key themes for discussion will be to consider whether the framework as specified is being adhered to; the quality of teaching and learning; effectiveness of assessment; quality enhancement (including staff development and good practice); support for students and the overall quality of the student experience. Care should be taken to ensure there is adequate evidence to check and support critical judgments. Good, as well as less commendable, areas of practice should be highlighted. Leading questions to students should be avoided and consideration should be made of the sensitivity of a review situation.

External panel members will be invited to comment on subject specific matters such as the curriculum. Teaching observation and viewing of student work may be undertaken.

4.8.2 Panel members should read the submission documentation carefully. When accepting the invitation to take part in a review, they are taking on an important role and face interesting and challenging situations. The submission documentation and the meetings which make up the event should help the review team to decide whether provision is of satisfactory quality, and meets acceptable standards for awards.

4.8.3 The panel should allow staff to explain and justify their proposals and to clarify any areas on which further discussion appears necessary. They must be rigorous but adopt a constructive approach in the spirit of dialogue and discussion. Panel members will usually meet a group of students enrolled on the BPTC in order to give them the opportunity to find out about the students' experiences and what they think about the learning environment, the teaching and assessment methods, the resources and the quality of administration. What the students say may prompt further questions for the course team, and may well throw light on answers already given by the staff.

4.9 **Criteria for Review**

The following areas should be considered in particular:

4.9.1 Rationale and demand. This must be sound and should meet strategic plans and the institutional mission statement.

4.9.2 Resources. The physical and human resource requirements of the provision should be identified with information about how they are provided.

4.9.3 Staffing, research and staff development. Staff should be adequate for the delivery of the course, and there should be evidence of staff development, professional practice and scholarly activity to underpin the provision. Evidence of peer observation, and staff appraisal/review should be provided.

4.9.4 Aims, objectives and philosophy of course. Clear, coherent and attainable aims and objectives should be expressed, consistent with those of the BSB.

4.9.5 Equality. Delivery of the BPTC should demonstrate an appreciation of the BSB policies on equality and diversity (<http://www.barstandardsboard.org.uk/about/ourstrategy/>), and promote the development all students to their full potential.

4.9.6 Admission criteria and regulations. Strict adherence to BSB entry requirements for the BPTC must be demonstrated. Any additional entry requirements or selection criteria should be stated and justified.

4.9.7 Course structure. The course structures should be clearly stated and consistent with stated aims and objectives of the BSB. The content must be well-organised, appropriate, at the right level, and up to date.

4.9.8 Skills. Emphasis on skills, particularly Advocacy, must be reflected in the course as appropriate.

4.9.9 Teaching and learning methods. There should be an effective and varied process which should relate to the aims and objectives of the BPTC. The process should ensure delivery of the course at the right level.

4.9.10 Assessment. There should be an effective assessment strategy, which adheres to BSB Assessment regulations and requirements, and ensures assessment at the right level whilst

allowing for variety. Individual assessments must be clearly defined and must provide effective measurements of performance and assessment, with correct weighting and an acceptable and balanced overall student workload. Assessment should be related to the specified outcomes as well as to the overall aims and objectives. The importance of verification of the students' own work in assessment (such as by the use of time constrained examinations) should be considered.

4.9.11 Assessment and progression. Consideration will be given to how students progress through the Course and obtain a pass in accordance with the regulations, particularly concerning resits.

4.9.12 Content. Review panel members with specific subject expertise will check that the content of courses is appropriate in terms of aims and objectives, level, standards, learning outcomes, assessments, transferable skills and competencies, reading lists etc.

4.9.13 Work placements and additional activities. Where applicable, the use of work placements and other forms of practical legal experience provided will be considered, particularly in terms of methods of supervision and assessment (if applicable).

4.9.14 Students. Information about general or special support to be provided for students will be considered. Evidence of a student representation and feedback system should be provided, including use of questionnaires, discussion groups, student representatives and participation in committees. Evidence of student feedback having been addressed, leading to improvement is also helpful.

4.9.15 Quality Assurance. The material provided should demonstrate overall how monitoring and evaluation procedures will be applied in order to respond to QA processes and maintain standards.

4.10 **Class Observation**

The panel should try to observe as many classes during the visit as is practicable, including a range of classes and teaching methods. It should be borne in mind that the presence of a panel member to observe the class may be disruptive or likely to have an effect on the teaching process. Additional guidance on class observation is provided in Appendix B. A class report should be written up by the panel member after each observation.

4.11 **After the event**

A written report of the event will be produced, first in draft form, including a summary of strengths and areas identified as in need of improvement. Observations and recommendations and observations by the panel will be made. Conditions for continuing approval may be specified. Panel members will be asked to comment on the draft report of the event and will also be involved if a written response is provided to conditions and recommendations set by the panel. Checking that recommendations and observations have been addressed will be carried out through the Education Department and subsequent reporting.

The report will be presented under the following headings:

- Course management & quality assurance
- Course structure and content
- Teaching and learning (including summary of class observations)
- Assessment
- Learning resources (accommodation, library, IT)
- Staffing & staff development
- Student support

C5 Interim ('pastoral') visits

5.1 Principles

5.1.1 Since it has been found to be unnecessary to make a full review visit each year to all Providers, interim 'pastoral' visits may take place in alternate years. While not as comprehensive as 'full' visits, these are similarly designed to help maintain and enhance the quality and standards of the BPTC by monitoring the quality of the courses being delivered; the quality of the student experience; and the standards attained by students.

5.1.2 Pastoral visits will be carried out with a view

- to help ensure that the BPTC is being delivered to the agreed specifications and standards laid down by the BSB; and
- to encourage the enhancement of the quality of the course by providing a commentary and recommendations on findings.

The process is not a (re)validation or accreditation exercise and there will not normally be specific conditions attached to the continuation of the course. Rather, various observations will be made and recommendations suggested. In exceptional circumstances, if serious issues or concerns arise, then a full visit may be triggered (see below C6).

5.2 Process

5.2.1 Panel Composition

Pastoral visits will normally be undertaken by staff of the Bar Standards Board, with the addition of a practitioner and/or committee member as appropriate. Different panel members should see different institutions year on year.

5.2.2 Documentation

The following documents should be provided in advance of the visit:

- 1 Visit Programme (negotiated between the Provider and the Education Department)
- 2 Reports of pastoral/full visits as appropriate, for the previous 1-3 years
- 3 External Examiners' Reports for the previous 1-3 years
- 4 The Provider's latest Annual Monitoring Report
- 5 The Provider's Definitive Course Documentation (DCD or Student Handbook plus supplementary material), including:
 - Course management responsibilities
 - Course structure and delivery including timetable and assessment schedule
 - Notes on physical resources dedicated to the BPTC and/or shared with other groups of students
 - Details of staffing and Staff Student Ratios (SSRs)
 - Brief details of student support provision

In addition, the following documents may be made available in the base room

- Minutes of relevant meetings (e.g. course team meetings; staff student meetings; quality assurance meetings)

- Additional material as provided to students (textbooks, handbook etc), including examples of lesson plans, sample teaching materials, assessments and marking schemes

5.2.3 The Visit

The format of one-day or 'pastoral' visits may vary but the one-day visit should include (preferably in this order):

- 1 a meeting with management,
- 2 a meeting with students, and
- 3 a meeting with teaching staff
- 4 time allowed for private discussion of the visitors
- 5 short tour of resources, if time allows
- 6 feedback session to management and staff

The visitors may have an evening meeting to consider particular matters that they need to discuss. Some observation of activities may also be included and a debriefing meeting will be held at the end of the visit.

5.2.4 Matters to be discussed

Meetings should be arranged at convenient times, in accordance with the programme outline and including as a minimum, meetings with Management, students and teaching staff (to discuss issues as appropriate, along the lines of those described at 4.5.2 above).

5.2.5 Additional information

- the purpose of the visit should be made clear to students
- assurances should be provided of anonymity
- there will normally be no sampling of student work
- there will normally be no formal teaching observation
- a short tour of resources/facilities can be helpful if time allows, particularly if there have been changes since the last visit

Please note that by special arrangement and agreement, this format may be varied – for example to include some observation but fewer meetings. A possible alternative format might therefore be:

- teaching observation (morning)
- meeting with students (over lunch)
- meeting with key staff (afternoon)
- feedback

5.2.6 Outcome/report

A report will be produced after the pastoral visit highlighting recommendations and any areas where action is desirable, advisable or necessary. The report, produced by the Education Department, will highlight areas of good practice as well as any areas in need of improvement. Where matters of serious or significant concern are identified, a full visit may result. The report will be checked for accuracy and a response invited in the normal way. Reports will be forwarded to the BPTC Sub Committee and used as a reference point for subsequent visits.

C6 Triggered visits

6.1 Principles

6.1.1 A 'triggered visit' may prove necessary where concerns have arisen, outside the normal scheduling of monitoring, review and visiting. The sort of circumstances which may cause a triggered visit to be necessary include:

- Over-recruitment in excess of approved numbers by a Provider
- Serious under recruitment, such that it would impact on the student experience
- Receipt of serious complaints about a Provider (eg by students)
- Concern that standards are at risk
- Financial or other issues

6.1.2 The process may well have an effect on any subsequent (re)validation or accreditation exercise, and there may be specific conditions attached to the continuation of the course. Recommendations will also be made. Costs of triggered visits are to be met by the Providers.

6.2 Process

6.2.1 Panel Composition

For a triggered visit, the panel will be comprised of staff of the Bar Standards Board, with the addition of at least one practitioner and one committee member. The reason for the visit must be made clear to the Provider, and opportunities will be given to respond before the visit is arranged. This may eliminate the need for an actual visit.

6.2.2 Documentation

Documents relating to the matter under investigation must be provided, as specified.

6.2.3 The Visit

A programme will be drawn up for the one-day visit, including meetings with relevant persons involved in the issue that has been the cause for concern. The one-day visit will therefore normally include a meeting with senior management, and those with direct involvement or responsibility for the matter under discussion. Meetings with staff and students may not be required, unless relevant.

6.2.4 Matters to be discussed

Discussion will normally be limited to the issue of concern that has resulted in the need for a visit, although additional areas (as per guidance for interim visits, above section C5) may also be covered. Sampling of student work, teaching observation and viewing of resources will only occur if these are germane to the matter at issue (eg over recruitment would impact on resources).

6.2.5 Outcome/report

A report will be produced after a triggered visit highlighting the findings of the panel and any action needed. If the matter is serious then the Education and Training Committee and/or the BSB will be notified immediately. A response will be requested, as well as evidence that the required action has been completed (within any specified timescale). The report will be used as a reference point for any subsequent visit.

C7 External Examiners: additional guidance

Note: *This section should be read in conjunction with section B4 Assessment regulations*

7.1 Guidance for External Examiners

7.1.1 The role of the External Examiner

1 The external's first duty is to ensure, on behalf of the Bar Standards Board, that the BPTC is being delivered in accordance with the Course Specification Requirements and Guidance, that standards are being set at the required level, and attained by students. The External Examiners must also ensure that justice is done to individual students. The BSB's overall policy on marking is that:

- anonymous marking should be employed where feasible (eg examinations)
- samples of work must be internally double-marked
- samples, including some of the best class of work, some failures and some on the boundary between classes, must be sent to External Examiners for their scrutiny.

2 As soon as possible following appointment, External Examiners must familiarise themselves with the course(s) for which they are responsible. This should include the delivery and assessment methods, syllabuses and assessment regulations. To assist them institutions should make available to them copies of the following documents:

- Definitive Course Document, or Student Handbook plus supplementary information
- Assessment regulations
- Assessment timetable;
- Assessment Materials and Marking Schemes;
- Teaching Schemes;
- Relevant teaching Materials;
- Staff lists and responsibilities.

3 The work of the External Examiner begins with the consideration and approval of teaching and assessment material and marking schemes. Through this process, the External Examiner must agree how the learning outcomes are delivered and assessed. After this, the work of moderating student scripts and other work for consistency and fairness, and ensuring the BPTC Assessment Framework is observed follows. This is why a visit early in the year is important, especially for new External Examiners. All assessment instruments for the knowledge areas, skills and optional subjects along with accompanying marking or assessment schemes must be approved by the appropriate External Examiner before they are utilised in the course. The decision of the External Examiner shall be final in the event of any dispute on the content or style of the proposed assessment.

4 In addition, it should be borne in mind that, although the main task is to assure that the standards set are being met, a large part of what the BSB does focuses on quality enhancement: evaluating what it, in partnership with the Providers, can do to improve the course and produce candidates who are better prepared for pupillage. External Examiners' views on the BPTC in this regard, in addition to views on the appropriateness of the standards achieved, are therefore most welcome and may be communicated either through reports or directly to the Education Department.

5 Each External Examiner will take responsibility for one or more specialist area of the BPTC, such that all are collectively moderated by External Examiners. He or she will have the right to select a representative sample of all assessments performed by candidates, whether written or oral, throughout the course. The sample should include all failed assessments,

borderline assessments and a selection from other parts of the grading bands. The External Examiner shall have the right to moderate the marks of the internal markers and the decision of the External Examiner is final in this respect.

6 The External Examiner must be independent of the Provider in order to bring objective and informed judgment of the standards which prevail for the BPTC. He or she should remain external to the course team (as the title suggests) and should exercise independent judgment on behalf of the BSB which is the body with ultimate responsibility for academic standards within the BPTC. The BSB looks to its External Examiners for the following purposes:

- to ensure that the standard of the BPTC is consistent with BSB requirements
- to moderate the standard of work carried out by students to consistent standards
- to ensure that when students' work is marked, the grades awarded are similar to those that would apply on other BPTC courses
- to ensure that what is regarded as an 'outstanding' piece of work is equivalent to that elsewhere
- to ensure that work which would fail elsewhere should fail at that Provider
- to ensure (by attendance at Examination Boards) the fair application of the regulations for dealing with assessment and the award of the professional qualification.

7 Examiners are able to comment on standards when they are sent samples of scripts for moderating, when they visit and discuss matters with staff and students, and at Examination Boards. Once Examination Boards have completed their deliberations, External Examiners should sign off Examination Board reports, confirming acceptance of the grades given to students as in line with the specified standards. Unless they are satisfied they should not sign off results.

8 External Examiners moderate; they do not mark. They are not expected to act as second or third marker. It is the function of the staff of the Provider (internal examiners) to mark scripts but the BSB looks to External Examiners to confirm, by considering an appropriately broad sample of scripts, that the general standard of marking is accurate and consistent with the standards specified for the BPTC. It is possible that the role of adjudicator may in some instances become necessary (for example where internal markers cannot reach consensus on the grade to be allocated), but such cases will be exceptional. External Examiners will normally be expected to consider samples of work in broad terms. From this, it follows that it is not expected of External Examiners to comment upon or seek to change grades awarded for individual student scripts, but to confirm the standard as being satisfactory. In cases where grades are considered inappropriate, adjustments should be made to the grades of the group of scripts as a whole, not only to the sample considered.

9 Examiners occasionally comment in their reports that they may have found marks or grading not entirely comparable with standards of the BPTC (ie somewhat lenient or harsh). This situation should not arise once final marks have been decided and an Examination Board report has been signed off. Any examiner not entirely happy with grades should not, of course, sign off Examination Board reports. It is inappropriate for any examiner to sign an Examination Board mark sheet and then question final standards in their reports subsequently. If marking is found to be overgenerous, unless this lies within acceptable parameters, then the Examination Board report should not be signed. This would seriously endanger standards and also demonstrate that the examiner system was not working effectively. Of course it may well occur that examiners moderating samples or viewing work do sometimes consider marking either too high or too low, but it is the function of External Examiners to moderate marking, so agreement should be reached prior to the final conclusions of Examination Boards. Examiners should only confirm standards if and when entirely satisfied, this being the major part of their role. It is essential that safeguarding of standards occurs as part of the External Examiner process.

10 External Examiners report bi-annually to the Bar Standards Board, and their reports form a key element of the annual monitoring process. At the end of each academic year each External Examiner shall produce a full report on those areas of the course for which he or she is responsible. A template (Appendix F) is provided for this purpose covering:

- The overall standards achieved by the students,
- The design and appropriateness of the assessment instruments and the marking standards applied to them,
- Compliance with the outcomes for the Bar Professional Training Course specified from time to time by the Bar Standards Board,
- Compliance with the Assessment Framework laid down by the Bar Standards Board,
- Compliance with the definitive course documentation of the particular institution,
- Comments on any particular features of the delivery or assessment of the course
- Any recommendations for improving the course (either by the Provider or the BSB).

11 For the exercise of the functions stated above, examiners need to be in touch with current developments in the subject of the award and to be familiar with the generally accepted standards in the sector. To carry out duties effectively, External Examiners need to scrutinise the details and the range of the assessments, as well as sample the marked work/scripts/DVDs. The presence of at least one External Examiner will normally be required at the Board of Examiners meeting where decisions are made and those attending must be provided with the full set of student results and with the regulations concerning student progression and awards for the BPTC in question. External Examiners' duties are further defined in the signed written agreement (available from the Education Department). They have a duty to attend meetings of the board of examiners and ensure that the assessment regulations of the institution are duly applied within the scope of the Assessment Framework issued by the Bar Standards Board. In appropriate cases the External Examiner shall have the right to conduct a viva voce examination of any candidate.

12 The External Examiner should attend the relevant institution at least twice, and normally three times, in each academic year. Visits shall be for the purpose of meeting with course managers, representatives of staff teaching on the course and students to observe classes etc. where desired and to attend the board of examiners. The External Examiners shall immediately report any perceived difficulties in the general operation of the course to the Bar Standards Board, which the BPTC Provider has failed to remedy upon the matter being brought to the attention of the course director.

7.1.2 External Examiners reports

1 External Examiners are required to provide an interim and an annual report to the BSB. A specified form is available for use for the interim report (normally due by 28 February) and the final report (due by 31 August each year). The reports must be typed and submitted electronically. If an External is examining at two sites of the same Provider they must submit a report for each. Examiners who are only covering optional subjects need not provide an interim report. The Bar Standards Board welcomes the views of the External Examiners on all aspects of the BPTC and in particular on course design, structure content and delivery in addition to issues relating to assessment. External Examiners reports are reviewed on receipt and go forward for consideration at course review and during monitoring visits.

2 External Examiners' annual reports provide important evidence on the standards prevailing for the BPTC, and are used by course teams as part of the basis for their annual monitoring. It is thus important for examiners reports to be returned promptly, by the end of August, if their comments are to be taken into account. Course teams must provide a response to External Examiners' reports (to the examiner, copied to the BSB).

7.1.3 Specific tasks of External Examiners

Duties of examiners are referred to Regulations section B4.8 and in the agreement (issued by the Education Department on appointment) but some further guidance is provided here.

Actual tasks are as follows:

- 1 to receive drafts of examination papers and in-course assessment tasks, together with an outline of the criteria by which they will be marked. Comment on these is required, especially notes on any revisions necessary if it is considered that the appropriate standard is not being met.
- 2 to consider a *sample* of marked work (eg DVDs or scripts) assessments from each grade category in order to confirm whether the scripts have been marked in accordance with the criteria stated, to the proper standard, fairly and accurately. This will normally represent a proportion of those submitted (depending on student numbers) and especially those at the upper and lower end of the marking range, or those which are borderline between categories.
- 3 attend a meeting of the Board of Examiners for the award, usually twice yearly (typically in June/July for the main board and in September for the resit board). The team of External Examiners should cover all boards between them.
- 4 The External Examiners shall be required to attend annual training events and participate in workshops or seminars on aspects of the BPTC, including the BPTC Conference. This requirement shall not exceed a maximum of two days in any one year.
- 5 to maintain contact by telephone (or in writing) with the course director from time to time and to visit (for example, to meet students, inspect practical work of student presentations, or to discuss proposed developments with the team) on a total of at least three occasions per year.
- 6 to be consulted by the course team on any proposed changes.
- 7 to submit an interim report and a final annual report using the template provided. The Course Director is required each year to respond to External Examiners' reports. External Examiners' reports must be sent to the Education & Training Department, after which payment of the examiner's fee will be made. Delays can occur if reports and claims are submitted in any other way.
- 8 External Examiners are responsible for considering and having the final ruling, if needed, on any case where the 'Red Light Rule' is put into practice (see B4.11.2).
- 9 External Examiners are responsible for considering and having the final ruling, if needed, on any case where the 'Attendance Rule' is put into practice (see B4.11.3).

7.1.4 Duties of the Provider

External Examiners must be informed when to expect assessment instruments for approval and scripts for moderation, and especially well in advance, the date of the final Examination Board. This is to ensure that examiners can plan their duties around their own commitments and workload. The Provider must send to or otherwise provide External Examiners (at times specified in advance) with the following:

- 1 up to date curriculum of the BPTC and the regulations governing their specific course, together with a schedule of assessments and of the main dates when examiners will be expected to consider papers or students' work

- 2 draft assessment tasks and copies of all examination papers, together with the assessment criteria to be used
- 3 samples of students' work (as noted above), marked and annotated by internal examiners as appropriate, together with full result sheets which demonstrate how the sample of scripts relate to the population from which they are selected
- 4 statistical material on the performance of students in modules for which the examiner has responsibility, on or before the day of the Board of Examiners' meeting
- 5 minutes of previous meetings; notes of action required and taken
- 6 the internal examiners' agreed results (to be provided at the Board of Examiners' meeting) for every student in every module or assessment, and with the profile of results for each student being considered at the Board
- 7 for new examiners, copies of previous examiners' reports

7.1.5 Appointment of External Examiners: principles

- 1 All External Examiner appointments must be approved by the BSB. Providers may make nominations, otherwise suitable examiners are determined by the Education Department. Appointments are made against specified criteria (see regulations B4.8.4) and will normally be for the duration of three years with the possibility of one year's extension.
- 2 A minimum of three External Examiners shall be appointed to each institution, which is validated for up to 120 students. One additional External Examiner will normally be allocated for each additional group of up to sixty students. Examiners of the BPTC may have up to two appointments, in order to gain a wider perspective of approaches and standards and thereby provide more informed consistency in the application of standards across Providers and in the identification of best practice.
- 3 The expertise of the External Examiners must be such that the External Examiner team is able to cover all areas of the course satisfactorily. Wherever possible, each institution shall have an External Examiner who has current experience on the BPTC and one who is a practising barrister or judge. For Providers with larger numbers of approved places, the number should be increased proportionately.
- 4 An External Examiner must have:
 - appropriate academic/professional qualifications.
 - appropriate standing, expertise and experience to monitor comparability of standards. This may be indicated by:
 - the present post and place of work;
 - the range and scope of experience across higher education/the profession;
 - current and recent active involvement in research/scholarly/professional activities in the field of study concerned.
 - enough recent external examining or comparable experience to indicate competence in assessing subjects in the subject area.
- 5 External Examiners should be drawn from a wide variety of institutions and professional contexts in order that the course benefits from wide-ranging external scrutiny. There should **not normally** be more than one examiner from the same institution in the team of External

Examiners, consecutive appointments from the same institution or reciprocal external examining between courses in two institutions.

6 There should be an appropriate balance and expertise in the team of examiners to reflect the demands of the course.

7 The Bar Standards Board shall normally appoint External Examiners on Bar Professional Training Courses for a term of no longer than three years. However, in certain circumstances appointments may be extended for a further academic year.

7.1.6 Appointment Process

1 Prospective External Examiners may be nominated or self nominated following advertising by the BSB. A nomination form (available from the Education Department) must be completed, supplying details of teaching, practitioner and assessment/examination experience; present and former appointments, and associations (if any) with the Provider or its staff. External Examiners must fulfil the criteria and requirements given at C7.1.5.4 above. They must collectively have experience of practice and external examining, and be independent of the Provider and of each other such that they can exercise dispassionate judgment and pursue constructive debate with the course team.

2 A decision not to approve a proposed External Examiner is not a reflection on the individual examiner's qualities. The overall composition, experience and qualifications of the external examining team for the BPTC has to be considered, in order to avoid omission of key areas and to consider the range of external examining experience of the team. Nominations may also be queried on the grounds of prior contact with the Provider or because of close contact with another examiner or member of staff.

3 On appointment, an External Examiner will receive a formal agreement from the BSB, stating the agreed fee which is conditional on the examiner properly carrying out his or her duties, including the submission of an interim and a final report and attendance at the Provider, at training, and at the annual BPTC Conference (as applicable).

4 External Examiners shall normally be paid £1,600 per annum (unless the appointment is made part way through the year in which case the fee shall be paid pro-rata and on receipt of the final report). The fee will be paid in two instalments in December and on receipt of the annual report. However, where an External Examiner is nominated to cover less than the equivalent of a full load (e.g. to cover only certain options) the fee shall be negotiated between the External Examiner and the Senior Education Officer. The fee may be subject to PAYE.

5 Payment for External Examiners is normally completed in instalments, on receipt of the report(s). Payment will be raised on receipt of the completed External Examiner report, normally submitted after the Main Examination Board (that is, by 31 August each year). Expenses claim forms, with all necessary details must be submitted (with the examiner's report) to the Education Department. National Insurance will be normally be deducted unless deferment has been applied for and approved. The BSB will pay for reasonable expenses incurred through authorised visits to Examination Boards (including travel costs within the UK, hotel accommodation where necessary and evening meal for externals). These shall include:

- Standard class rail fare (First class rail fares will only be agreed in exceptional circumstances);
- Taxi fare where appropriate;
- Car mileage at the rate of 40p per mile up to the cost of standard class rail fare where rail travel is not reasonably practicable;
- Reasonable subsistence expenses;
- Certified and reasonable postage expenses (NB scripts that are originals should be returned by External Examiners);
- Reasonable telephone expenses.

Expenses will only be paid against original receipts/tickets and documents (except mileage). No additional expenses must be incurred without prior approval of the Head of Education Standards or nominee. Expenses will be paid on submission of a claim in writing with appropriate receipts. Claims must be made within 3 months of the expenditure. Cheques in payment of expenses will not be reissued once they have expired. [See also *General Council of the Bar Travel and Expenses: policy and procedures for non-staff claimants*, June 2007 or latest version.]

7.1.7 Cessation of agreement

1 The Bar Standards Board shall have the right to terminate the appointment of an External Examiner at any time.

2 An External Examiner who wishes to resign their appointment shall give the Bar Standards Board and the validated institution three months' notice in writing.

7.2 Examiners' roles in boards of examiners, and calculation of results

1 All Boards of Examiners must be organised in accordance with the QAA Code of Practice which need not be repeated here. A formal agenda, plus the course assessment regulations, marking scheme used by the internal examiners, and the full draft mark sheet including a profile of the marks awarded to each student in each piece of assessed work (both final marks and marks for each question) must be provided. Analysis of the mean and standard deviation of the marks in each assessment and any recommendations on decisions should also be available.

2 Percentages or Grade point averages are used to calculate unit grades and eventually the predicted overall grade for the BPTC. There are few cases where outcomes are not determined by the actual grades attained by students

7.3 External Moderators

7.3.1 Principles

1 The primary responsibility of External Examiners is to verify that the academic standards of the University's awards, as indicated by students' attainment in assessment, have been set and maintained at the appropriate standard

2 In order to supplement the system of External Examiners, External Moderators will also be used from time to time in order to calibrate the performance of students in a particular subject with that of their peers across all Providers. The emphasis of the work of the External Moderators is therefore to look at the process of assessment and comparability of standards in a subject across Providers (not to consider the actual results, which is the role of External Examiners).

3 External Moderators will also have the responsibility, where possible, of playing a developmental role since a potential benefit of such a role is to compare the approaches used and to disseminate 'best practice'. External Moderators will be expected to express their views about how the assessment of the subject area, and/or the overall process might be developed.

4 As well as considering the overall process and viewing the reports of the External Examiners, Moderators should also liaise with External Examiners in their subject or skills area.

7.3.2 Process

External Moderators will be appointed in order to consider:

- a. Course content as it is delivered in the BPTC

- b. Resources available (library, learning resources, staffing)
- c. Standards and outcomes set for, and attained by, students
- d. How knowledge and understanding is assessed (i.e. how assessments are set and monitored first by internal examiners, and then by External Examiners; reports of which will need to be provided in order for them to be evaluated)
- e. How skills are assessed – i.e. to ensure that the assessments are conducted in accordance with the course requirements and regulations
- f. Quality procedures relating to assessment, particularly the internal and external marking and moderation of scripts (internal double marking and use of External Examiners)

7.3.3 Documentation

Documentation that will need to be supplied to Moderators includes:

- Previous External Examiner reports
- Extracts from Annual Monitoring reports (where information relates to the specified subject – e.g. response to relevant External Examiner comments; review of the unit)
- Student handbook information on the specified subject
- Assessment questions for the specified subject
- Examples of student scripts (marked and second marked) for the subject

7.3.4 Procedures

Visits to each Provider will be arranged in conjunction with Providers and supported by the Education Standards Team of the Bar Standards Board. Time should be allowed during each visit to each Provider to:

- Meet with staff to discuss the teaching and assessment of the specified subject
- Meet with students to discuss the learning and assessment process
- View documentation as specified above
- Observe class(es) where possible
- View resources, as appropriate

7.3.5 External Moderators' reports

1 External Moderators are required to report back to the BSB (by 31 August of the year of appointment) on standards and on the effectiveness of the delivery and assessment of the specified subject by the Providers. The report should refer to the way that the subject is being taught and assessed collectively across the Providers - but also drawing attention to any particular instances of areas in need of improvement, or indeed good practice in individual Providers.

2 Moderators must also report immediately to the BSB (Head of Education Standards) on any matters of serious concern arising from the process which may put standards at risk.

3 A proforma is provided for use by External Moderators, in order to facilitate cross comparisons. In the overall report, the External Moderator should comment on the conduct of the assessments in the specified subject area across all Providers, commenting in particular on:

- a the process of delivery of the subject in each Provider

- b the process of assessment of the subject in each Provider
 - c the overall performance of the students in relation to their peers on comparable programmes;
 - d the strengths and weaknesses of students in a particular Provider
 - e the quality of knowledge and skills (both general and subject specific) demonstrated by the students;
 - f the structure, organisation, design and marking of all assessments;
 - g the quality of teaching as indicated by student performance;
 - h any particular examples of good practice, considered in terms of the developmental role of the moderator
 - i views about how the assessment of the subject area, and/or the overall process might be developed.
 - j any formal recommendations arising from the process,
- 4 The report will help the BSB to judge whether the subject is appropriately delivered and assessed across the Providers.

**Appendix A: Bar Training Regulations
(subject to final approval, to be in place from 2009)**

PART III - THE ACADEMIC STAGE

1. A person completes the Academic Stage of training by:
 - (a) obtaining a Qualifying Law Degree; or
 - (b) obtaining a Qualifying Degree and successfully completing a Conversion Course.

2. A Qualifying Law Degree is a Qualifying Degree approved by the Board which includes a course of study of the Foundations of Legal Knowledge.

3. A Qualifying Degree is:
 - (a) a degree of the required standard awarded by a University in the United Kingdom following a course of study of the minimum period; or
 - (b) a degree awarded by a University or establishment of equivalent level outside the United Kingdom which the Board accepts as equivalent to a degree satisfying the requirements of paragraph (a).

4. For the purpose of Regulation 20(a), unless the Board on an application showing good grounds permits otherwise:
 - (a) the required standard is first or second class honours; and
 - (b) the minimum period is three years.

5. A Conversion Course is a course approved by the Board which includes study of the Foundations of Legal Knowledge.

6. For the purpose of Regulation 18, a person obtains a Qualifying Degree on being adjudged to have successfully completed the academic requirements of the degree irrespective of when the degree is actually conferred.

PART IV - THE VOCATIONAL STAGE

7. A person commences the Vocational Stage of training on commencing attendance at a Bar Professional Training Course and completes the Vocational Stage on being certified by the course provider as having successfully completed a Bar Professional Training Course.

8. Before commencing the Vocational Stage, a person must:
 - (a) have completed (or been exempted under Part VII of these Regulations from) the Academic Stage; and
 - (b) have been admitted to an Inn of Court.

9. A person may not commence the Vocational Stage more than five years after completing the Academic Stage except with the permission of the Board and after complying with any condition which the Board may impose.

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Standards for the BPTC (for use in accreditation, monitoring and review)

Key area	Details of required standards	Reviewer's notes
1 Rationale, aims and philosophy		
The aims and purpose of the BPTC, as specified, must be explicit in the course as delivered	<ul style="list-style-type: none"> • Professional and educational values, the aims and objectives and the ethos of the course, particularly the emphasis on professional ethics must be in evidence and demonstrable 	
2 Management of the BPTC		
The course management structures must be clear and appropriate	<ul style="list-style-type: none"> • The committee structures must be clear and appropriate • There must be clear allocation of responsibilities for course-wide issues (eg student welfare, resourcing, staffing, staff development) • There must be clear allocation of responsibilities for specific subject areas 	
Information must be provided on request about the adequacy of the financial resources for the course	<ul style="list-style-type: none"> • While sight of management accounts will not be requested, Providers should be able to indicate how funding is allocated - for example what the mechanisms are for increasing resources when need is identified, how resources are used to recruit and support staff, and how resources are made available for the development of teaching facilities etc 	

3 Staffing and staff development		
Staff must be of high calibre with appropriate qualifications and professional and subject expertise.	<ul style="list-style-type: none"> • All CVs must be notified to and approved by the BSB • Staff departures must be notified and new staff appointed subject to approval by the BSB 	
SSRs must be maintained at the specified level	<ul style="list-style-type: none"> • SSR must be 1:12.5 for the first 125 FTE students; thereafter 1 additional member of staff per additional group or part group of 16 students • The number of staff dedicated to the BPTC must be notified for approval 	
There must be practitioner involvement	<ul style="list-style-type: none"> • A minimum of 50% of staff must have recent or current experience of practice • Similarly, a minimum of 50% of staff must have experience of teaching in Higher Education • Course teams must be integrated in terms of full and part time staff, and visiting practitioners 	
Staff teaching advocacy must be ATC accredited	<ul style="list-style-type: none"> • Staff appointed for the teaching and assessment of advocacy must be accredited at the date of being first employed to teach advocacy on the BVC/BTPC. • In exceptional circumstances (for example where an appointment is made at short notice due to the sudden departure of an existing member of staff, or to cover for illness or maternity leave etc) staff who are not accredited must gain accreditation within ten weeks of having first started to teach advocacy 	
Staff workload must be appropriate	<ul style="list-style-type: none"> • Contact and other hours must be proportionate and in line with the EWTD • Fractional and part time staff must have proportionate workload • Commitment to the BPTC, in comparison with other courses must be appropriate, for individuals and for the BPTC staff team as a whole 	
There must be procedures for reviewing performance and identifying individual needs of staff	<ul style="list-style-type: none"> • Some form of staff appraisal or review should take place on an annual basis 	
Staff must receive appropriate staff development	<ul style="list-style-type: none"> • There must be a staff development policy in place, of the updating of professional and teaching skills and expertise • New staff must receive appropriate induction • There must be appropriate opportunities to engage with the wider academic and practice community through conferences, seminars, external examining etc (including in house provision) • Each member of BPTC staff must undertake at least 5 days appropriate staff development each year (with proportionate training by fractional staff) • Financial support must be provided for staff development; a notional budget of £500 pa per individual to support staff development 	
There must be sufficient support staff	<ul style="list-style-type: none"> • There must be a dedicated course administrator • An on-site IT/AV technician • A professionally qualified law librarian • Sufficient additional library staff 	

4 Quality Assurance		
Quality management systems must be in place	<ul style="list-style-type: none"> • Where the Provider comes under the jurisdiction of the QAA, this must be in line with the QAA Academic infrastructure, particularly the Code of Practice • Providers not under the jurisdiction of the QAA are advised to adhere to the QAA Academic Infrastructure, particularly the Code of Practice as appropriate 	
Internal Quality Assurance mechanisms must be in place	<ul style="list-style-type: none"> • Clear and effective policies must be in place in order to ensure that Quality Assurance for the BPTC meshes in with robust institutional procedures • Responsibility for ensuring internal systems are operated correctly must be identified • Issues and areas for improvement must be detected and remedial action taken as appropriate and necessary (and communicated to staff and students) • There must be robust internal annual monitoring systems in place, based on the gathering of appropriate information (for example according to the statistics protocol) • There must be regular team meetings to discuss issues arising • There must be methods of collection of feedback from students • There must be defined timing and schedules for QA mechanisms as above 	
The system of External Examiners, appointed by the BSB, must be applied in accordance with the relevant regulations	<ul style="list-style-type: none"> • External Examiners must be notified in advance of the schedule of assessments, visits and final examination board • External Examiners must be supplied with draft assessment questions for approval • External Examiners must be provided with samples of student work (coursework, recordings, examination scripts) • External Examiners must be present at the end of year examination board, and no confirmed results, eg end of year results may be notified to candidates until agreed by External Examiners at the examination board • Advice offered by External Examiners must be given tdue attention and acted on as appropriate 	
The BSB system of monitoring and review must be adhered to	<ul style="list-style-type: none"> • Access to the course for monitoring and review purposes must be provided to the BSB or representatives, whether an interim ('pastoral') visit or a full 2-3 day visit • Where a triggered visit becomes necessary due to concerns that have been identified, then full co-operation must be afforded (costs will be covered by the Provider) 	
Efforts must be made to identify areas of good practice	<ul style="list-style-type: none"> • Areas of good practice must be identified, nurtured and disseminated within, and outwith, the course • There must be procedures for the dissemination of good practice or ideas identified internally or externally 	

5 Curriculum and course content		
The course specification and requirements must be adhered to	<ul style="list-style-type: none"> • Knowledge areas must be delivered as specified • Skills must be taught/delivered as specified • The course must be delivered over a minimum of 30 weeks (commencing not earlier than the third week of September) • Any variations, changes or developments must be notified to the BSB 	
Course structure must be appropriate	<ul style="list-style-type: none"> • Components must relate clearly and constructively to each other, and given appropriate weight (in line with assessment weightings) • The overall timetable must be sensible and balanced in the distribution of teaching sessions and assessment 	
6 Teaching & Learning		
An appropriate induction must be provided to students	<ul style="list-style-type: none"> • The induction must be geared toward the concept of the BPTC as a 'bridge' between the academic and Pupillage stage of training for the Bar • Induction must be appropriate in terms of students' prior learning and skills • Required subjects must be included in induction (eg legal research methods) 	
There must be appropriate variety in teaching methods, as appropriate to the different aspects of the course	<ul style="list-style-type: none"> • Teaching methods should vary from large group sessions, to small group sessions (normally 12 persons) and smaller or individual sessions with students, as appropriate • There must be regular team meetings to discuss teaching and learning issues and methodologies, linked as appropriate to institutional policies and strategies • Methods and class size should be appropriate to the delivery of knowledge or skills aspects of the course 	
There must be a minimum number of opportunities provided as specified for students to practise skills under supervision	<ul style="list-style-type: none"> • At least nine opportunities must be provided to practice advocacy (plus 3 assessed) • At least four opportunities must be provided to practice conferencing (including one formal oral assessment) 	
Teaching schemes and schedules must be appropriate to the course	<ul style="list-style-type: none"> • Methods of delivery must be clearly specified, with tutor notes, and properly produced and edited teaching materials • Steps must be taken to ensure continuity across groupings • Delivery to part time students must be appropriate and in line with delivery of the full time course 	
Local practitioners must be involved in the course	<ul style="list-style-type: none"> • This can be either as fractional appointments, or in the form of guest lectures, master classes etc, but a high degree of involvement is essential • An additional range of student activities must be provided eg guest speakers, moots, debates, Inns 	

	social activities etc.	
The facility for class observation must be made available to the BSB on request	<ul style="list-style-type: none"> • Visiting panel members must be provided with access to classes, and teaching materials as necessary 	
Class observation during visits will be conducted in accordance with guidelines provided	<ul style="list-style-type: none"> • The panel will try to observe as many classes during the visit as is practicable. • Each panel member should try to see a range of classes and teaching methods. • The timetable of class observation will be discussed and agreed by the panel before the visit commences. • The following protocols should be observed when joining a class: <ul style="list-style-type: none"> • Panel members will arrive shortly before the class commences, introduce themselves and ask to join the class (maximum two per class) • Appropriate teaching material must be provided (in the base room), so that observers can follow • Observers should be aware that some students may be affected by the presence of an observer and may “show off” or be reticent. Observers should be sensitive to the situation. • Observers should not comment upon, criticise or otherwise join in during the class • Observers should stay until the end of the class, or leave at an appropriate break • The class may be discussed afterwards with the tutor, to provide feedback. This should be dialogue and discussion, rather than a critique • Views expressed will be those of the observer, based on the sample seen, and they will not be made known to the institution • The panel as a whole will take a view about the quality of delivery on the course, that is, observation reports (which should be drafted at once and for which a proforma is available) will be considered collectively, and overall comments made • Any issues relating to the regulations and procedures may be discussed, but personal prejudices and standpoints should not be allowed by panel members to dominate 	

7 Admissions		
Admission requirements must be strictly adhered to (prior to the commencement of the course)	<ul style="list-style-type: none"> • Entry requirements are summarised as follows; Completion of the Academic Stage of training; Membership of an Inn of Court; Pass mark in the aptitude test; IELTS 7.5 • All prior qualifications must be verified, including authenticity of documentation 	
No candidates must be admitted who do not meet the requirements	<ul style="list-style-type: none"> • In particular, those with part or parts of the QLD liable to resit or with results not yet known must not be admitted • Candidates whose English language skills do not meet the requirements must not be admitted • Candidates found not to meet the requirements once the course has started must be expelled/required 	

	to leave	
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8 Assessment		
Student grades must be carefully and clearly recorded	<ul style="list-style-type: none"> • A centralised computerised system must be in place to record student grades, progression and final results • Information must be provided periodically to students on their progress 	
Steps must be taken to ensure fairness in assessment for all students	<ul style="list-style-type: none"> • The aims and objectives of each part of the course, and of individual classes, must be made clear to students • It must be made clear in advance what materials can be used for seen/unseen assessments • Steps must be taken to ensure continuity in assessment across groupings • Criteria for assessment (marking schemes) must relate clearly to the intended learning outcomes as specified by the BSB, must be communicated clearly to students, and used by markers • A process of internal and external examining must be in place and properly applied (see above), with evidence of internal external marking available for moderation 	
Assessments must be appropriate means of testing whether students have attained the specified learning outcomes	<ul style="list-style-type: none"> • There must be an appropriate range of assessment methods • Tasks specified must be appropriate to the skill or knowledge being assessed • Tasks must be set and graded at the appropriate level • Preparatory or supporting material must be of high quality • Assessments must be appropriate to test the relevant aspect of the course • All draft assessment questions must be approved by BSB external examiners • Reuse of assessment questions within a 3 year timescale is not normally permitted • Bunching of assessment must be avoided 	
Clear distinction should be made between formative and summative assessments	<ul style="list-style-type: none"> • Summative assessments (ie contributing to the final grade) must be made clear to students, but preceded by 'formative only' assessments to allow students practice, particularly at the skills areas • It should be noted that where some assessments are formative only, many summative assessments will also result in feedback, giving them also a formative dimension (except for end of course assessments such as examinations, where annotations are normally directed at second/third markers) 	
Opportunities for resits must be made available	<ul style="list-style-type: none"> • Resit assessment questions must be in line with but not identical to initial assessment • In-course resits may be used, as long as results have been finalised and notified to students, for example by an interim examination board 	
Appropriate feedback must be provided to students	<ul style="list-style-type: none"> • Comprehensive written feedback must be provided to students 	
Final outcomes or exit standards must	<ul style="list-style-type: none"> • Only students competent to undertake a pupillage placement, and potentially able to provide services to 	

be rigorously assessed	the public following the first six, must be assessed as competent <ul style="list-style-type: none"> • The centralised 'universal' exit test must be taken and passed by all candidates, with an overall weighting of 25 % for the course 	
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9 Student support and information

Clear information must be provided to prospective applicants prior to registration	<ul style="list-style-type: none"> • Students must be clearly informed about the course in advance, including career opportunities at the Bar (the numbers of successful practising barristers, and number of tenancies available each year) and alternative possibilities 	
There must be a personal tutor system for students	<ul style="list-style-type: none"> • There must be an effective personal tutor system for the provision of academic support • The tutor system must be regularised, and not dependent upon self referral by students • There must be reasonable access to staff for students outside formal class contact times (eg by set office times or by email/internet) • Special support should be supplied for overseas students with regard to cultural or other difficulties in following the BPTC 	
Career advice must be supplied for students	<ul style="list-style-type: none"> • Advice on careers must include Careers advice must be provided with advice on the process of applying for pupillages (and with assistance given as appropriate) • Students must be made aware of opportunities at the Employed Bar • Students must be made aware of alternative career pathways that are appropriate to those who have undertaken the BPTC 	
Counselling services must be available	<ul style="list-style-type: none"> • A counselling service must available to students for the provision of counselling services on non-academic matters such as illness, bereavement etc • Financial advice should be provided as appropriate to students, as well as some assistance in finding accommodation. 	

10 Learning resources: library/books, reference material

Library resources, facilities and accommodation must be provided as specified	<ul style="list-style-type: none"> • The library must provide a conducive environment in which to study, with consideration given to its general layout, standard of furniture and furnishings • There must be sufficient space provided for all the equipment and activities within the library (storage of stock, loan of material, study spaces, access to electronic resources) • There must be sufficient seating for library users in close proximity to the law collection • There must be adequate photocopying and printing facilities available in a convenient location • Library and information resources should be made available not only in a conventional library but also in 	
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	<p>workrooms or practitioners or firm “offices”.</p> <ul style="list-style-type: none"> • The library’s opening hours must be adequate to meet the needs of the users • It is recognised that some libraries may not offer full services and access to equipment during the whole of their opening hours but services and equipment must be available for appropriate periods of time each week and particularly outside normal teaching hours • The library catalogue must be comprehensive, up to date and conveniently accessible to users • The loan periods for stock must be appropriate eg there should be provision for “in demand” material to be placed on short loan; standard reference materials should be available for use in the library only; online reference material should be similarly accessible • There must be a staffed enquiry desk that must be open for adequate periods of time each week • The library must provide users with appropriate information about the services available to them, with appropriate induction and training in the use of those services • The library must make available to users information about other services that may be used to supplement its own direct provision to the BPTC, e.g. other libraries or services (eg electronic services) 	
<p>The library must be properly managed and staffed</p>	<ul style="list-style-type: none"> • The library; its services and equipment must be managed appropriately to maximise benefit to the users • Formal responsibility for the management of library and information resources should be designated • The library manager should be able to participate fully in all decisions concerning developments within the BPTC teaching programme and changes to teaching methods that might have implications for library provision • There must be mechanisms in place to ensure that the requirements for new teaching developments are identified and adequately resourced • Library staff must be available (and in sufficient numbers) with specialist knowledge and experience to provide a full range of library services (book circulation, enquiry/information services, IT and AV support) • There must be means for obtaining the views of users of the library, e.g. committees with user representation, suggestion boxes, surveys 	
<p>Materials must be provided as specified</p>	<ul style="list-style-type: none"> • The annual budget for the purchase of library materials i.e. statutes, law reports, periodicals, textbooks and practitioner works must be defined in accordance with requirements • Funding (minimum £250 per student per annum) must be adequate taking into account the number of students using these library materials • The range of material held (especially of practitioner materials) must be appropriate to the needs of the students on the course • The stock of materials must be kept up to date, for example loose leaf works such as Kemp and Kemp, the Halsbury’s publications, specialist encyclopaedias are up to date and the latest editions are held of practitioner reference works such as Supreme Court Practice, County Court Practice, Stones Justices Manual, Chitty on Contracts, Gale on Easements, Megarry on Real Property 	

	<ul style="list-style-type: none"> • There must be sufficient multiple copies held of basic reference works such as Supreme Court Practice, County Court Practice, Stones Justices Manual and Kemp and Kemp • If workrooms or practitioner or firm “offices” are provided, the selection of library materials held there must be appropriate and adequate 	
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11 Learning resources: IT		
General resources and facilities must be provided according to the specification	<ul style="list-style-type: none"> • The nature and quality of equipment provided must be as specified • There must be sufficient equipment for the course, with appropriate access for students • The use of equipment must be properly managed and organised • Equipment must be dedicated to the BPTC students as specified • An effective level of technical support must be provided 	
Access to computers, hardware and software must be as specified	<ul style="list-style-type: none"> • There must be sufficient computer terminals available and located in appropriate places • There must be sufficient computer printers available • The provision of computer equipment (including the provision of computer databases, hardware and software) must be to an appropriate technical standard and quality and widely accessible • If workrooms or practitioner or firm “offices” are provided, the provision of computers and printers within them must be adequate • Computer databases and software must be made available for legal research; word processing and other legal practice requirements (e.g. accounts, time recording, case management). • For legal research the range should normally include: Lexis, Current Legal Information, Lawtel, CDs of law reports, CDs of statutory instruments, CDs of EU legal materials, forms and precedents on disc, practitioner texts on CD. • There must be access to the Internet and the legal resources it contains 	
Audio visual and recording equipment	<ul style="list-style-type: none"> • There must be full video/DVD recording and playback facilities and equipment available of appropriate standard and quality • staff must be available with specialist knowledge and experience to provide a full range of IT and AV support • There must be appropriate and adequate technical support for video/DVD recording and playback facilities 	

12 Learning resources: Accommodation and other facilities		
Accommodation must be appropriate to professional training	<ul style="list-style-type: none"> • The overall space available must be sufficient to support the course • Seminar rooms must be of a reasonable size 	

	<ul style="list-style-type: none"> • Simulated court room facilities must be provided with access for all students • Rooms must be used appropriately for the activities in terms of size and layout • Furniture and fittings must be appropriate and suitably flexible • There must be adequate specialist accommodation, eg courtroom, IT rooms, video-recording rooms. • There must be BVC base and common rooms with appropriate number of seats • The accommodation must reflect a professional environment 	
There must be a common, social or base room to provide a place for study and discussion	<ul style="list-style-type: none"> • Recreational and other social facilities may be shared with other students, although some dedicated space for BPTC students is regarded as preferable 	
Refreshment facilities must be made available to students (including part time)	<ul style="list-style-type: none"> • There must be catering and recreational facilities available to BPTC students – these may be shared with students on other courses 	

13 Equality, Diversity and Opportunity [to be expanded]		
The admissions policy and procedures must be open transparent and fair to all candidates	<ul style="list-style-type: none"> • There must be no discrimination in the admissions process which must be designed to identify and admit the best candidates for the course, regardless of their background 	
All reasonable efforts must be made to accommodate students with disabilities in terms of accommodation and access	<ul style="list-style-type: none"> • Level access (ie access for the disabled), lifts, parking facilities 	
Reasonable adjustments must be made for assessment of students with disabilities	<ul style="list-style-type: none"> • Adjustments must be appropriate to the nature of the disabilities, eg extra time in examinations for students with dyslexia; an amanuensis; or other provision for students with visual or physical impairment 	

Appendix C - Academic Stage (areas covered in Foundation subjects)

Entrants to the BPTC should have an understanding and be familiar with the following:

1. Contract
 - 1.1 Formation of Contracts
 - Offer/Acceptance
 - Intention to create legal relations
 - Consideration
 - Privity of contract
 - Capacity/Formalities
 - 1.2 Terms of the Contract
 - Express terms, implied terms, particularly implied from statute (Sale of Goods Act, Supply of Goods & Services)
 - Conditions and warranties
 - Exemption clauses
 - 1.3 Vitiating factors
 - Misrepresentation
 - Mistake
 - Duress/undue influence
 - Illegality/restraint of trade
 - 1.4 Discharge of Contract
 - Discharge by performance
 - Discharge by frustration
 - Discharge by breach
 - Remedies
 - Damages
 - Specific performance
 - Injunction
 - Restitution
2. Tort
 - 2.1 Negligence
 - Duty of care
 - Negligent statements
 - Professional negligence
 - Nervous shock
 - Breach of Duty
 - Damage
 - Remoteness
 - Causation
 - Rescuers
 - 2.2 Employers' liability
 - 2.3 Trespass torts; Nuisance
 - 2.4 Breach of statutory duty

- 2.5 Occupiers liability
- 2.6 Common issues in Tort and Contract
 - Professional liability
 - Product liability
 - Multi-party transactions
 - Economic loss
 - Misrepresentation
 - Unfair Contract Terms Act
 - Remedies
- 3. Land Law
 - 3.1 General
 - Estates and interests which can be held in land and how these can exist
 - Ways in which legal estates can be held
 - The respective roles of trustees and beneficiaries
 - The formalities governing the acquisition of interests in land
 - Matters which may defeat an estate or interest
 - Licences and leases in both commercial and residential contexts
 - The regulation of land use through private law mechanisms (covenants and easements)
 - How estates and interests in land are governed by the unregistered and registered systems of conveyancing.
 - 3.2 Additional
 - Transfer of land
 - Strict settlements, the trust for sale and the trust of land
 - Co-ownership
 - Mortgages
 - Licences
 - Leases
 - Freehold covenants
 - Easements
 - Unregistered land
 - Registered land
- 4. The Law of Equity and Trusts
 - 4.1 Basic principles and rules of equity
 - Creation of Private Trusts
 - Certainty, formalities for creation and exceptions
 - Rules against remoteness of vesting
 - Secret trusts
 - Charitable trusts
 - Requirements for charitable status
 - Cy-près doctrine
 - Purpose trusts and unincorporated associations
 - Resulting and constructive trusts
 - Implied trusts of the home
 - Administration of private trusts
 - Appointment and removal of trustees
 - Variation of trusts
 - Trustees' powers and duties

- Breach of trust and defences
 - Liability of strangers, tracing
5. Constitutional and Administrative Law (outline only)
- 5.1 Nature and sources of Constitutional Law
 - Doctrines of Constitutional Law
 - Institutions of Constitutional Law in the UK and EU
 - Government Powers and Accountability
 - 5.2 EU Law
 - Relations with the national legal order
 - UK sovereignty and impact of EU Law
 - EU remedies
 - 5.3 Civil Liberties
 - The Police
 - The Judiciary
 - Human rights - the European Convention on Human Rights and Fundamental Freedoms
 - 5.4 Administrative Law
 - Judicial review
 - Jurisdiction - *ultra vires*
 - Principles - natural justice
 - Procedures and remedies
 - Administrative tribunals
6. Criminal Law
- 6.1 General
 - The general principles of criminal liability (*actus reus*, *mens rea* and defences)
 - Ability to apply these general principles to specific offences
 - Understanding of the elements of specific offences
 - Understanding of the role of case law, the rules of precedent, statutes and rules of statutory interpretation in the operation of criminal law.
 - 6.2 The basic elements of criminal liability
 - *Actus Reus*
 - Causation
 - Omissions
 - *Mens Rea* (intention, recklessness etc)
 - Defences (including self defence, effect of mistake)
 - Recklessness
 - 6.3 Non-fatal offences against the person
 - Assault and battery
 - Assault occasioning actual bodily harm
 - Causing or inflicting grievous bodily harm
 - Robbery
 - 6.4 Fatal offences against the person
 - Murder
 - Manslaughter

- 6.5 Modes of Participation
 - Accessorial liability
 - Inchoate offences
- 6.6 Offences involving fraud and dishonesty
 - Theft
 - Offences of fraud
 - Evasion of liability by deception
 - Making off without payment
 - Handling stolen goods
 - Burglary
- 6.7 Road Traffic Offences
 - Taking a vehicle without the owners consent
 - Aggravated vehicle taking
 - Careless driving
- 6.8 Other Offences
 - Public order offences
 - Criminal damage
- 7. EU Law
 - 7.1 Basics of EU Law
 - Recognition of the circumstances in which issues of EU Law may arise
 - The relationship between EU and Domestic Law in a practical context
 - The main content of and problems existing in some of the major areas of substantive EU Law and the impact of each on English Law
 - Researching both primary and secondary sources of EU law in the context of specific substantive areas.

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

**Education and Training Committee
Full visit to XXXXX Provider
XX Month 20XX**

Programme template for full visits

Evening prior to the visit (XXX, month, 20XX, on site at Provider)

19.00 Meeting of all members of Visiting Team
Informal discussion over dinner to draw up agenda

Day 1 (XXX, month, 20XX, on site at Provider)

9.00 – 10.00 Private meeting of the panel
10.00 – 11:30 Meeting with Management (Dean, Director, Senior staff etc)
11.30 – 13.00 Observation of classroom teaching (Or tour, meeting with Learning resources staff if appropriate)
13.00 – 14.00 Lunch and reading time
14.00 – 17.00 Observation of classroom teaching/or tour/meeting with resources/IT here if needed to view developments
17.00 – 17.30 Private meeting of panel/reading time (can be extended).
19.00 Dinner (for visitors) and continued discussion

Day 2 (XXX, month, 20XX, on site at Provider)

9.00 – 10.00 Private meeting of the panel/reading time
10.00 – 12.30 Classroom observation
12.30 –13.30 Meeting with students and lunch
13.30 –14.00 Private meeting of the panel/reading time
14.00 –16.00 Classroom observation by some panel members and meeting with careers, student support; pro bono, Learning resources, admin etc by other panel members (as appropriate)
16.00 – 17.00 Meeting with teaching staff
17.00 –17.30 Private meeting of the panel (or meeting with part time students?)
19.00 Dinner (for visitors) and continued discussion

Day 3 (XXX, month, 20XX, on site at Provider)

9.00 – 9.30 Private meeting of the panel/reading time
9.30 – 11.00 Classroom observations
11.00 – 11.30 Reading time etc
11.30 – 12.00 Clarification meeting with management/teaching staff if needed
12.00 – 14.00 Lunch and meeting of panel to consider conditions and recommendations
14.30 Feedback to course management and staff



REGULATING BARRISTERS

Education and Training Committee

**Interim ('Pastoral') visit to XXXXX Provider
XX Month 20XX**

Programme template for interim visits

Evening prior to the visit (XXX, month, 20XX, on site at Provider)

Date:

19.00 Meeting of all members of Visiting Team (optional)
Informal discussion over dinner to draw up agenda

Date:

10.00 – 10.30 Private meeting of Visiting Team
10.30 - 11.30 Meeting with Management
11.30 – 12.00 Coffee and Private meeting of Visitors
12.00 – 13.00 Meeting with Students (including Lunch)
13.00 – 14.00 Tour of resources (if needed)
14.00 – 15.00 Meeting with Teaching Staff
15.00 – 15.30 Private Meeting of Visitors
15.30 or 16.00 Feedback to Management and staff

NB *These programmes are outlines which are intended to be flexible. They may be adjusted according to need, availability and opportunities for observation etc
Where part time provision is involved, an additional meeting with part time students must be included (which may have to be evening or weekend)*

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Bar Professional Training Course Report Proforma for use in Accreditation or Review Visits

Name of Institution	Date of Visit

Title of Course/award	New / previous course

Numbers/modes for which approval is sought	Proposed start date

Accreditation Panel Members	Role and area of primary responsibility
	Chair (aims and quality management)
	Practitioner (content: knowledge and skills)
	Legal Academic (Teaching, Learning and Assessment)
	Learning Resources (Library and IT)
	Lay member (Student support, Equality and Diversity)
	BSB representative/officer
	<i>one of the above should be a member of the BVC WG</i>

HEI Team	Role and area of primary responsibility
	Course Director
	Quality manager
	Advocacy tutor
	Etc etc

The Proposal
<p><i>Visitors/panel members should comment below on the extent to which the proposed programme meets the accreditation criteria. Comment should be made on the extent to which criteria are met (eg as an exemplar or innovative/ practice; as an example of good practice; as meeting standards; not meeting standards; or a serious deficit was met against the following 5 point scale.</i></p> <p><i>Each section should be expanded as much as necessary, consistent with making all appropriate observations. It is intended that exemplars of excellent/innovative practice will be shared with other Providers.</i></p>

Context: The HEI/Provider
<p>The University of XXX was established in 1992 etc. It has full/partial degree awarding powers. The BVC course ran from XXXX – until XXXX, within a suite of related law programmes delivered by the department/faculty of</p> <p>It is proposed that the new BPTC course should be delivered at/on/by etc</p>

1. Adherence to course aims, philosophy and standards

2. Quality management systems

3. Staffing and staff development

4. Curriculum content and structure

5. Admissions and student profile

6. Teaching and Learning (knowledge and skills areas)

7. Standards and assessment strategy and methods (including progression data)

8. Student support and quality of student experience

9. Learning resources (Library and IT)**10. Equality and diversity****Additional comments****Good practice, distinguishing features****Conclusions: recommendation on accreditation/approval/continuing approval**

Accreditation/continuing approval (unconditional)
Accreditation/continuing approval (with recommendations)
Accreditation/continuing approval (with conditions and recommendations)
Accreditation/continuing approval not granted

For the period: (eg) September 2010 to July 2014

Conditions	
Where conditional accreditation/approval is recommended, please give below the conditions made:	
Condition 1	
Condition 2	
Condition 3	
Condition 4	
Condition 5	
Condition 6	
Condition 7	

Recommendations	
Where recommendations are additionally made, please detail below:	
Recommendation 1	
Recommendation 2	
Recommendation 3	
Recommendation 4	
Recommendation 5	
Recommendation 6	
Recommendation 7	

Observations	
If any observations are made, to bring to the attention of the BSB, please detail below:	
Observation 1	
Observation 2	
Observation 3	
Observation 4	

Approved by Panel: [date]

Checked for factual accuracy by Provider: [date]

Approved by BPTC Sub Committee: [date]

Approved by Education & Training Committee: [date]

Approved by Bar Standards Board: [date]

BAR
STANDARDS
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REGULATING BARRISTERS

Bar Standards Board

BPTC External Examiners' Report Form

Academic Year 20XX - 20XX

Name of External Examiner.....

Home Institution/affiliation of Examiner:

Name of Institution visited (to which this report applies).....

Number of BPTC Students:

Modules/subjects covered

Date:

External Examiners (EE's) play a leading role in the assuring, maintaining and enhancing of the quality and standards of BPTC courses. The purpose of the annual external examining process is to provide judgments on:

- * the quality of the student experience*
- * whether the required standards and learning outcomes have been attained*

Each External Examiner is required to complete an independent report on the examination and assessment process which must be submitted to the Education Standards Department of the Bar Standards Board on or before 31 August each year. The use of a standardised report form will help the BSB to judge whether a programme of study is meeting its stated aims and learning outcomes, and also to make year on year comparisons across and between Providers. This will help to maintain the standards of the qualification(s) to which it leads. Comments made by externals will be reported and acted on through the Committee structure of the Bar Standards Board working in conjunction with individual BPTC Providers. The report will be made available to internal committees and Validation Panels, and to appropriate statutory or professional bodies. In accordance with the Data Protection Act 1998, you are advised against referring to named individuals.

Please answer the questions (yes/no) under each of the sections that follow, with expansion in section E as appropriate. Payment of your annual fee will be made by the Bar Council following receipt of your report, which should be submitted after the main (Summer) examination board, which examiners should also attend.

On completion, the report should be sent to: Education Standards Department, Bar Standards Board, The General Council of the Bar, 289-293 High Holborn, London, WC1V 7HZ or electronically. Please telephone 0207611 1444 if you have any queries.

Please circle (or otherwise indicate clearly) the response which is nearest to your view

PART A – Confirmation of Standards

- A1 In your view, are the standards set for the awards appropriate for qualifications at this level, in this subject? yes/no
- A2 In your view, are the standards of student performance comparable with similar programmes or subjects in other UK institutions with which you are familiar? yes/no
- A3 In your view, are the processes for assessment, examination and the determination of awards (qualifications) sound and fairly conducted? yes/no
- A4 Are the level of the subject(s) content and assessment(s) for which you are responsible as examiner appropriate, having regard to the aims of the programme as required by the BPTC Course Specification and Guidance? yes/no
- A5 Having regard to the requirement that the BPTC course must be designed and delivered as at least equivalent to (and in some cases also leading to) a minimum of a University award of a Postgraduate Certificate, are you satisfied that the course is delivered at the required level?¹ yes/no

PART B– Assessment

- B1 Were the learning objectives of the programme and its elements clearly defined and appropriate to the educational aims of the programme? yes/no
- B2 Were appropriate assessment methods used to test the learning outcomes of the modules/units (including professional placements)? yes/no
- B3 Was there an appropriate variety of assessment methods across elements of the units for which you are examiner? yes/no
- B4 Were you given sufficient opportunity to participate in the assessment process and in your view, was your participation in line with the BSB's requirements? yes/no
- B5 Were the procedures and rules for the grading of the BPTC qualification adhered to? yes/no
- B6 Did you receive copies of all draft assessment papers for approval? yes/no
- B7 Did you receive draft examination papers in adequate time to give them proper consideration? yes/no
- B8 Where applicable (ie for examiners additionally appointed as assessors for University academic awards) were you satisfied that the procedures and rules of the Institution for the academic award (eg Postgraduate Diploma, Masters Degree) were adhered to? yes/no

¹ NB It is a requirement that for a BPTC course to be professionally accredited by the Bar Standards Board it must be a minimum of one academic year full time study (120 credits) of which one third (40 credits) must be at Masters level according to the Quality Assurance Agency Framework for Higher Education. See *Course Specification Requirements and Guidance*, pp. 4 with definitions in Annex 1 p. 46.

C Marking and Moderation

- C1 Were you satisfied that internal sample double marking and moderation had taken place? yes/no
- C2 Were you satisfied that assessment was fair, with consistency of marking carried out in accordance with the BPTC framework and regulations? yes/no
- C3 Were appropriate assessment criteria specified and adhered to by markers? yes/no
- C4 Do you consider that the marks awarded, and the overall range of marks in relation to the marking criteria, were appropriate (i.e. the range of the percentage scale) yes/no
- C5 Was there evidence that good quality formative feedback was provided to all students? yes/no
- C6 Were the samples of scripts representative of student attainment across each module (ie did you receive all fails, borderlines and a suitable sample of student work from each of the grading bands?) yes/no
- C7 Were your comments/suggestions in respect of the marking of the scripts/performances taken into account? yes/no
- C8 Did you attend the Examination Board? yes/no
- C9 Was the meeting conducted to your satisfaction (including quality of information)? yes/no/not applicable
- C10 Were you satisfied with the final recommendations of the Board of Examiners? yes/no

Part D - General Organisation and Administration

- D1 Did the BSB provide you with a copy of the latest BPTC Information and Guidance for External Examiners? yes/no/late
- D2 Were you provided with a copy of the Student Handbook including assessment regulations and details of units by the Provider? yes/no/late
- D3 Were you provided with the assessment schedule (with dates for completion of the internal marking; moderation by the external examiner; and date of Examination Board) at the beginning of the academic year? yes/no
- D4 Was the management of scripts and coursework (i.e. time available for marking, procedure for selection and sampling etc.) satisfactory? yes/no
- D5 Did you meet and discuss the course with students during the year? yes/no
- D6 Was a satisfactory response received from the course team / University to points raised in previous reports? yes/no

Part E – General report, observations and recommendations

Please enlarge on your 'yes/no' responses to the questions on the previous pages, in particular highlighting any areas in need of improvement and enlarging on any negative responses made. Please briefly summarise your overall perception of the standard of student performance in terms of whether their knowledge, skills and understanding were comparable to students on similar programmes of study elsewhere. Please indicate any actions taken by the Provider in response to the previous External Examiner reports (or lack of action/response)

Please comment here very briefly on any part time provision that you have discussed or moderated, if appropriate

Areas of good practice

Please provide a description or bullet point list of any particular strengths or distinctive or innovative features or good practice in relation to standards and assessment processes that would be worthy of dissemination to a wider audience.

Overall observations and recommendations

Please also indicate any areas you feel are in need of improvement, and your recommendations for the further development and enhancement of the BPTC course in general or specifically for the course examined.

Signed:

(Examiner)

Date:

Please return by 31 August, because if the report is not received by the agreed date it will be difficult for teams to take matters into account as part of their annual monitoring and for preparation for the next year of delivery. Payment for externals will be made on receipt of the report.

BAR
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Bar Standards Board

BPTC External Examiners' Interim Report Form

Academic Year 20XX - XX

Name of External Examiner.....

Home Institution/affiliation of Examiner:

Name of Institution visited (to which this report applies).....

Number of BPTC Students:

Modules/subjects covered

Date of report :

Each External Examiner is required to complete an interim report (normally half way through the academic year – ie February) and following the visits that they have already undertaken for the purpose of meeting with course managers, representatives of staff teaching on the course and students. Teaching observation will also normally have taken place, by this time, as well as moderation of assessment tasks, examination papers – and some sampling of student scripts themselves. This template is designed to make the task easier for external examiners, as well as helping the BSB to consider quality and standards part way through the academic year, and ensure that matters needing to be addressed receive due attention. PLEASE NOTE THAT IT IS NOT ESSENTIAL TO COMMENT ON EVERY SECTION/BOX.

Examiners are reminded that they should immediately report any special difficulties in the general operation of the course to the Education Department at the Bar Standards Board. They may also wish to refer back to interim reports as they draw up their final detailed end of year reports. .

Interim reports should be submitted to the Education Standards Department of the Bar Standards Board on or before 28 February each year, to:

*Ms Cordelia Lean, Education Standards Department, Bar Standards Board,
The General Council of the Bar, 289-293 High Holborn, London, WC1V 7HZ
or electronically to calean@BarStandardsBoard.org.uk .*

Please telephone 020 7611 1444 if you have any queries.

1 Record of External Examining Activity

[please summarise/list your activity so far, eg the dates of your meetings with staff and students, class observations, involvement in drafting and agreeing assessment questions, and also any moderation of assessment that has already taken place]

2 BPTC Framework: Teaching and Learning

[please provide comments on how the BPTC framework and specification is being delivered overall (in the areas for which you are responsible), including the effectiveness of the teaching and learning as evidenced by teaching observation, and information about any improvements or changes that have been made]

3 Assessment and standards

[please give your view on the assessment processes, as they have been carried out thus far, together with your evaluation of whether assessment tools are effective, and standards were pitched at the correct level, and attained]

4 Resources (especially Staffing and Learning Resources)

[please comment on resources for delivery of the course, especially staffing resources, teaching facilities, IT and library provision, any use of online learning or support materials]

5 Feedback from students

[please comment on and/or summarise here any other feedback from students - for example on the academic and pastoral support they receive; on induction; on their views of the course so far; and on their involvement in quality assurance, eg student representation, committees etc and how they are able to give formal/informal feedback, including examples of responses to issues raised by trainees and how these were acted on. Please note any particular comments relating to part time students and their experience here]

6 Administrative issues

[please comment briefly on any administrative issues, both those affecting your role as External Examiner, but also any wider administrative issues that are noteworthy]

7 Areas of good practice

[please highlight areas of good practice so far identified that are particularly worthy of note]

8 Interim observations and recommendations

[please note any recommendations that should be acted on (with timescale) – NB any serious issues should be flagged up as soon as possible to the Education Department at the BSB]

Signed:
(Examiner)

Date:

Please return to the Education Department at the BSB by 28 February, so that your comments can be taken into account and a short response provided by the team.

Check list for External Examiners and Examination Boards

Note: *timings below are indicative and may vary slightly between Providers:*

1 At the beginning of each academic year, the Provider should

- determine and circulate a schedule to staff and Examiners indicating dates relating to the dispatch of draft examination and in-course assessments; dates of dispatch and return of scripts; dates of examination boards; dates of other meetings
- provide External Examiners with the up-to date curriculum/syllabus/handbook/definitive document of the course and the regulations (and institutional regulations) governing the course, together with a schedule of assessments and of the main dates when examiners will be expected to consider papers or students' work (also marking schemes, assessment criteria)
- send previous year's External Examiner's report (to new examiners only)
- send response to previous report by External Examiner

2 In the first term (ie before the Christmas break):

- send to Externals the draft copies of all in-course assignments (properly prepared and proof read), together with the assessment criteria to be used
- send to Externals the draft copies of all examination papers (properly prepared and proof read), together with the assessment criteria to be used

3 Immediately after examinations and/or assessments

The following must be sent to External examiners after examinations/assessments have taken place:

- samples of students' work to Externals, marked and annotated by internal examiners as appropriate, sample normally to include all outstandings, fails and borderlines
- evidence of feedback and double marking should be clear
- full result sheets which demonstrate how the sample of scripts relate to the population from which they are selected
- statistical material on the performance of students in modules/units for which the examiner has responsibility (on or before the day of the Board of Examiners' meeting)
- tutor/manager's report highlighting any particular issues

4 At the examination board (normally June)

The following must be provided/available:

- agenda (including an item for external examiner to provide general comment)
- minutes of previous meetings of the Board of Examiners, and notes of action required and taken
- details of internal examiners' agreed results for every student in every module or assessment
- profile of results for each student being considered at the Board

Statistics Protocol and checklist of information to be collected and reviewed annually

- 1 In accordance with best practice recommendations, and in order to ensure that the Bar Standards Board is carrying out its public duty, statistical information must be collected annually in relation to the BPTC. Data must be collected annually by each Provider of the BPTC and formally submitted to the Education Department.

All details must be provided electronically in the form of an Excel spreadsheet, the proforma of which can be obtained from the BSB. The information must be received by the BSB by 31st October following the academic year in question (eg 31 October 2011 for the Academic year 2010-2011). Information should also be appended to the Annual Monitoring Report.

Student data

- Overall student intake, progression and outcome statistics
- Numbers of students enrolled broken down by ethnic origin, age, gender, jurisdiction, classification of 1st degree, classification of CPE/GDL and special needs requirements
- Results broken down by ethnic origin and jurisdiction, age, gender, classification of 1st degree, classification of CPE/GDL and special needs requirements
- Numbers of students who dropped out of the course during the year
- Destination survey results including, for example, the number of students who have obtained pupillage, are to be employed in the legal field, employed outside the legal field etc.
- A breakdown of the number of students who are failing each unit in the summer examinations (ie first sit), with performance statistics (by unit)

- 2 In addition, the following materials should be collected and stored on an annual basis:

Information for students

- Induction material and programme
- Course handbook for students
- Programme Specification
- Handouts and additional subject information for students

Information about the curriculum

- Entry requirements and selection criteria
- Teaching schemes
- Lesson plans
- Examinations
- Assessment weightings and submission dates
- Past examination papers, assignment topics and marking schemes (All questions/question papers should be retained for 3 years)
- Sample of past assignment and examination scripts
- Sample of student scripts (All scripts should be retained until November of the following academic year. A sample of 5/6 scripts per module should be retained for 3 years)

Formal reports

- Minutes of course committees
- Minutes of boards of examiners
- Minutes of departmental meetings
- Examiners' reports and responses
- Departmental staff development plans
- Annual monitoring reports
- Definitive programme documents (or Student handbooks plus supplementary information)
- Career review information

Additional student information

- Student Questionnaire reports
- Information about student destinations

Office holders

- Names of course director
- Names of student representatives on course committees
- Name of chairs of boards of examiners
- Names of (or information about) invigilators

Appendix - Library requirements

GENERAL SOURCES

The Internet

The internet comprises both free and commercial, subscriber-only databases. This list focuses only on the commercial subscriber-only databases. Useful material can be obtained from free web sites, especially those run by Government, educational institutions or professional bodies. BPTC Providers which use free web sites and databases as information sources must appreciate the quality issues of authority, accuracy and currency these sites raise.

Electronic versus paper

The impact of the Internet on access to legal materials is apparent. Some educational institutions may be tempted to tip the balance of resources considerably in favour of electronic access to the detriment of the maintenance of a paper-based collection. There are significant disadvantages attached to this policy:

- 1 the institution is paying for access and not ownership;
- 2 if a database provider alters the terms or cost of access to make it unfavourable for the institution to subscribe, the institution has no paper collections to fall back on;
- 3 publishers of materials which appear on electronic databases, negotiate at intervals licences with each database provider for the display of their publications. There have been instances where because negotiations failed materials disappeared from an electronic source without notice;
- 4 students have limited opportunities to be taught and undertake paper-based research – this is frequently commented on adversely as not equipping students for the practice of law;
- 5 some students and tutors wish to read and use paper sources rather than pay for and depend on downloading and printing from a PC.

Subscriber-only databases

There is wide range of commercial databases providing consolidated statutes, case law, citators, journals, encyclopedias and practitioner works in electronic format. LexisNexis Butterworths, Westlaw UK, Lawtel and Justis are the major brands.

Providers must subscribe to a selection of these databases which will provide students and staff with a comprehensive range of material similar to that commonly available within chambers (see paragraph 5.4.2, above).

Student textbooks

The list does not include references to student textbooks. BPTC Providers will be expected to provide a balanced range of student texts to support study.

Knowledge, skills and options subjects

Lists of library requirements for the knowledge, skills and options subjects are attached at the end of the appropriate sections in the body of this handbook.

1 Primary legislation

Acts of the Parliament at Westminster in force, see:
LexisNexis Butterworths

Westlaw UK
Justis UK Statutes
Lawtel

And:
Halsbury's Statutes of England, 4th ed. 1985-
Current Law Statutes Annotated (1947-)

And either:
Public General Acts and General Synod Measures (1871-)
Public General Acts (Queen's Printer's Copy - loose issues)

Or:
Law Reports Statutes (1865-)

1.1 Finding tools

Current Law Statute and Legislation Citators (set)

2 Secondary legislation

LexisNexis Butterworths
Westlaw UK
Justis UK Statutes
Lawtel

Statutory Instruments: loose issues of those appropriate to the course

2.1 Finding tools

Current Law Statutory Instrument Citator (1993-)

3 Law reports

3.1 General series

Reported decisions of the superior courts of law:
LexisNexis Butterworths
Westlaw UK
Justis
Lawtel

All England Law Reports (1936-)
All England Law Reports European Cases (1995-)
All England Law Reports Reprint (1558-1935)
European Human Rights Reports (1978-)
Human Rights Law Reports – UK Cases (2000-)
The Independent Law Reports (1986-)
Law Reports (1865-)
The Times Newspaper Law Reports (1952-)
Weekly Law Reports (1953-)

And, at least one of the following:
All England Law Reports: European Cases (1995-)
European Law Reports (1954-)
Common Market Law Reports (1962-)

And a current subscription to the following newspaper law reports:

The Times
The Independent

3.2 Finding tools

Current Law Yearbooks and Monthly Digest (1947-)
Current Law Case Citators (set)
Law Reports: Digest of Cases (1865-)

4 Law journals

4.1 General titles

HeinOnline
LexisNexis Butterworths
Westlaw UK
Lawtel
All England Law Reports Annual Review (1982-)
Counsel (1985-)
Law Society's Gazette (1903-)
New Law Journal (1965-)
Solicitors' Journal (1857-)

4.2 Finding tools

Legal Journals Index (embedded within Westlaw UK)

5 Encyclopedias and practice books

Atkin's Encyclopedia of Court Forms in Civil Proceedings, 2nd ed. 1962-
Halsbury's Laws of England. 4th ed. 1973-2008, 5th ed. 2008-
The White Book
Civil Court Practice
Stone's Justices' Manual
And a selection of other practitioner works on the civil procedure rules, human rights and data protection.

6 Dictionaries

Jowitt's Dictionary of English Law. 2nd ed. 1977 + supplements.
Osborn's Concise Law Dictionary
Stroud's Judicial Dictionary of Words and Phrases. 7th ed. 2006 + supplements.
Words and Phrases Legally Defined. 4th ed. 2007 + supplements.
Shorter Oxford English Dictionary

7 Directories

At least one of the following:
Directory of Solicitors and Barristers (Law Society)
The Bar Directory (General Council of the Bar)
Chambers & Partners' Directory

8 Aids to finding legal information

Raistrick, D. Index to Legal Citations and Abbreviations. 3rd ed. 2008.

Appendix K: Glossary and abbreviations

(NB usage may vary slightly between providers in some cases)

Academic Stage of Training. The preliminary undergraduate stage of training for the bar, consisting normally of the obtaining a Qualifying Law Degree; or obtaining a Qualifying Degree and successfully completing a Conversion Course.

Accreditation process by which a statutory body or agency or organisation scrutinises, evaluates and recognises an institution's course or curriculum as meeting the standard necessary for providing a particular service.

Accredited Prior (Experiential) Learning - AP(E)L: the achievement of recognisable learning outcomes previously attained, whether through formal education or experience, which may lead to certain exemptions.

Annual monitoring the process whereby each course is internally appraised by the provider, by means of an evaluative report including a update on the previous year's action plan, external examiners, cohort analysis, analysis of student questionnaires and an action plan for the next year. The annual report is scrutinised by the Provider as well as by the BSB

AMR Annual Monitoring Report

Approval the outcome of an event where a course has been judged to meet the BSB's requirements. It is for the BSB, acting on the advice of the Education & Training Committee) and of its accreditation panel, to decide whether to confirm the approval of a course

Assessment the grading or marking by an individual of any student examination or assessment question, written or oral, theoretical or practical, or a student presentation, student assignment, or any report prepared by a student made in connection with the BPTC as provided

Assignment a task on which students are assessed, that assessment contributing towards the grade achieved by a student in a subject area or the course as a whole. An assignment may be a piece of written work, an oral presentation, an oral or written test, and examination etc.

ATC Advocacy Training Council (www.advocacytrainingcouncil.org)

Board of examiners: a group convened according to University/Provider regulations to determine students' progression and awards/qualifications

BPTC Bar Professional Training Course

BVC Bar Vocational Course (name changed following 2008 review)

Candidate a student who is carrying out an assignment or sitting an examination.

Case-Based Assessments. short answer question papers based on the progression of a case. Used to assess the Knowledge Areas at some Providers

CATS Credit Accumulation & Transfer System. This is based on a notional study time of 10 hours per credit point normally generating 120 credits for one

academic year's study (derived from 1200 hours as indicative of 30 weeks' study at 40 hours per week)

Compensation	process by which a student's overall performance may be considered and a decision made that general credit can be awarded (even though one particular part of a course has not been passed. This is not permitted on the BPTC
Condonement	the process by which a marginal fail in an individual assessment or unit is raised to a pass and treated as such. This is not permitted on the BPTC
Course Committees	are responsible to the relevant university or institutional committee, and should comprise all teaching staff who are involved in the delivery of the course as well as elected student representatives.
Credit-rating	a form of recognition in which judgments are expressed in the form of credit points (according to quantity and level) and related to the standard of the University's own awards.
Definitive Course Documentation:	documentation that defines the full details of a course including assessment, syllabus, admission details etc and which shall be the master copy in the case of any dispute (may be a student handbook plus additional information).
Didactic Teaching	delivery of information without interruption/debate (eg formal lectures)
Diversity Training	promotion through teaching and course materials of awareness of and sensitivity to issues of race, gender, sexual orientation, religion and disability
ECTS	The European Credit Transfer System, ie the European equivalent of the CATS system
EE	External Examiner
Elias Report	The Bar Vocational Course Specification Requirements and Guidance, being the report of the Working Party chaired by the Hon Mr Justice Elias and adopted for BVC courses validated September 2002 – August 2010 (also known as the Golden Book)
Examination Board	a board of examiners constituted by the University/Provider to assess and grade the performance of a student with the objective of determining whether or not he/she passes or fails or is referred in the BPTC. Examination Boards are specifically attached to the course and make decisions about the progression of students and their eligibility for professional recognition (may also be for academic awards). Membership comprises teaching staff, external examiner(s), Chair and minutes secretary.
Examination	an invigilated assignment, carried out by students under conditions of time constraint, with precisely defined access, or no access, to one another or to notes, textbooks and other material
External examiner	a person appointed approved and employed by the BSB who participates in the assessment of the course (in a specified subject area at a specified Provider) and one of whose functions is to bring an external perspective to bear on the assessment

External Moderator	a person who participates in the sampling of work (across all providers) in order to ensure parity of standards
Final assessment	end of unit/course assessment
Formative assessment	mock or practice assessment where individual feedback is given in preparation for the summative assessment
FT	Full time (student)
FTE	Full Time Equivalent (ie full time student/staff - part time counts as 0.5 FTE)
Full-time	mode of study where the student undertakes the BPTC, normally to the value of not more than 120 credits, in one academic year
Global Questions	questions addressed to the class as a whole. Tends to engage the more confident
Golden Book	The Bar Vocational Course Specification Requirements and Guidance, being the report of the Working Party chaired by the Hon Mr Justice Elias and adopted for BVC courses validated September 2002 – August 2010 (also known as the Elias Report)
Grade	a measure of the level of a student's performance in an assessment, unit or the course as a whole, expressed to students as a numerical value (which may be a percentage) and in letter form, corresponding to 'Outstanding, Very Competent, Competent' etc
HEI	Higher Education Institution (frequently a University)
IELTS	International English Language Testing System (see www.ielts.org)
Interim visit	a one day visit by the BSB, when a 'full visit' is not deemed necessary (also known as a 'pastoral' visit)
Internal examiner	a member of the teaching staff of the University who takes part in the assessment of students in a module or programme.
Joint Statement	The Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree
Large Group Session	(LGS) a lesson delivered to the whole cohort, usually in traditional lecture style
Learning outcomes	a summary of what individuals need to know, understand and/or be able to do as a consequence of having taken a unit/course, in order to gain credit or a qualification
Learning Resources	Generic term referring to Information Technology, Audio-visual equipment, Accommodation, Library Facilities, Book stock etc
Masters award	An academic award conferred by a University or other body with postgraduate taught degree awarding powers. The normal length of such a course is 48 weeks of full-time study (ie one calendar year) or equivalent 180 credits at postgraduate level.

MCQs	Multiple Choice Questions
MCT	Multiple Choice Test
Mitigating Circumstances Board.	A board which meets during each examination period in order to consider cases where documentary evidence of mitigating circumstances have been provided. Recommendations should be made to the relevant Examination Board as appropriate.
Mode of study	the manner in which study is undertaken - eg full time, part time, open learning, work based learning.
Moderation	the process whereby samples of work or scripts are considered in order to ensure parity of standards, either by an internal person or an external examiner
Module/unit	refers to a discrete unit of study with coherent and assessable learning outcomes, which has been approved as a component of the BPTC
Monitoring	Monitoring is the regular, annual internal process by which the Provider critically appraises the operation of its course between BSB reviews and ensures that appropriate standards are maintained. The monitoring of every course is a matter for the provider responsible for its management and resourcing. The BSB will, however, need to satisfy itself that the process is properly carried out, and will wish to draw whatever conclusions may be appropriate from the findings of the Providers' monitoring activities.
Option	one of a number of units/modules offered by a Provider and chosen by a student from a range offered, which must be counted along with core areas as part of the total requirements of the course
Panel	a group of persons (including practitioners, academics and those with QA expertise who undertake the responsibility for making recommendations on approval, monitoring and review of courses to the BSB
PT/Part-time	mode of study where the student takes the course, normally to the value of 60 credits or equivalent in one academic year
Pastoral visit	a one day visit by the BSB, when a 'full visit' is not deemed necessary (also known as an 'interim' visit)
Periodic review	A full review of a BPTC course, lasting at least 2-3 days and formerly known as a 'Full' visit
Plagiarism	Copying work from any other source, published or unpublished, including work of a fellow student, and presenting it as the student's own
Postgraduate Diploma.	The standard expected of a graduate who has successfully completed study in a field for which prior knowledge and skills have provided an appropriate foundation, at a level demanding more advanced and intensive study than a first degree, and on a course of study which is normally 30 weeks of full-time study or equivalent
Psychomotor Skills.	Skills requiring the use of the motor neurons e.g. Voice tone, modulation and projection

QAA	The Quality Assurance Agency FOR Higher Education
QLD	Qualifying Law Degree
Quality Assurance	responsibility for quality assurance is invested collectively in staff through the University's Committee structure and individually in members of staff through the performance of their duties, with the aim of improving the quality of the design, delivery and management of the course
Referral Boards	examination boards which are held in September each year, in order to consider referral work of students. The presence of external examiners is necessary since decisions may be made concerning the granting of the qualification
Registered BPTC student.	A student enrolled with the provider and is in addition registered on a Bar Professional Training course
Review (Periodic)	the process whereby the progress of an existing BPTC is critically appraised at intervals of not more than three years by a group including external peers, and any plans for change are considered. The process is primarily concerned with reviewing the effectiveness with which a Provider has discharged their responsibilities for managing academic quality, and with addressing the cumulative effects of the annual monitoring process. Review is carried out in order to confirm that the course as offered remains professionally and academically valid and continues to meet the BSB's general objectives as well as satisfying the conditions for accreditation
SAQs	Short Answer Questions
Script	a piece of written work submitted by a student for assessment.
Seen assessment	in the case of a written assessment, a paper that must be taken away and completed by a specified date. In the context of oral assessments, 'seen' means a paper or case study that students can take away and prepare prior to the assessment
Small Group Sessions (SGS)	a seminar or workshop groups of no more than 12 students
Socratic Teaching	the drawing out of information and approaches through debate facilitated by the tutor rather than led by the tutor
Staff to Student Ratio.	The number of staff given in relation to the number of students
Student Centred Learning.	A learning activity that requires the active participation of the student, in directing their own learning
Summative Assessment.	Assessment for which the grade awarded counts towards the final grade for the unit or course itself
Triggered visit	A special visit, needed due to concerns that have arisen (on a risk basis). Costs to be met by the Provider.
Tutor Notes	the instructions to tutors on what each class should contain and how it should be delivered. Tutor notes are intended to ensure continuity and that that less experienced tutors are well prepared for each class and for any questions that students might ask

Unseen a paper first seen at the time of the assessment

VLE Virtual Learning Environment (ie a web based platform used to distribute information including learning materials and assessment details etc in order to support student learning)

General Council of the Bar

Travel and Expenses: Policy & Procedures for Non-Staff Claimants

June 2007

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1 POLICY

Introduction

The policy and procedures in this document apply to all claimants of expenses who are not salaried staff of the General Council of the Bar. **References in the text to the Bar Council should be read as applying equally to the Bar Standards Board and the Bar Services Company Limited.**

The objects of this document are to:

- Define Bar Council policy and procedures relating to business travel and expenses and other benefits.
- Provide authoritative guidelines as to the type and nature of expenditure that will and will not be reimbursable by the Bar Council
- Inform all claimants/authorisers of expenditure of their responsibilities relative to controlling and reporting expenditure

General Principles

All expenditure should be consistent with the needs of the Bar Council and the profession. Money must be spent carefully and judiciously, as if it were one's own, and costs reported promptly and accurately. Claimants will be expected to exercise good judgement, always travelling in a cost-efficient manner. They should neither gain nor lose financially as a result of incurring expenditure on Bar Council business. All expense claims should pass the 'blush test' i.e. not be a source of embarrassment if challenged by a member of the profession. **The Bar Council reserves the right not to reimburse expenses where the Expenses Policy has not been complied with.** The Finance Department has the right to challenge **any** expense claim. Any attempt knowingly or falsely to claim expenses in breach of this Policy may result in termination of appointment or other appropriate action.

Scope

The following procedures apply to all expenditure incurred on Bar Council business. These rules apply to regular claimants, such as lay representatives fulfilling a consultancy role, and also to one-off claims, such as for applicants who have been invited to attend job interviews. It is not normal practice to reimburse barristers for their expenses incurred in attending the meetings of committees of which they are members, except for disabled barristers and the members of the YBC, who enjoy a special dispensation in this regard.

EXPENSE CLAIMS

Claim Form

Claims must be made on Expense Claim form E2.

Claims will **only** be processed if submitted on this form. Copies may be obtained from the Executive Secretary who is responsible for each Committee or the Finance Department.

Making a claim

When signing the claim form, the claimant declares that: -

- (i) Expenditure has actually been incurred and not previously claimed from the Bar Council or any other organisation.
- (ii) Everything claimed has been incurred wholly, exclusively and necessarily for the purposes of the Bar Council's business.

- (iii) Only re-imbusement of actual expenses is sought; there is no element of profit included in the claim.
- (iv) No part of the claim is of a personal nature or made in a private business capacity.
- (v) Any costs relating to a spouse, partner or non-Bar Council travelling companion have been deducted.

After authorisation (see below), claim forms must be forwarded for payment to the Finance Department.

Authorisation

The person authorising the claim must be satisfied that:

- (i) The total costs are appropriate and charged to an identified cost centre Budget;
- (ii) No private or family travel component has been charged;
- (iii) The claim is accompanied by original receipts.

The Finance Department is responsible for checking that the account code is valid and appropriate. Claims without a valid accounts code will not be processed but be returned to the authoriser.

Time limit

All claims should be made within **three** months of the expense being incurred.

If, exceptionally, this proves to be impossible, a brief note from the authoriser, explaining the circumstances, should accompany the claim form.

Payment of claims

The Finance Department will process claims in batches weekly and treat reimbursement as a priority task.

Claims should normally be made in sterling, and will be reimbursed in sterling, by direct credit to a nominated UK bank account. Cheques will only be used in reimbursement where the claim is of a "one-off" nature.

TRAVEL

General

As most travel takes place in response to a need identified in advance, **all claimants are expected to plan ahead so as to take advantage of advanced booking and other travel concessions, whatever the class of travel.** It is recognised, however, that there will be occasions when meetings are organised at short notice or there is uncertainty about when they will end. The Bar Council will deal with these specific instances flexibly.

When making their travel arrangements, claimants are encouraged wherever possible to consider special offers available from time to time on the Internet.

Rail Travel

Travel should be by the cheapest class of transport that is consistent with the business objective of the trip. For journeys of less than 100 miles distance, then Standard Class rail travel should be used. For journeys greater than 100 miles undertaken by lay members of Committees or Disciplinary panels, First Class travel is available.

The Bar Council will **not normally** pay for open First Class tickets. However, this rule may be relaxed in the following circumstances:

- a. Where the meeting has been arranged at short notice (i.e. less than one week in advance) and it is not possible to take advantage of any concessionary rates;
- b. Where the end of the meeting is uncertain (e.g. a Tribunal) where it may be appropriate for an advance single and an open return to be purchased;
- c. Where the combination of an advance single and open return is more expensive than an open return; or
- d. Other exceptional circumstances.

Lay members are asked to check with the relevant contact at the Bar Council or at COIC before purchasing tickets in situations (a) and (d) above.

If any claimant qualifies for a concessionary card, which qualifies them for reduced travel that can be applied to regular trips on the Bar Council's behalf, consideration will be given to reimbursing the cost of the concessionary card.

Air Travel

Economy/Standard class is appropriate to all UK internal flights.

Use of own transport

The HMRC-approved mileage rates have been adopted by the Bar Council for reimbursement purposes. The current rates are:

Motor cars - 40p per mile for first 10,000 miles and 25p for each mile thereafter.

Motorcycles - 24p per mile

Bicycles - 20p per mile

Motor car passengers - 5p per mile (in addition to the mileage allowance for motor cars above).

Claimants using their own vehicles must check that their motor insurance policy permits use of the vehicle for occasional business purposes. The Bar Council will **not** reimburse any additional insurance costs incurred to extend cover, if not already in place.

The Bar Council will not accept liability for any injury or damage arising from the use of employees' private motor vehicles while on business occasions.

Congestion Charge

Where a claimant necessarily drives into the congestion charge zone for the purposes of Bar Council business, they must make the payment themselves, but may reclaim the cost from the Council (in addition to the appropriate motor mileage allowance).

Fines and penalties for late payment of congestion zone charges will **not** be refunded.

Parking Expenses

Where private vehicle use is approved for Bar Council purposes, parking charges incurred on business journeys may be reclaimed, along with the permitted mileage rates.

Parking and other traffic related fines or similar costs are the responsibility of the driver and **cannot** be refunded.

Public Transport/Taxis

Journeys within London should **normally** be by tube or bus. Where use is made of public transport, claims not exceeding £5 may be reimbursed without the need to produce receipts. As well as "pay-as-you-go" tickets, reimbursement may be claimed for the use of Oyster cards.

(If the fare for each journey amounts to more than £5, then receipts should be obtained. Where an Oyster card is used, then the card will need to be registered, so that an itemised statement can be obtained, thus substantiating the expense claim.)

Taxis may, however, be justified if several people are travelling together, or the carriage of heavy equipment/papers/files is involved, or in cases of pregnancy or disability.

ACCOMMODATION & SUBSISTENCE

2 General

The nature of the Bar Council's work and the sources of its income demands that all expenditure under this heading should be moderate in scale and application.

3 Subsistence whilst travelling

Subsistence costs while travelling may be claimed as follows:

- (i) Journeys of more than 90 minutes duration - beverage and snack costing no more than £5.
- (ii) Journeys at a time when a meal would normally be taken - Breakfast £10, Lunch £15, Dinner £25.
- (iii) Journeys necessarily involving an overnight stay - evening meal, bed and breakfast.

4 Accommodation

The following rules apply to the claiming of accommodation and subsistence expenses where an overnight stay is involved:

- (i) If an overnight stay is necessary, the relevant contact at COIC or the Bar Council should be contacted so that this can be arranged or agreed. It is often possible to arrange accommodation at an Inn or the Bar Council. The cost of a dinner and breakfast meal will be met. Claims for lavish eating in expensive restaurants are discouraged and could give rise to a **personal** tax liability.
- (ii) All claims must be for actual expenditure incurred and always supported by **original** receipts.

Typically, accommodation may be needed for lay members whose travelling time to London exceeds two hours where:

- (i) the meeting or meetings span two days;
- (ii) the meeting ends after 8 pm.

It may also be appropriate in the first instance if it will be cheaper to stay in London than pay the additional rail fare associated with an 'Open' ticket..

5 Hospitality Allowance

Where accommodation costs are saved by staying with friends, relatives or other hosts, a Hospitality Allowance of up to £25 per person per 24-hour period may be claimed. This may be given directly to the host in cash to cover his/her costs, or it may be used to buy a present or

provide a restaurant meal. Claims should be for the amount actually paid out, to a maximum of £25 per day. Receipts are required.

7 Personal Incidental Expenses (“PIE”)

Claimants staying away from home overnight on business often incur minor additional expenses of a personal nature e.g. newspapers, laundry, phone calls home etc. An amount of £5 per night for periods away from home will be reimbursed, without requiring details of expenditure or submission of receipts. Claims for PIE should be described on expense claim forms simply as: - 'PIE - 2 days @ £5 = £10'.

When claiming PIE allowances, the hotel bill should be checked ahead of preparing the expense claim. If incidentals have been included (e.g. drinks from the mini-bar, phone calls home, newspapers delivered to your room, etc.) they must be deducted so as to leave only the bed and breakfast component. Alternatively, if the incidentals do not exceed the daily PIE allowance you may simply claim the actual hotel bill in full without claiming anything for PIE.

NON-STAFF EXPENSES CLAIM FORM: E2

(For guidance on completion, please refer to the Bar Council Travel Policy Document)

Full Name and address: _____

Reason for Claim: _____

1 SUMMARY OF CLAIM

Fees			
Date(s)	Description	Total (£) including VAT	Account No/ Cost Centre
TOTAL			

Travel (general)					
Date(s)	Mode	From	To	Total (£) including VAT	Account No/ Cost Centre
TOTAL					

Travel (car mileage)					
Date(s)	From	To	Mileage (@ .40p)	Total (£) including VAT	Account No/ Cost Centre
TOTAL					

Accommodation			
Date(s)	Description	Total (£) including VAT	Account No/ Cost Centre
TOTAL			

5.1 Entertainment/Hospitality/Subsistence			
Date(s)	Description	Total (£) including VAT	Account No/ Cost Centre
TOTAL			

TOTAL		
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PLEASE REMEMBER THAT ORIGINAL RECEIPTS MUST ACCOMPANY ALL CLAIMS.

Claimant

Sign
 Name (Print)
 Date

Authorisation

Sign
 Name (Print)
 Date

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NON-STAFF EXPENSES CLAIM FORM: E2

(For guidance on completion, please refer to the Bar Council Travel Policy Document)

Full Name and address: _____

Reason for Claim: _____

1 SUMMARY OF CLAIM

Fees			
Date(s)	Description	Total (£) including VAT	Account No/ Cost Centre
TOTAL			

Travel (general)					
Date(s)	Mode	From	To	Total (£) including VAT	Account No/ Cost Centre
TOTAL					

Travel (car mileage)					
Date(s)	From	To	Mileage (@ .40p)	Total (£) including VAT	Account No/ Cost Centre
TOTAL					

Accommodation			
Date(s)	Description	Total (£) including VAT	Account No/ Cost Centre
TOTAL			

5.1 Entertainment/Hospitality/Subsistence			
Date(s)	Description	Total (£) including VAT	Account No/ Cost Centre
TOTAL			

TOTAL		
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PLEASE REMEMBER THAT ORIGINAL RECEIPTS MUST ACCOMPANY ALL CLAIMS.

Claimant

Sign
 Name (Print)
 Date

Authorisation

Sign
 Name (Print)
 Date