

Information requirements: request by an approved regulator for the LSB to direct an alteration to their regulation arrangements is exempt under Part 3 of Schedule 4 to the Legal Services Act 2007 (the Act)

Summary

A request by an approved regulator for the LSB to direct that an alteration is to be treated as an exempt alteration under Part 3 of Schedule 4 to the Act must include the information set out in this proforma, which summarises the requirements in the Applications To Alter Regulatory Arrangements Rules 2021 (the Rules).¹

Use of this proforma for making requests for an exempt alteration is optional to assist applicant approved regulators.

An approved regulator must comply with the Rules and have regard to the Guidance in making a request to the LSB. In case of conflict between the Rules, Guidance and the Act, the provisions of the Act prevail.

The approved regulator submitting a request for an exemption direction takes responsibility for the accuracy and completeness of the information provided.

A request for exemption is to be used in circumstances where an approved regulator considers its alterations are suitable for exemption from the full approval process, having regard to the Rules and Guidance.

The LSB will assess the request and make a decision within 28 days of receipt, subject to any reasonable extension. Where an exemption direction is given by the LSB it will give notice to the approved regulator and published it on the LSB website.

Where the LSB does not direct that an alteration is exempt it will notify the approved regulator in writing of its reasons. The approved regulator may need to submit an application under the Rules for approval of alterations to regulatory arrangements.

¹ The information requirements in rule 17 of the Rules are summarised here.

Publication

We will ordinarily publish requests for exemption on our website, along with any extension of time notice, third party correspondence received as well as the exemption direction itself.

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- IX. A summary of any evaluation and monitoring of impact of the alteration once it has effect, and if not why.

The minimum level of information we expect from approved regulators is set out in the above bullet points. However, additional information may be provided, for example by reference to the Guidance. The LSB may also request further information.

Submission

We would prefer to receive requests electronically, but a hard copy is also welcome. Completed requests should be sent to:

Email: schedule4approvals@legalservicesboard.org.uk

Posted applications should be sent to:

Legal Services Board
3rd floor, The Rookery
2 Dyott Street
London
WC1A 1DE

Proforma for a request for exemption direction

Required Content
I. Summary/Overview
Briefly summarise the proposed alteration
The BSB proposes a limited number of changes to Part 4 of the BSB Handbook (the Bar Qualification Rules), which have two primary purposes: • firstly, to clarify that there is a right of review for prospective Authorised Education and Training Organisations (AETOs) who are dissatisfied by a BSB decision in relation to rQ31 – rQ33; and • secondly, to confer a right of appeal to the High Court for prospective and current AETOs adversely affected by a decision of the BSB under Section B.3. One minor clarification amendment is also proposed. Equivalent review and appeal rights existed until January 2019 under the BSB’s legacy ‘Approved Training Organisation’ (ATO) regime. The legacy regime was replaced via a Handbook change in April 2019 (version 4.0²), when the Future Bar Training (FBT) reforms were introduced and ATOs were replaced with AETOs. Right of review In the January 2019 (version 3.5³) of our Handbook, ‘any organisation’ that had been refused designation as an ATO, or an ATO that had their approval withdrawn, could seek a review of that decision if certain formalities were complied with (rQ42). By contrast, the April 2019 Handbook frames the equivalent right of review at rQ34 as being open to ‘An AETO’ only. On a plain reading of rQ34, it is ambiguous as to whether there is a right for a prospective AETO to apply for a review of a BSB decision. Such a right can be inferred on the current drafting because the right of review relates to ‘<i>a decision in relation to rQ31 – rQ33</i>’, which includes decisions made regarding applications to become an AETO. Thus, while the April 2019 Handbook changes gave directly equivalent rights of reviews to existing AETOs compared with legacy ATOs, the rights of review for prospective ATOs were not clearly carried across to prospective AETOs. This proposed Handbook change to rQ34 clarifies the right of review for prospective AETOs, while not disturbing the right of review for existing AETOs. Right of appeal In the January 2019 Handbook, the right of appeal was set out in rQ124 as follows: ‘a <i>person</i> or organisation who is adversely affected by a decision of the <i>Bar Standards Board</i> may appeal to the High Court against the decision, in accordance with Civil Procedure Rules’. This right was qualified by the preceding Handbook rule rQ123, which said: ‘Where under this Section 4.B provision is made for a review by the <i>Bar Standards Board</i> of a decision, no appeal may be made to the High Court unless such a review has taken place.’ Both the term ‘person’ and the term ‘organisation’ in rQ124 meant that both individuals and prospective or

² Available [here](#).

³ Available [here](#).

current ATOs were permitted to appeal to the High Court, provided that a review had first taken place.

By contrast, the April 2019 Handbook erroneously limited the rights of High Court review at rQ40 to ‘an individual’ only, and only in relation to a decision of the BSB ‘under Section B.2’ – the section of the Handbook that deals with ‘Routes to Qualification as a barrister and authorised person’. We do not consider that a right of appeal to the High Court can be read into rQ40 for either current or prospective AETOs in relation to a decision of the BSB under Section B.3. This appeal right is also qualified by the preceding Handbook rule rQ39, which is in similar terms to its predecessor.

The proposed Handbook change to rQ40 will allow current and prospective AETOs to appeal to the High Court against a BSB decision relating to their AETO status. As with the previous regime and as is the position for individuals, this right will only be able to be exercised once a review has first taken place.

This proposed Handbook change does not disturb existing rights of individuals to appeal to the High Court against a BSB decision under Section B.2.

Approval for the new regime

Under s.24(2)(c) of the Crime and Courts Act 2013, the BSB has the power to confer a right of appeal to the High Court ‘*in respect of a matter relating to ...qualifications or training of barristers or persons wishing to become barristers*’. The proposed change to rQ40 falls within this statutory provision and the BSB’s explicit power.

We have written to the President of the Kings Bench Division of the High Court (the division of the High Court where appeals from BSB decisions are heard) to notify the court of the BSB’s intentions, given that the proposed Handbook changes will effectively widen the court’s caseload.

II. Summary of proposed alteration, its purpose, intent, effect, and impact

Summarise each alteration, its purpose, intent, effect and impact. Why is the alteration necessary? Please ensure that this section can be read and understood by those without detailed prior knowledge of the proposals or regulatory arrangements.

Why is the alteration necessary?

Having reviewed the available documents from the FBT reform programme, it is clear that the BSB initially considered including review rights for applicants that had been refused AETO status, and to grant ‘a person or organisations’ adversely affected by a BSB decision the right to appeal to the High Court. Work-in-progress drafts of the new rules stated that (at rQ39) that someone “*wrongly refused an application for authorisation*” could lodge an application for a review of that decision. Furthermore, in draft rQ45, it was stated “*If, after such a review, you do not agree with the decision, you may appeal to the High Court against the decision.*” This wording did not ultimately appear in the version of the Bar Qualification Rules consulted on and ultimately implemented.

In retrospect, we believe the resulting review and appeal regime implemented in the April 2019 Handbook update was an error and not in alignment with our regulatory objectives. This proposed Handbook change therefore seeks to rectify that previous error. Creating differential rights of review between existing AETOs and prospective AETOs, and differential rights of appeal between individuals and current and prospective AETOs, is not, in our view, in keeping with our regulatory objective to protect and promote the public interest – specifically, public confidence in the regulatory system. Nor is denying a right of appeal to the High Court against our decisions in accordance with our regulatory objective to support the constitutional principle of the rule of law. The removal of review / appeal rights also does not appear to be in line with our regulatory objective to improve access to justice.

We also believe the manner in which the review / appeal rights in the Bar Qualification Rules were introduced is not aligned with the better regulation principles. Firstly, the differential review / appeal rights create inconsistent regulatory approaches. Secondly, the truncation of review / appeal rights for AETOs compared with the legacy ATO regime was not overtly signposted in key public documents in a fully transparent manner, in either our consultation⁴ beforehand or LSB application⁵ after the event.

Our proposed changes will help provide clarity to the position that is publicly expressed in an inconsistent manner, while also acting in accordance with our regulatory objectives. We will not restore the wording of Handbook version 3.5 from January 2019, which reflects a legacy regime. Instead, we will restore part of the underlying pathways to reviews and appeals which were removed in the April 2019 Handbook update, using wording that is appropriate for the current AETO regime.

Other provisions in the Handbook’s reviews / appeals section will be unaffected by these changes.

Finally, we note that, under the current Bar Qualification Rules, a current or prospective AETO which is dissatisfied with a decision of the BSB in respect of their authorisation as an AETO would only be able to challenge that decision by way of a judicial review claim filed in the High Court. The Civil Procedure Rules’ (CPRs) [Practice Direction on Pre-Action Conduct and Protocols](#) is clear that “*litigation should be a last resort*” (paragraph 8) and the [Pre-Action Protocol for Judicial Review](#) states that “*Judicial review should only be used where no adequate alternative remedy, such as a right of appeal, is available*” (paragraph 5). Therefore, the proposed changes to clarify the right of review under rQ34 and reinstate a right of appeal to the High Court under rQ40 are aligned with the CPRs and will further the overriding objective ([Part 1](#) of the CPRs).

Purpose/intent/effect

As explained above, these Handbook changes are necessary to clarify that current and prospective AETOs are entitled seek a review of a BSB decision under rQ31-33, and to grant

⁴ Future Bar Training: Consultation on the proposed rules for the training framework for the Bar. July 2018. Available [here](#).

⁵ Application to LSB for the approval of amendments to the BSB’s Part 4 Qualification Rules. 30 November 2018. In particular, Annex 3 (available [here](#)), where the Handbook changes are summarised.

a right of appeal to the High Court for current and prospective AETOs 'adversely affected' by a decision of the BSB under Section B.3.

Impact

The BSB currently oversees circa 300 AETOs; 10 vocational AETOs (mostly universities), and around 290 work-based learning AETOs delivering pupillage (mostly chambers). For existing AETOs who might benefit from the restoration of a High Court appeal right, this represents the total pool of 'persons' potentially directly affected by this change. The pool of potential AETOs who would benefit from clarification of the right of review, and subsequent High Court appeal, is inherently unknowable.

While the figures outlined above give an (approximate) indication of the number of current / prospective AETOs who might benefit from the restoration of review / High Court appeal rights, the actual number affected is likely to be a small fraction of this group, i.e. those prospective AETOs who may wish to seek a review of a BSB decision (under rQ34) and both prospective and current AETOs who may wish to appeal a decision of the BSB under Section B.3 to the High Court (under rQ40).

The BSB has received only one request for a review of an AETO authorisation decision since the new regime was created in April 2019; however, the review did not actually proceed. However, while this change is likely to have limited effect numerically, it is likely to be impactful to any prospective or current AETO wishing to challenge a BSB decision.

In making this application, we acknowledge the potential for indirect impact on students / pupils planning to or currently undertaking vocational or pupillage training at a current AETO. Any impact will depend on the nature of the review / High Court appeal being made, the AETO pursuing the review / appeal, and, for the larger AETOs, whether the issue is AETO-wide, or site-specific.

III. Details setting out why the alteration is appropriate for exemption

Focus on the significance, impact and risk of the proposed alteration.

This change is significant because it provides clarity on the right of review for prospective AETOs and restores a right of appeal to the High Court for AETOs which were removed during the April 2019 Handbook update.

In line with the better regulation principles, the change will ensure everyone (both individuals and AETOs) is treated equitably by the BSB in respect of accessing a right of review and appeal against the BSB's decisions.

We anticipate the impact to be low in terms of actual numbers of current or prospective AETOs using these review / appeal rights. As noted, only one prospective AETO has asked for a review of a BSB decision since the April 2019 reforms were introduced. However, the impact for any current or prospective AETO exercising these rights is likely to be high, as it clarifies the pathway for them to challenge a BSB decision. This, in turn, may directly impact on the organisation's operations, and the BSB's approach to regulating AETOs.

The alteration is appropriate for the request for exemption route because we believe it will be an uncontroversial change to the BSB's regulatory arrangements. It is not merely 'a low risk of being prejudicial to the regulatory objectives', but it will help us deliver multiple regulatory objectives, in particular: protecting and promoting the public interest (RO1); supporting the constitutional principle of the rule of law (RO2); and improving access to justice (RO3).

We do not believe that the alteration will directly impact end-users of legal services, or the regulated community, in any direct way. It will not affect the existing review / appeal rights of individuals seeking qualification as a barrister who are seeking a review / High Court appeal against a BSB decision. Potential indirect impacts on students / pupils are outlined above and explained further below.

IV. The alteration

Provide full details of each alteration, and the regulatory arrangements it will amend, if any. This can be done by way of a schedule of changes, a track change word document or any other method the Approved Regulator considers appropriate. Include information on any alteration to the regulatory arrangements that will be altered under the request, approved over the past 2 years.

Taking each change in turn.

Within the Handbook's Authorised Education and Training Organisations Section (Part 4, B3), we will amend rQ34 from (changed in red):

"An AETO which is dissatisfied by a decision in relation to rQ31 – rQ33 above may apply to the *BSB* for a review."

to:

"A current or prospective AETO which is dissatisfied by a decision in relation to rQ31 – rQ33 above may apply to the *BSB* for a review."

Within the Handbook's Review and appeals section (Part 4, B4), we will amend two Handbook provisions:

Firstly, as a matter of clarification, we will amend rQ35.1 from:

“.1 a copy of any notice of the decision and the reasons for it received by the **person** requesting the review ("the applicant");"

to (changes in bold):

‘.1 a copy of any notice of the decision and the reasons for it received by the **person** requesting the review ("the applicant");’

Adopting the Part 6 definition of 'person' means that rQ35.1 can be read as referring to a '*body of persons (corporate or unincorporated)*' as well as natural persons, both of which are eligible to seek a review under either rQ28 or rQ34.

Secondly, we will update rQ40 from:

“An individual who is adversely affected by a decision of the *BSB* under Section B.2 may appeal to the High Court against the decision.”

to (changes in red):

“An individual who is adversely affected by a decision of the *BSB* under Section B.2, **or a prospective or current AETO which is adversely affected by a decision of the *BSB* under Section B.3**, may appeal to the High Court against the decision.”

The new ‘Section B.3’ cross-reference in the revised rQ40 clarifies that prospective or current AETOs will only have an appeal right in respect of decisions concerning their authorisation, and not in relation to decisions concerning an individual under Section B.2 - and vice versa.

V. Impact on regulatory objectives

A summary of an assessment under rule 9 of the Rules, of the impact of the alteration on the regulatory objectives, and measures to mitigate any adverse impacts, and if not, why that is not prejudicial to the regulatory objectives overall.

Rule 9 assessment: compliance with regulatory objectives

In light of the very low numbers of current or prospective AETOs that are likely to make use of these new review / appeal routes, we have assessed that the overall impact of our Handbook changes on the regulatory objectives are likely to be neutral. To the extent that any real-world impact can be determined, we believe our changes are likely compatible with our regulatory objectives (indeed notionally positive to several of them) and that the changes will not negatively impact on our ability to regulate in alignment with those objectives.

Handbook changes impact on our regulatory objectives

Regulatory objectives	Handbook change
<i>RO1 – protecting and promoting the public interest</i>	The proposed changes are intended to protect and promote the public interest by promoting rule of law, the core component of RO2 but also an element of RO1. By clarifying the right of review and restoring a right of appeal to the High Court in respect of certain BSB decisions, this alteration is intended to promote public confidence in the regulatory system. These Handbook changes also seek to directly improve access to justice (RO3) for current and prospective AETOs. This contributes to the rule of law (RO2) and, therefore, RO1. We set out how below.
<i>RO2 – Supporting the constitutional principle of the rule of law</i>	Using the Bingham Centre for the Rule of Law criteria to guide us, the proposed changes are intended to support the constitutional principle of the rule of law in two main ways: • firstly it will provide equal review and appeal rights against BSB decisions for current / prospective AETOs and natural persons (ground 3) and; • secondly, it will provide method of resolving civil disputes where the parties (the BSB and current / prospective AETOs) are unable to resolve them themselves (ground 6).

	The update is also intended to promote the public interest (RO1), in addition to RO2 and RO3.
<i>RO3 – Improving access to justice</i>	Our proposed changes are intended to enable the stakeholders (i.e. current / prospective AETOs) to exercise a right of review and appeal against certain BSB decisions, thus also promoting the public interest (RO1) by allowing the BSB's decision-making to be subject to scrutiny. This change will also provide the necessary framework for improving access to justice, thereby falling within the LSB's definition of RO3.
<i>RO4 – Protecting and promoting the interests of consumers</i>	Our proposed changes are not intended to impact on this regulatory objective.
<i>RO5 – Promoting competition in the provision of services</i>	Our proposed changes are not intended to impact on this regulatory objective.
<i>RO6 – Encouraging an independent, strong, diverse and effective legal profession</i>	Our proposed changes are not intended to impact on this regulatory objective.
<i>RO7 – Increasing public understanding of the citizen's legal rights and duties</i>	Our proposed changes are not expected to impact on this regulatory objective.
<i>RO8 – Promoting and maintaining adherence to the professional principles</i>	Our proposed changes are not intended to impact on this regulatory objective.
<i>RO9 - Promoting the prevention and detection of economic crime</i>	Our proposed changes are not expected to impact on this regulatory objective.
Rule 9 assessment: compliance with better regulation principles	

- **Transparency:** these proposed changes are intended to bring about additional transparency to the manner in which the BSB regulates, clarifying who has the right seek reviews and appeals against certain BSB decisions.

We will update our Handbook as transparently as practicable and ensure that the messaging in all relevant supporting documentation is accurate and consistent. We will signpost when and how we have changed the Handbook on our website and support that with direct communications to stakeholders, including via our monthly Regulatory Update.

- **Accountability:** Internal oversight and sign off was conducted in accordance with the BSB's scheme of delegations. This process included initial approval of this and other proposed Handbook changes by the BSB Board in January 2024 and again in **September 2026**, oversight by the BSB's Senior Leadership Team and Handbook Programme Board, and internal approval of our final proposals by the BSB's Director of Strategy, Policy and Insights.
- **Proportionality:** The BSB's Handbook Team identified and prioritised these proposed changes via engagement within the BSB to establish its necessity. The charges are minor in nature. Engagement used to formulate the change has been proportionate to the problem identified. We have established that the BSB has received just one request for a review of an AETO authorisation decision (a prerequisite to a High Court appeal) since the current regime came into force in April 2019. Even then, that request for a review was not ultimately pursued.
- **Consistency:** this proposal specifically intends to enhance the consistency of the Handbook. The change will align the position on review and appeal rights between the Handbook, the BQM, published operational policies, and the BSB website⁶. It will also align the review / appeal rights for current and prospective AETOs with individuals, who already have comparable review / appeal rights against BSB decisions.
- **Targeting:** As indicated above, BSB's Handbook Team identified and prioritised this change after engagement within the BSB, to establish its necessity. Extensive internal engagement has sought to identify, and minimise, the risk of side effects.

VI. Timeframe for implementation

Our preference is to enact this Handbook change as soon as possible after approval.

VII Consultation

A summary of any consultation undertaken or if not why. Include any earlier consultations on the regulatory arrangements being altered, and any issues identified in that consultation that the alteration proposed in the request may address.

This Handbook change has primarily been developed in response to issues identified by colleagues within the BSB. For the reasons cited above, we do not consider it necessary or proportionate to consult on these changes.

In addition to our normal communication and engagement activities that surround Handbook updates, we intend to inform prospective and current AETOs about our proposed rQ34 and rQ40 Handbook changes.

⁶ Available [here](#).

VIII. Impact assessment

Regulated community/consumers

A summary of an assessment of the impact of the alteration, including on persons with protected characteristics, and if not why. This is likely to include information on the number or proportion of regulated persons and consumers that will be affected by the alteration.

Impact on the regulated community / consumers

For this application, we regard AETOs as members of the regulated community (although we note for clarity that AETOs cannot be subject to enforcement action under Part 5 of the Handbook). These proposed changes are specifically intended to positively impact on current and prospective AETOs by clarifying the right of review and granting them appeal rights which were previously granted to legacy ATOs.

Existing rights of current AETOs to seek a review of a BSB decision under rQ34 are not affected by these proposed changes. Existing rights of individuals to seek a review under rQ28 and appeal under rQ40 are also not affected by this change.

Under our existing Handbook regime, the BSB can already refuse to authorise a proposed AETO (under rQ31-32) and ‘*vary, amend, suspend or withdraw authorisation of an AETO*’ (under rQ33). Our proposed changes will not vary the existing authority of the BSB to regulate AETOs, only the level of scrutiny to which the BSB’s decisions can be subject.

To assess the impact of these changes, we will monitor the number of reviews sought by prospective AETOs under rQ34, and appeals filed at the High Court by both prospective and current AETOs under rQ40. However, given there has been only one review request since April 2019, we do not anticipate it will significantly impact the vast majority of current or prospective AETOs, especially at scale. We anticipate usage to be driven by singular events, involving a dispute between an organisation and the BSB.

Equality impact assessment

In undertaking this assessment, we appreciate there are three main stakeholder groups who are either directly, or indirectly, affected by our changes. The extent to which our PSED / regulatory objectives are engaged by reference to the proposed changes varies by stakeholder type.

Firstly, persons intending to become members of the regulated community (i.e. individuals seeking qualification as a barrister) who are seeking a review / High Court appeal against a BSB decision – where the dispute has nothing to do the BSB’s relationship with AETO. PSED / regulatory objectives are only engaged by reference to these individuals in the most modest of ways – namely that we have redrafted rQ40 in such a way that makes clear that their existing High Court appeal rights are not varied. Our proposed changes do not disturb the existing review rights of such individuals.

Secondly, AETOs, one of the key stakeholders affected by this Handbook change. AETOs are vocational and work-based learning providers, such as universities or chambers – not individuals – and as such, do not have their own protected characteristics. As such, any responsibility for giving effect to the PSED on a day-to-day basis lies with these institutions directly. We recognise the PSED will apply to university and other public sector AETOs, but not likely to chambers or private training institution AETOs. The PSED is likely to apply (or not) in the same manner to prospective AETOs.

These proposed changes are not intended to vary any existing equality obligations within the BSB’s regulatory framework which apply to AETOs – such as the collection of diversity data for pupils (i.e. rC110-112), and promoting accessibility in a manner that ‘*takes into account pupils*’

personal circumstances' (the [Authorisation Framework](#)⁷) and '*promotes a more diverse legal profession*' (restated in Bar Qualification Manual⁸).

Thirdly – students / pupils (or potential students / pupils) whose AETO (or future AETO) is exercising (or seeking to exercise) its review and appeal rights in relation to its authorisation. In this scenario, the extent to which either the BSB's PSED or regulatory objectives are engaged by the proposed changes depends on the decision which may be the subject of challenge.

The PSED and regulatory objectives are most likely to be engaged if the BSB suspends or places other limitations on a current AETO's authorisation, preventing new students / pupils taking up a place at that AETO, or potentially obliging current students / pupils to move to another AETO. Likewise, potential students / pupils of a prospective AETO may be affected if the BSB's refuses to authorise the organisation to be an AETO.

As set out earlier in this application, under the current rules, the only available route of challenge for a current or prospective AETO dissatisfied with a decision about their authorisation is a judicial review claim filed in the High Court. Clarifying that prospective AETOs have a right of review could allow a dispute to be resolved without resorting to judicial review and means that the BSB can ensure any review request is progressed at the appropriate pace to minimise adverse impacts on current / prospective students and pupils.

We have also outlined how existing BSB policies can mitigate against such adverse impacts in the section below, in relation to current vocational and pupillage AETOs.

Numerically, the collective impact on students / pupils by reference to their protected characteristics can only be evaluated on a cohort-by-cohort basis, at the point where a decision that is challenged potentially begins to affect students / pupils. It is not possible to predict cohort-level impacts in advance by reference to student / pupil demographics generically. This is because, as published [BSB research](#) indicates, demographics of students on Bar training courses provided by current AETOs differ considerably, even when provided by one AETO across more than one site. These variances are likely to be exacerbated at pupillage AETO level (i.e. chambers), where c.290 pupillage providers typically have a very small number of pupils in any given year.

If there are adverse impacts, information on any mitigating measures and if there are none, why this is reasonable, proportionate, and not prejudicial to the regulatory objectives overall. We expect this assessment to include information, if relevant, on how the alteration advances equality of opportunity between persons who share relevant protected characteristics and persons who do not.

The proposed changes do not affect the BSB's existing power to vary, amend, suspend or withdraw authorisation of a current AETO, or refuse an applicant AETO status. Rather, it clarifies the right of review for prospective AETOs and grants a right of appeal to prospective and current AETOs.

The existing published BSB policies (ROD14 and ROD10) already mitigates against the indirect adverse impact of decisions to vary, amend, suspend or withdraw authorisation of a current AETO on individuals (i.e. students / pupils) to a significant extent – the proposed changes do

⁷ Available [here](#), paragraph 35.1.

⁸ Available [here](#).

not alter this policy. For example:

- AETOs under supervision by the BSB *'remains authorised by the BSB in line with their previous conditions of authorisation until any decision otherwise is taken under rQ33.'* Thus, students / pupils can continue to their training without interruption until a decision is made. A decision to withdraw authorisation will only occur *'in the most serious situations; for example, if the AETO is in breach of the law or the BSB Handbook, or fails to meet one mandatory criteria in a very high-risk way, or fails to meet a high number of the mandatory criteria.'*
- For vocational AETOs, BSB decision-makers are required to *'consider the impact of any decision on students'*, before any decision is made. To assist with this assessment, the BSB can already request that vocational AETOs *'provide an equality impact assessment setting out, for example, the impact on students and what alternative arrangements are proposed for students to continue with their training'*
- For pupillage AETOs, when considering the length of any suspension of an AETO's authorisation, BSB decision-makers must consider *"The impact on pupils that the decision may have. For example, the time required for them to secure alternative arrangements to complete their training"*.

Further, existing conditions of authorisation for vocational AETOs already safeguard students as far as possible who are caught up in a scenario. Vocational AETOs may be required to continue to offer the course until all students have completed it, or to work with the BSB to provide alternative provision for students. The proposed changes do not alter vocational AETOs' existing conditions of authorisation by reference to students.

To conclude: existing BSB operational policies already mitigate against any adverse impacts on pupils / students from any decision taken by the BSB regarding the authorisation of a current AETO. The most significant impact of this change is to potentially subject the BSB's existing decision-making to additional oversight, an outcome that aligns with several regulatory objectives.

IX. A summary of any evaluation and monitoring of impact of the alteration once it has effect, and if not why

We will monitor the number requests for review made by current / prospective AETOs under rQ34, and appeals filed at the High Court by them using rQ40. We will use the data we currently have as a benchmark.

In the event of any reviews / High Court appeals occurring, we will monitor any indirect impact on students / pupils, with reference to their protected characteristics, in line with the existing policies as set out above. We will review our existing policies and processes if negative equality impacts are identified that cannot be objectively justified.