



Future Bar Training

Consultation on the Future of Training for the Bar: Academic, Vocational and Professional Stages of Training

Executive Summary

1. **Part 1** of this consultation concerns the Academic stage – the qualifying law degree and non-law degree plus conversion course. We consider the way in which the academic stage may or may not contribute to the achievement of [the Professional Statement](#) requirements, through the concept of “graduateness”.
2. We consider the contentious topic of degree classification and whether to move towards requiring a minimum 2:1 or not. A revised way of expressing what we expect this stage of education to cover is put forward. This moves away from the “eight core subjects” requirement to a new approach.
3. We suggest that by the end of the academic stage of training, students should demonstrate “knowledge and understanding of the basic concepts and principles of public and private law within an institutional, social, theoretical and transnational context”. We invite views on that formulation.
4. Finally in this part we discuss how we could make sure that those completing the academic stage have sufficient legal knowledge and understanding to start the next stage of training. We have to be able to protect the public from the risks presented by those with insufficient knowledge and understanding to do the job of barrister in a competent way because they have not gained enough initial knowledge and understanding.
5. We put forward several ways we could do this. We could, for example:
 - a) set out a list of certain legal subjects that all students wanting to become barristers must study, with prescribed detail of what must be covered in each;
 - b) set out certain prescribed subjects, with minimum study-time for each;
 - c) not prescribe any subjects, but set a minimum study-time to be spent on the basic concepts and principles of public and private law as a whole;
 - d) not prescribe detail or study-time, but give guidance as to what would be considered appropriate in either or both case;

- e) prescribe nothing and give no guidance: if the degree has been awarded by a University that is operating in accordance with the requirements of the quality assurance systems required in UK Universities, and the Office of the Independent Adjudicator for Higher Education, that would suffice for us.

Part 2 of the consultation looks at the Vocational stage. It seeks endorsement of the proposition that such a stage of training would not be abandoned. The strengths of the current vocational stage - the BPTC - are identified, as are the many perceived and actual issues with it. These are grouped into four broad areas:

- preparing barristers for the current and future legal services market;
 - meeting the requirements of the [draft Professional Statement](#), and the student experience of the current BPTC;
 - demonstrating that the Professional Statement requirements have been met: issues with the quality assurance of the current BPTC and assessment outcomes;
 - affordability: the cost of the current BPTC.
6. The proper role of the regulator at this stage of training is discussed, and then three possible future approaches to how we regulate this stage are explored:
- continuous improvement of the current arrangements;
 - allowing any training programme that demonstrates the achievement of the outcomes that the Professional Statement requires;
 - specifying and controlling only the final stage of training, following achievement of key outcomes determined by assessment.
7. We discuss and invite views on the advantages and disadvantages of each approach and point out that the “way forward” might be a hybrid of the approaches.
8. **Part 3** of the consultation covers pupillage and essentially has the same structure as Part 2. We describe the current arrangements, their strengths and weaknesses. The issues which are likely to need resolving are then identified and grouped into four main areas:
- recruitment and selection of pupils and access to pupillage;
 - structure of pupillage and the pupil experience;
 - meeting the required standards as set out in the Professional Statement;
 - the regulator’s role.
9. We seek endorsement of the fundamental requirement for work/practice-based training prior to authorisation, and seek views on several principles we would almost certainly wish to advance irrespective of any new system:
- flexibility;
 - the pre-eminence of the Professional Statement, and

- a different (better) balance in the relationship between pupils, supervisors and the regulator.
10. Finally, we set out broadly speaking three very similar approaches to resolution of those issues:
- continuous improvement of the current arrangements;
 - approval of any pupillage scheme proposed by pupillage training organisations (PTOs) that demonstrate the achievement of the standards set out in the Professional Statement;
 - authorisation of candidates on the basis of their own evidence of having met the requirements of the Professional Statement; with possible final independent external assessment.
11. Again, we discuss and invite views on the advantages and disadvantages of each approach and point out that the “way forward” might be a hybrid of the approaches.
12. **Part 4** invites views on our approach to the collection, analysis and publication of key data, in support of our regulatory activity in this area irrespective of the final design of a new system.

Part 5 explains how to respond to the consultation and points out that if a respondent has an interest in only one of the three stages a response on that is welcome; and that there are many ways to engage with the consultation process.