



The Law Society

Bar Course Aptitude Test Consultation

Response to the BSB consultation

February 2012

supporting
solicitors

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Introduction

The Law Society is the representative body for more than 140,000 solicitors in England and Wales. The Society negotiates on behalf of the profession, and lobbies regulators, government and others.

The Law Society welcomes the opportunity to comment on the BSB's consultation on the introduction of aptitude testing for entry onto the Bar Professional Training Course. The Society's response is at Annex A.

The Society has previously considered the applicability of aptitude testing as a way to achieve a narrowing of the gap between the numbers passing the Legal Practice Course (LPC) and those securing a training contract. In doing the Society identified a number of challenges which the BSB may wish to consider in deciding whether or not this is an effective course of action and whether or not the issues they are looking to address are the appropriate ones in the overall context of legal education and training.

The Law Society looked to raise the general standard of LPC applicant to the extent that graduates numbers declined, but without detriment to meritorious applicants of all backgrounds and without stifling healthy competition for training contracts. In light of this the Society commissioned a research report, by Helen Baron, to investigate the viability of introducing an aptitude test for entry to the LPC.

(<http://www.lawsociety.org.uk/new/documents/careers/aptitudetestreport.pdf>)

The report focused in particular on what skills underlie successful completion of the legal practice course and the training contract that follows. The report concluded a successful aptitude test would only remove those who were likely to fail the course, thereby improving the quality of the candidate on the course. In this way the aims set out in the BSB's consultation may be achieved by the introduction of the BCAT.

However, the Law Society concluded that aptitude testing would have little effect on the number of students graduating from the course and competing for training contracts, or in this case, pupilages. It would not ensure that those who passed the course were of the standard required to get accepted onto the next stage in order to qualify and the Society felt that this was the real issue that needed addressing.

In light of these findings the Society decided that rather than pursuing the introduction of an aptitude test, it would feed the findings of the report into the current Legal Education and Training Review (LETR) by the legal regulators as it was felt that the evidence presented in the report confirms that a full examination of the current vocational stage is essential. This would include a review of entry requirements for the LPC and an evaluation of the standards required by the regulator.

The BSB may wish to consider whether the timing of this consultation and the introduction of the BCAT is appropriate with the LETR ongoing, which will most likely

alter the landscape of education and training. The move to implement aptitude testing may be considered to be premature in these circumstances.

Annex A

Do you consider that current entry requirements on the BPTC need to be changed?

Given the current nature of the BPTC it may benefit students to work alongside those of a similar capability so that a group is not disadvantaged by a student or students who are unable to keep up with the standard of the others.

Do you agree with the rationale for implementing an additional entry requirement for the BPTC in the form of a universal Aptitude Test (BCAT)?

The BSB's stated aim of improving the student experience and raising standards on entry to and exit from the BPTC supports the implementation of the BCAT. However this is a relatively minor benefit to be derived from an expensive additional hurdle.

Do you consider that the introduction of the BCAT is justified by the data presented in this report?

The data presented in the report, while not conclusive, would seem to support the position that those who score badly on the BPTC would not pass the BCAT. The data merely states that those who do not do well, would not be accepted on to the course, which seems to justify the proposed aims but not address the real issue. The Law Society believes that the real issue to be addressed is the mismatch between the numbers of students passing the BPTC and the number of available pupilages.

After looking at the results of the pilot tests, do you consider that the BCAT will reliably identify students who are likely to fail the BPTC?

This may be the case although allowing unlimited re-sits may have the effect of undermining this position. Students could learn to pass the exam through repeated exposure, as opposed to through having gained the skills the BCAT is testing necessarily.

From looking at the evidence in this report, what cut score would you consider to be most appropriate?

There is insufficient information to make an informed judgement on this. As with all other examinations, the cut scores would need to be revisited regularly and amended as a result of statistical data and cohort performance in order to remain appropriate.

Do you agree that an unlimited number of re sits for the BCAT should be available (subject to anti-fraud frequency monitoring)? If not, how many do you consider to be appropriate?

There is insufficient data provided to respond to this question.

After looking at the results of the pilot tests, do you consider that the introduction of the proposed BCAT would have a disproportionate effect (either positive or negative) on any particular group compared with others?

There is insufficient data provided to respond to this question.

Are there any negative impacts that have not been identified in the equality impact assessment?

None that can be seen from the data provided.

Do you consider that entry standards on the BPTC could be made more rigorous in a way other than what is suggested in this paper? If yes, please expand.

The Law Society believes, as stated above, that this is something the Legal Education and Training Review should address in terms of the disparity between the number of graduates and the number of pupilages available.