



CBA Response to Bar Standard's Board Consultation

on the Future of Training to the Bar

Date 31st January 2017

1. Broadly, the Criminal Bar Association agrees with, and endorses, the response to this consultation that has been drafted by the Council of the Inns of Court ('COIC') and the Bar Council. That response is hosted online at http://www.barcouncil.org.uk/media/544441/consultation_on_the_future_of_training_for_the_bar.pdf

A summary of that response is at paragraph 7:

The current authorised BPTC model is unsatisfactory, and extremely unpopular with the vast majority of those who take it. It leads to too many people wasting too much money paying for expensive courses which in most cases do not lead either to employment or to tenancy. The system does not ensure that those who wish to come to the Bar have a chance to do so at reasonable expense and with a prospect of success that is reasonable given the investment of time and money required. The system will only be satisfactory if this vocational stage is made much less expensive, and correspondingly open to a wider segment of society.

2. The reasons given by the Bar Council in its 111-paragraph response are, we think, cogent. What rightly underlies that response is that the current model of necessary vocational training for intended practising barristers is not fit for purpose. Absent specific waiver or dispensation, all those who wish to train at the Bar of England and Wales must complete the bar vocational training and practice course – known as the BPTC. That training spans a period equivalent to three academic terms. The gist of the criticism made of it by the Bar Council is that it is (a) remarkably costly, without sufficient justification; (b) that cost is a disproportionate burden for Bar school students to bear in consideration for the mere possibility of a pupillage; (c) the

skillset represented by the vocational qualification is not meaningfully transferrable to other employment.

3. We agree without hesitation with that these are very real concerns. As it stands, the present model of the BPTC vocational year cannot divest itself of these concerns.
4. What the Criminal Bar Association wishes to add to the response of the Bar Council is that there is a sound argument for looking afresh at accessibility of the Bar vocational qualification. It is presently accessible without the need for students to have any prior relevant and accredited experience of delivering legal services. Such prior experience is very likely to be invaluable for students: it would be a period of critical reflection whilst gaining meaningful experience and a transferable skillset, without expending (at that early stage) money on a qualification course. Accordingly, the Criminal Bar Association submits it is appropriate to consider whether work-based aspects of the existing course (commended by the Bar Council) should be offered to students *prior to*, as well as during, the qualification. Consistently with the Bar Council's stated aim that the course should be '*correspondingly open to a wider segment of society*', we submit it would be invaluable for intending Bar students to access such work-based practical opportunities prior to commencing the formal path of the BPTC.
5. If students then elected to go down the formal path of qualification for the vocational training, such prior opportunities of training could be 'cashed in' or reflected in the assessment of the BPTC qualification. Such prior access to the profession – beyond cash is spent on a course – would give intending students an informed and realistic understanding of the financial and competitive conditions in which barristers and chambers deliver and how the two interact with solicitors and other professional and also lay clients. There is no reason to think that this arrangement – which may, in practice, work as a screening exercise – might or might tend to discriminate against any one group or groups.

6. This would dovetail well with the practical reform of the Bar vocational qualification for which the Bar Council contends at paragraph 9 of its response:

[...] Rather the academic and work-based stages should be retained in their current format, but opportunities should be opened up to provide the vocational stage more flexibly [...] whilst still delivering a syllabus similar to the present BPTC syllabus (which has not been substantially criticised).

7. The means of executing delivery of such accredited opportunities of exposure to legal services is already in place. Several professionally well-networked law clinics exist. Those are represented well in each of the regions. The various and different focuses of those law clinics span the full spectrum of the course specialisms offered by the present Bar course qualification – whether civil or criminal. Present providers of the Bar qualification are well-placed to absorb the administrative cost and oversight of such prior training opportunities for students. The Criminal Bar Association is content to develop this submission in due course, if invited by the Bar Standards Board. We would welcome such opportunity.

Response prepared by Joe Stone, Q.C. and Abigail Bright

January 2017