

# TRAINING FOR THE BAR

If you are confused by the various options available to train to become a barrister, don't worry, you're not alone. In fact, the January 2023 Report on Evaluation of the BSB's Bar training reforms reveals that many people who are considering the Bar as a future profession find understanding the training process that awaits them difficult to get to grips with.

The good news is, this article should change all that.

It is intended to bring some simplicity to the whole process, to explain the options available, and to allow you to make an informed decision about your future. Below you will find the following sections:

- What is a Bar training course?
- What will I be taught?
- Completing your Bar training course Award, Call and Pupillage
- What are the differences between Bar training courses?
- Funding your Bar training
- What are the minimum entrance requirements for Bar training?
- How and when to apply
- Helping yourself

#### A note about the author

Full and frank disclosure – I should say at the outset that I am the Vice-Dean of the Inns of Court College of Advocacy (ICCA), an organisation which runs a Bar training course. However, this is intended to be an objective guide, not a sales pitch. I give a number of examples during this guide of the ICCA approach to various aspects of Bar training, but I should add, just as judges do when instructing juries during their summing-up of a case, if I appear at any stage to show a preference, feel free to accept it if you agree, or reject it if you don't. Remember that ultimately it is your view that counts, not mine.

# WHAT IS A BAR TRAINING COURSE?

Taking a Bar training course is known as the Vocational Stage of Bar training and sits between your academic training and pupillage:

**Step 1**. **The Academic Stage** – your undergraduate degree and, for non-law graduates, a law conversion course (such as the Graduate Diploma in Law), leading to:

**Step 2**. **The Vocational Stage** – your Bar training course where you learn the procedural rules for criminal and civil practice, get to know the fundamentals of professional ethics, and gain many of the practical skills for the Bar, including advocacy, conference skills, opinion writing and drafting – allowing you to be called to the Bar of England & Wales and to move on to:

Step 3. The Professional Stage – Pupillage/Work-Based Learning often broken down into two six-month periods – during your 'first six' you gain work experience with experienced barristers allowing you to obtain a Provisional Practising Certificate; during your 'second six' you continue your work experience but may also attend court and represent your own clients. During this stage you also carry out additional training in professional ethics and advocacy. Successful completion of this final stage allows you to apply for and obtain a Full Practising Certificate, authorising you to exercise a right of audience in every court in England & Wales in all proceedings.

These three stages are set out in detail in the BSB's <u>Bar</u> <u>Qualification Manual</u>. When completed, you can begin self-employed practice as a barrister, once you have been granted a tenancy by chambers (at which stage you become a member of chambers), or you may commence employed practice as a barrister if you are employed in that capacity (such as by the Crown Prosecution Service or the Government Legal Department).

#### WHAT IS A BAR TRAINING COURSE?

#### **Time limits**

Your Bar training course (Step 2) must be commenced within 5 years of completing the Academic Stage (Step 1). This means that you must start your Bar training course within 5 years of 31st December of the year in which you received your law degree or, for non-law graduates, your GDL.

The purpose of this is to ensure your legal knowledge is reasonably current. For example, if you completed your degree in July 2019, you would have to commence your Bar training course by 31 December 2024.

If you are out of time you can apply to the BSB to reactive your 'stale' qualification (which will only be granted in exceptional circumstances where you can demonstrate your legal knowledge is current), or you can take a <u>law conversion course</u> to bring yourself up to date.

Once you commence your Bar training course (Step 2), the BSB require its completion within 5 years, although many course providers will specify less.

After completing Step 2 (the Vocational Stage), you have 5 years in which to commence Step 3 (The Professional Stage of pupillage/workbased learning).

#### Course names and course providers

Bar training courses (The Vocational Stage) often go by different names. For example, ICCA has the ICCA Bar Course, City has the Bar Vocational Studies programme, The University of Law has the Bar Practice Course and Manchester Metropolitan University has the Bar Training Course. Don't worry, passing a Bar Vocational Training Course (whatever its precise name) run by any authorised course provider (known as a BSB Authorised Education and Training Organisation, or 'AETO') will provide the same necessary step to allow you to be called to the Bar.

In total, in 2024/25 there will be 10 providers offering Bar training courses at 21 sites in 11 locations: Birmingham, Bristol, Cardiff, Hatfield, Nottingham, Leeds, Liverpool, London, Manchester, Newcastle and Nottingham.

To help you, here is a list of <u>all Bar Vocational Training providers</u> published by the BSB. **Note**: at the time of writing (September 2023) this BSB list requires updating, including on fees, so please check providers' websites for up-to-date information.

#### **Course formats**

Step 2 (the Vocational Stage) can be taught in either one part, which is the most common approach for training providers, or in two separate parts.

If it is taught in **one part**, it is sometimes referred to as the three-step pathway (because it is Step 2 in a pathway involving the 3 steps outlined above).

If it is taught in **two parts**, it is sometimes referred to as the fourstep pathway (because Step 2 above is split into two separate steps).

Confused? I fully understand, which is why many students in the evaluation survey referred to in the introduction were unaware of the different pathways, or perhaps they gave up trying! A far simpler approach is to refer to a Bar training course (Step 2) as a one-part course, or a two-part course:

A **one-part course** often runs on a traditional academic year from September to June/July (but this depends on the course provider). In a one-part course, you will often take the BSB centrally set assessments in April, which is near the end of your course.

A **two-part course**, such as that provided by the ICCA, takes a non-traditional approach. The ICCA approach is to start with Part I, an online course in which you study Civil and Criminal Litigation for the BSB centrally set assessments. Having passed these, you then move on to an in-person Part 2 course for the more practical aspects of your Bar training, such as advocacy, conference skills, opinion writing and drafting. The whole course can still be completed between September – July or you can take longer if you wish, or even start at a different time.

For the sake of completeness, there are other pathways which course providers can offer. *The Integrated academic and vocational pathway* combines the academic and vocational stages. An additional potential option is the *Apprenticeship pathway*, although this has not so far been offered by any provider.

## WHAT WILL I BE TAUGHT?

Bar training is the bridge between your academic legal training and your 'on the job' training in pupillage. It teaches you the fundamentals of practice and procedure in:

- Civil Litigation and Criminal Litigation (which are assessed by the BSB in centrally set assessments)
- **Advocacy** in 3 modules (submissions, examination-in-chief and cross-examination);
- Opinion Writing & Legal Research (researching and applying the law to the facts of a given case and giving your view on, for example, a client's prospects of bringing or defending a claim)
- **Drafting** (such as Particulars of Claim, Defences and Counterclaims)
- Conference Skills (taking instructions from and giving advice to a client)
- Professional Ethics (an introduction to the ethical requirements of barristers in the <u>Bar Code of</u> <u>Conduct</u>)

The Bar Standards Board (BSB) is the regulator of the Bar and of Bar training. The basic curriculum and assessment criteria are set by the BSB and contained in their <u>Curriculum and Assessment Strategy</u> which applies to every course.

The curriculum and assessment criteria are linked to the BSB <u>Professional Statement for Barristers</u>, a document which sets out the knowledge, skills and attributes which all barristers should have on 'day one' of professional practice.

#### **Centrally Set Assessments**

The BSB sets the Criminal and Civil Litigation assessments (hence being known as 'centrally set' assessments). These are assessed by multiple-choice/single best answer and marked by the BSB.

It is fair to say that the centrally set assessments can be challenging. The BSB publishes the results after every sitting (they can be taken in April, August or December each year).

At the time of writing, the most recent results from each Bar training provider (AETO) are available here in the <u>Central Examinations Board Chair's Report of 6 July 2023</u>, page 45, para. 5.4.

#### **Assessments in other subjects**

All other subjects taught by Bar training course providers are set and assessed by that provider. The integrity of these assessments is maintained and overseen by BSB <u>External Examiners</u> who must approve the assessments of each provider and check their marking approach.

Advocacy and Conference Skills, for example, are assessed on live oral performances and Opinion Writing & Legal Research by allowing students one calendar week in which to complete their opinion (and legal research trail) in a civil or criminal case.

## Will my Bar training course set me up for specialist practice?

Bar training should not be seen as a specialist course designed for a particular area of practice.

Instead, its purpose is to provide a detailed foundation of knowledge, including civil procedure, criminal procedure and advocacy. You will build upon this when you reach pupillage, where you will learn the more nuanced and focussed approach required for a specialist area of practice, for example within a chambers specialising in administrative law, employment law, criminal law or chancery.

### COMPLETING YOUR BAR TRAINING COURSE – AWARD, CALL AND PUPILLAGE

Successful completion of any Bar training course provides you with

- An academic award, such as a Postgraduate Diploma (PGDip), or an LLM (if you choose this option); and (2) confirmation via your MyBar account that you have passed your Bar Vocational Training modules and when you passed them. You can share the relevant portion of your MyBar account with chambers to prove that all modules have been passed.
- Call to the Bar Having passed your Bar training course, completed your Inn's Qualifying Sessions and passed their 'fit and proper person' check, you can be Called to the Bar.
- **Pupillage** You will also be eligible to commence pupillage/work-based learning with your chosen pupillage provider.

#### When is a distinction not a distinction?

It is worth noting that as part of your academic award, your course provider may choose to recognise your successs with a pass level of Distinction/Outstanding; Merit/Very Competent; or Pass/Competent.

There is **no longer a common standard** applied by the BSB to all providers, so a Distinction/Outstanding from one provider may be a Merit/Very Competent from another.

It means that these pass levels have lost some integrity and chambers will often want to see the grades attained for each module, rather than relying on a wider description of attainment.

# WHAT ARE THE DIFFERENCES BETWEEN BAR TRAINING COURSES?

Given that the BSB set the curriculum for all providers, you could be forgiven for thinking that all Bar training courses are the same.

Whilst all providers must offer the curriculum outlined earlier, this is a minimum requirement. Course providers can offer more than the 'basic' curriculum requires, adopt a multitude of teaching styles, teach in large groups or small groups, offer a range of extracurricular activities, and do what they consider best to equip you for pupillage and professional practice at the Bar.

Some providers are based in a single location and others have multiple locations, so geography may be a factor which influences your decision. Some providers are commercial organisations and others are not. Fees differ between providers, some have scholarship funds and others offer an LLM Bar Course option to enable you to apply for a postgraduate government loan. The assessment results of providers, including between locations of providers which offer multiple locations, may differ considerably, as may their students' success rates in securing pupillage.

#### **MAKING YOUR MIND UP**

Below are a number of factors that you may wish to take into account when choosing where you would like to do your Bar training. As you go through them, giving each factor an order of priority may help you reach a decision about where to apply to do your Bar training.

#### **NEXT:**

- Location
- Fees
- Living Expenses
- Course format Full-time/Part-time/Online
- Teaching approach and class sizes
- Assessment success and Pupillage attainment
- Extracurricular activities

#### Location

Some providers have multiple facilities in various parts of the country (e.g. BPP and The University of Law); others are based in only one geographical area (e.g. ICCA, Cardiff University, Nottingham Trent University, Northumbria, City).

If you are keen to stay in a particular area, then this should help you make your decision, or at least start your search. As mentioned above, there are 10 providers offering Bar training courses in 11 locations: Birmingham, Bristol, Cardiff, Hatfield, Nottingham, Leeds, Liverpool, London, Manchester, Newcastle and Nottingham.

In areas where there are multiple providers, you can compare their precise locations to see what suits you best. Remember that there is no requirement to map your Bar training location to where you intend to practice at the Bar.

#### **Fees**

There is no getting around it, but training for the Bar is expensive. Fees vary between providers and their individual courses, or course options. For example, an LLM option is likely to cost more than a Postgraduate Diploma option, albeit it will allow you to apply for a government loan to cover part of the cost (see more on Funding your Bar training below). Providers offering multiple locations are likely to charge more for training in London than elsewhere. Some providers charge international students more than domestic students. Check if a deposit is required when you accept an offer and, if so, how much?

Visit the individual websites of providers for up-to-date information, ensuring that you double-check what the course cost will be for the year you will be joining. When you look at the headline cost of the course, read the small print - does it include both the cost of textbooks and the BSB assessment levy (all students must pay this wherever they choose to do their course)? Check how payments need to be made and when. If a payment plan would suit you, then enquire if this is available.

As an example, on the ICCA two-part course, you pay for each part separately, with no fee being charged for Part 2 unless and until you enrol on Part 2. It means that in the unlikely event you leave the course during Part One, or fail your centrally set assessments, you would not be charged for the in-person teaching on Part 2, a factor which reduces any financial risk.

#### **Living Expenses**

Always bear in mind that when you do Bar training, you will have to factor in a number of additional expenses, including:

- Living accommodation. This can differ with course location and course format. For example, some providers offer a part-time option, others (like the ICCA) offer an online course for Part One, meaning that you can study at any time of day and from any location. Course duration is also relevant here. On Part Two of the ICCA Bar Course, for example, you would need to be in travelling distance from London (for up to 17 weeks or 19 weeks depending on whether you start Part Two in March or September).
- Travel expenses.
- Joining an Inn. This is a £100-£110 one-off payment.
- The cost of 10 Inns' Qualifying Sessions. These must be completed before being called to the Bar and are independent of your Bar training course. They provide you with the chance to meet practitioners and experts, gain knowledge and experience and improve your skills. Provided at an affordable cost to students. See Inns' websites for details.
- The cost of Call to the Bar £75 £125
- Visa fees (where applicable)

#### Course format - Full-time/Part-time/Online

Flexibility is key to some students, particularly those with caring or work responsibilities.

For this reason, some providers provide part-time courses over an extended period. Another approach is to take a two-part course – the ICCA option, for example, allows you to do the online Part One course over a guided pathway of 12-14 weeks, or alternatively at your own pace over an extended period. Part Two (taught in-person) would require you to attend full-time for between 17-19 weeks, depending on whether you start Part Two in March or September. For other students, it may suit them to attend a full-time in-person course which follows a traditional academic year. This is an option still available from many providers.

It is worth noting that Bar training at any provider is volume-heavy. You will require excellent time-management skills and this applies whether you are completing the course full-time, part-time or online. For your own wellbeing and peace of mind, be careful not to load too much onto yourself at the same time as you are completing your Bar training course.

#### Teaching approach and class sizes

Different providers will have different class sizes. You should feel free to ask about staff/student ratio at Open Days or webinars. The ICCA, for example, teaches advocacy in small groups of 4 (for examination-inchief and cross-examination) and in double-length sessions of up to 6 students for submissions advocacy; and Opinion Writing and Drafting are taught in groups of up to 12 students.

Some courses will have an online element, even if they are a full-time taught course. Part One of the ICCA Bar Course is an online course and significant work has been invested in films, quizzes, interactive activities and a large question bank to ensure interest and engagement. Notwithstanding this, the ICCA Part One online course requires the ability to study independently without tutor support. Ask yourself if this is something that would suit you, or whether you would prefer in-person teaching throughout your studies. There is no such thing as a 'one size fits all' Bar training course.

#### **Assessment success and Pupillage attainment**

Once you have completed your Bar training, you have 5 years in which to obtain pupillage. For this reason, it is not uncommon for a course provider to use statistics going back to a graduating cohort from up to 5 years ago, or less. As ever with statistics, use caution.

Of course, to be Called to the Bar and to obtain pupillage you need to pass your assessments. Once again on the subject of statistics, independent studies are the most trusted and you can check the centrally set assessment pass rates of all Bar Course training providers with the BSB: The Chair of the BSB Central Examinations Board publishes a report after each assessment sitting. The most recent report at the time of writing is from the April 2023 sitting: Central Examinations Board Chair's Report of 6 July 2023 (see page 45, para. 5.4).

All providers should have the ability and resources to provide careers advice to students to assist them in finding pupillage, or to seek other opportunities should they wish.

#### **Extracurricular activities**

Many providers offer advocacy/mooting competitions, pro bono opportunities, networking opportunities and engagement with practising barristers.

All of these are important matters, but to achieve your best, be careful not to overload yourself on any Bar training course.

Remember that you will be attending Qualifying Sessions with your Inn, perhaps engaging with your Inn's student society also. You may well be attending the <u>Bar Council Pupillage Fair</u>, the <u>Target Jobs National Pupillage Fair</u> and the <u>Legal Cheek Virtual Pupillage Fairs</u>.

You may be attending mini-pupillages, and sometimes assessed mini-pupillages as a precursor to applying for pupillage. You might also choose to take part in your Inn's internal mooting competition, as well as one of many external mooting competitions, such as the <a href="ESU-Essex Court Chambers National">ESU-Essex Court Chambers National</a> Mooting Competition or <a href="The Jessup">The Jessup</a>.

If you are <u>applying for pupillage</u> during your Bar training, you will be doing this in January to early February, then from mid-February to early May you will be attending pupillage interviews. Many students will often have caring or work responsibilities also. And all of this is in addition to what is an intensive Bar training course, which will be the case irrespective of which course provider you choose.

For these reasons, when you train for the Bar you will be busy and, although the range of extracurricular activities available may initially seem attractive, you may wish to temper this with the positive features of maintaining a healthy work/life balance.

Look after Yourself

### FUNDING YOUR BAR TRAINING

How to fund Bar training is crucial to many students. As mentioned earlier, fees vary considerably between providers and individual courses. For this reason, only after a careful consideration of what is on offer, in line with your personal preferences and priorities, can you determine what is of most value to you.

#### **Inns' Scholarships**

For many people, the first ports of call for funding are the Inns of Court. The Inns generously provide over £5m of scholarships and bursaries to both GDL and Bar Course students, irrespective of where they choose to do their training.

You can find more details of the application process on the Inns' websites:

- Middle Temple
- Inner Temple
- Gray's Inn
- Lincoln's Inn

**Take note** that if you are intending to commence your Bar training in 2024, you will need to apply by 3 November 2023.

## Government Master's Loans

Many providers offer an LLM Bar Course option. Students taking this can apply for a government Master's Loan of up to £12,167 to help them fund their Bar training. Remember that this is a loan, not a grant, and an LLM option will usually be more expensive, sometimes considerably more, than a standalone Bar Course.

It is also worth bearing in mind that a Bar Course LLM is unlikely to carry the same academic weight as a standalone LLM from a good university. Some may disagree with this, so it is a matter of opinion.

#### **Provider Incentives**

In addition to the Inns' scholarships, various providers offer incentives for students.

These include fees reductions for alumni (i.e. if you take your GDL with a provider, they will reduce your Bar course fee if you remain with them); fee reductions for obtaining a first-class degree; and prizes by way of fee reductions for promising advocacy.

#### **Other sources**

Various other sources of funding are available. The <u>Bar Council</u> <u>Funding and Scholarships page</u> has some helpful suggestions.

In addition, the ICCA, for example, offers a bursary scheme funded by the Chancery Bar Association.

Even where additional funding is obtained, many people will have to continue to work during their studies. For this reason, courses with a flexible online element, as well as part-time courses, can prove to be attractive options.

# WHAT ARE THE MINIMUM ENTRANCE REQUIREMENTS FOR BAR TRAINING?

#### Undergraduate Degree/GDL

All Bar Training Course providers must impose the minimum BSB entry requirements (a 2:2 degree plus a GDL pass for non-law graduates), but providers may require higher grades to accept students, and often do. For example, the ICCA requires a law degree 2:1 or, for non-law graduates, a 2:2 in your degree plus a GDL Commendation or Distinction.

You should look carefully at the entry requirements on the websites of all course providers you intend to apply to.

#### **Mitigating Circumstances**

It is worth noting that providers may accept students who have failed to achieve expected grades where this is due to mitigating circumstances. For example, where applicants have achieved a 2:2 in their law degree, or a pass in their GDL, the ICCA would consider their application if there were mitigating circumstances involved which prevented them from achieving their expected grades.

Given that the BSB requirements are for a minimum 2:2 grade in an undergraduate degree, any candidate who has achieved less than this will be unable to commence Bar training. Other than taking another degree, candidates in this situation can apply to the BSB for the exercise of discretion to disapply the minimum requirement (see the <u>Bar Qualification Manual Parts 2B and 2C</u>).

#### **English Language Skills**

Good written and oral English language skills are vital for barristers and for completion of the Vocational Stage of Bar training.

This requirement is for candidates upon admission to a Bar training course to '... have an effective command of the language and be able to use it appropriately, accurately and fluently so as to handle complex and detailed argumentation. They will use correct English grammar, spelling and punctuation. Barristers should: a) Use correct and appropriate vocabulary, English grammar, spelling and punctuation in all communications. b) Speak fluent English.' (see the <u>Professional Statement for Barristers</u>, paragraph 1.8.)

To fulfil this requirement, candidates must demonstrate English language ability at least equivalent to a minimum score of 7.5 in each section of the IELTS academic test, or 73 in each part of the Pearson test of English (academic).

You do not need to take such a test when you apply for a Bar training course, but you can be called upon to do so if there is any doubt about your English language ability. It is up to each course provider how they verify that this requirement has been met. The ICCA, for example, assesses English language skills during the application process which includes an advocacy exercise for shortlisted candidates.

#### **Joining an Inn of Court**

You will need to join an Inn of Court before you start a one-part course, or before you commence the second part of a two-part course.

This is a £100-£110 one-off payment and applications need to be made at least 12 weeks in advance to your chosen Inn.

# HOW AND WHEN TO APPLY

There is no common platform to apply for Bar Vocational Training and application windows vary between providers, but I would suggest checking providers' websites by October in the year before you intend to apply where you will find the details you need. These will not only set out the minimum academic entry requirements, but also details of the application process and timelines.

Most providers take a slightly different approach to applications and some might be considered more robust than others. Some will have relatively early application windows and others will be open far longer and closer to the course commencement stage.

The ICCA, for example, accepts applications between 16 October 2023 and 15 January 2024 for courses commencing in September 2024 and January 2025. The ICCA application process is not dissimilar, albeit less demanding, than a pupillage application, where there is an online questionnaire, after which shortlisted candidates are invited to a selection day comprising an advocacy exercise and interview.

### **HELPING YOURSELF**

When I was doing my research to become a barrister, there was a distinct lack of information available, but then those were pre-internet and pre-social media days (yes I am that old)! The converse is now true, in that there is so much information available that it can be, frankly, overwhelming.

My advice! Start early and take your time. I fully appreciate that becoming a barrister can feel like a pressure cauldron, but the best way to ameliorate pressure is to manage your time effectively and to allow time for yourself. Things done in haste are rarely effective, so plan ahead and keep it simple. I wish you every success.

Chris Kessling 4 September 2023

