



# End-point assessment plan for Barrister statutory integrated apprenticeship.

| Apprenticeship standard number | Level of this end-point assessment (EPA) | Integrated           |
|--------------------------------|--|----------------------|
| ST1389                         | 7  | Statutory integrated |

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## Introduction and overview

The Bar Standards Board (BSB) is the regulator of barristers in England and Wales (practising barristers, pupils, unregistered barristers, certain specialised legal services businesses, known as BSB entities, and European lawyers registered with us). The BSB was set up as the regulatory body of The General Council of the Bar after the Legal Services Act 2007 required the separation of all regulatory and representative functions relating to the legal professions.

All of its regulatory activities must be approved by the Legal Services Board. The LSB is the oversight regulator of legal services in England and Wales.

The BSB's regulatory responsibilities include setting the education and training requirements for becoming a barrister. Part 4 of the BSB Handbook sets out the Bar Qualification Rules, which are the BSB's requirements relating to the qualification and admission of barristers. The BSB's Authorisation Framework (AF) sets out the possible pathways for qualification as barrister. Three of these routes include passing the academic component of training (eg an undergraduate law degree or conversion course), the vocational component (which in practice is known as a Bar course or similar names, delivered by an Authorised Education and Training Organisation (AETO) authorised under the AF) and work-based component (which in practice is referred to as pupillage). The fourth permitted route is an apprenticeship route, though at the time of the first publication of the AF in 2019, no apprenticeship route or standard had yet been formalised. All of the components of Bar training are based on the BSB's Professional Statement, which sets out the knowledge, skills and attributes expected of all barristers on Day One of practice. The delivery of an apprentice's training must be aligned to the BSB's Professional Statement to ensure that apprentices are able to hold the qualification of barrister, seek admission to the Bar and to practise as a barrister. 'Barrister' is a protected title and only those admitted to the Bar are entitled to use it.

The BSB's Curriculum and Assessment Strategy (C&AS) sets out all of the compulsory elements of Bar training and is mapped to the Professional Statement. This includes modules such as advocacy which are delivered and assessed locally by a vocational training provider, and centralised assessments which are set and marked by the BSB. All aspects of the C&AS must be passed successfully, and all remaining competences of the Professional Statement demonstrated during work-based learning, before an apprentice (and anyone seeking qualification as a barrister) can apply for a practising certificate.

The end-point assessment (EPA) assesses whether apprentices have also passed the apprenticeship, and is based on the same professional knowledge, skills and behaviours as

the occupational standard. This document sets out the requirements for EPA for the barrister statutory integrated apprenticeship.

The EPA period should only start once the employer is satisfied that the apprentice is consistently working at or above the level set out in the occupational standard and all of the pre-requisite gateway requirements for EPA have been met. This includes passing all aspects of the BSB's Curriculum and Assessment Strategy.

The EPA will determine the overall apprenticeship standard and grades of:

- Fail (Not Competent)
- Pass (Competent)

This apprenticeship has a statutory integrated EPA. The EPA will use the assessment arrangements in use for other entry routes into this occupation. Alignment of the statutory integrated EPA is permitted because the following criteria are met:

1. the occupation (profession) must be regulated by a statutory regulator that carries out a range of functions in relation to the occupations they regulate, including making sure individuals have the necessary qualifications and/or experience to practise the occupation and taking any necessary enforcement action and
2. the occupational standard and statutory integrated EPA meet the apprenticeship requirements.

## EPA summary table

|   |   |
|---|---|
| <b>On-programme</b><br>(typically 60-72 months) | Training to develop the occupation standards knowledge, skills and behaviours (aligned to the BSB's Professional Statement)   |
| <b>End-point assessment gateway</b>             | <ul style="list-style-type: none"> <li>• Apprentice has met the knowledge, skills and behaviours (KSBs).</li> <li>• Employer is satisfied the apprentice has consistently demonstrated they meet the KSBs of the occupational standard.</li> <li>• The apprentice must complete training towards English and maths qualifications in line with the apprenticeship funding rules.</li> <li>• Has successfully completed:             <ul style="list-style-type: none"> <li>- The centralised assessments in civil litigation, criminal litigation, and professional ethics;</li> <li>- compulsory vocational training modules in advocacy, professional ethics, opinion writing, drafting, legal research and conference skills;</li> </ul> </li> </ul> |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>- compulsory pupillage training courses in advocacy (and negotiation, when the requirement for this course commences); and</li> <li>- any other elements of Bar training set out in the Curriculum and Assessment Strategy.</li> </ul>   |
| <b>End-point assessment</b><br>(which would typically take place within the last 12 months) | <p>The EPA starts once the apprentice has met all the pre-requisite gateway requirements for EPA.</p> <p>Once the EPA is completed the apprentice must apply to the BSB for admission to the Bar.</p> <p>The apprentice is not required to carry out any additional assessments. However, prior to admission as a barrister, the apprentice will be required to complete a prior conduct and DBS check and meet the character and suitability requirements set out in the fit and proper person test.</p> |
| <b>Professional recognition</b>   | The Bar Standards Board (The Bar Standards Board is the regulatory arm of the General Council of the Bar Council, which is the Approved Regulator under the Legal Services Act 2007).   |
| <b>Re-sits and re-takes</b>   | <ul style="list-style-type: none"> <li>• Re-take and re-sit grade cap: pass</li> <li>• Re-sit timeframe: 3 opportunities per year for centralised assessments</li> </ul>  |

## Gateway

The EPA period should only start once the employer is satisfied that the apprentice is consistently working at or above the level set out in the occupational standard.

The apprentice must have completed the following gateway requirements prior to beginning their EPA:

- Complete training towards English and maths qualifications in line with the apprenticeship funding rules.
- Mandatory qualification: Degree and all aspects of the Bar Standards Board's Curriculum and Assessment Strategy.

## EPA

The EPA is an assessment of competence against the Bar Standards Board's Professional Statement in line with its statutory and regulatory obligations.

The apprentice must:

- Pass all elements of the Bar Standards Board's Curriculum and Assessment Strategy
- Undertake a period of work-based learning which will include a non-practising and practising period, and wherein the apprentice has satisfactorily demonstrated all the required competences in the Bar Standards Board's Professional Statement.

The end-point assessment organisation will conduct the EPA.

The end point assessment organisation will be the Bar Standards Board.

## Grading

| Name of grade | Grade descriptor          |
|---------------|---------------------------|
| Pass          | Has met the standard.     |
| Fail          | Has not met the standard. |

## Roles and responsibilities

| Role              | Responsibility   |
|-------------------|--|
| Apprentice        | As a minimum, the apprentice should: <ul style="list-style-type: none"> <li>• complete the constituent parts of the programme successfully.</li> <li>• meet all apprenticeship gateway requirements.</li> <li>• understand the structure and requirements of the apprenticeship.</li> </ul>  |
| Training Provider | As a minimum, the training provider should: <ul style="list-style-type: none"> <li>• work with the employer and support the apprentice during the off-the-job training to provide the opportunities to develop the KSBs as listed in the occupational standard.</li> <li>• conduct training covering the KSBs agreed as part of the Commitment Statement or the Individual Learning Plan.</li> </ul> |

|          |  |
|----------|--|
|          | <ul style="list-style-type: none"> <li>• monitor the apprentice's progress during any training provider led on-programme learning.</li> <li>• advise the employer, upon request, on the apprentice's readiness for EPA.</li> <li>• remain independent from the delivery of the EPA.</li> </ul>   |
| Employer | <p>As a minimum, the employer should:</p> <ul style="list-style-type: none"> <li>• support the apprentice to achieve the KSBs outlined in the occupational standard.</li> <li>• determine when the apprentice is working at or above the level of occupational competence outlined in the occupational standard and has met all apprenticeship gateway requirements.</li> </ul>  |
| The EPAO | <p>As a minimum the EPAO must:</p> <ul style="list-style-type: none"> <li>• Must be authorised by the regulator, the Bar Standards Board (BSB)</li> <li>• conform to the requirements of this EPA plan and deliver its requirements in a timely manner.</li> <li>• conform to the requirements of the Approved Provider and Assessment Register (APAR).</li> <li>• conform to the requirements of the Bar Standards Board as the external quality assurance provider (EQAP) for this apprenticeship.</li> <li>• understand the occupational standard.</li> <li>• make the EPA contractual arrangements, including agreeing the price of the EPA.</li> <li>• have sufficient qualified and competent independent assessors in line with the requirements of this EPA plan to conduct assessments and oversee their working.</li> <li>• have sufficient administrators (and invigilators where required) to administer the EPA.</li> <li>• provide training for independent assessors in terms of good assessment practice, operating the assessment tools and grading.</li> <li>• provide information, advice, guidance and documentation to enable apprentices, employers and training providers to prepare for the EPA.</li> <li>• confirm all gateway requirements have been met as quickly as possible.</li> <li>• arrange for the EPA to take place, in consultation with the employer.</li> </ul> |

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|                      | <ul style="list-style-type: none"> <li>• ensure that the apprentice has access to the required resources and liaise with the employer to agree this, if necessary, where the apprentice is not assessed in the workplace.</li> <li>• develop and provide assessment recording documentation to ensure a clear and auditable process is in place for providing assessment decisions and feedback to stakeholders.</li> <li>• have no direct connection with the apprentice, their employer or training provider in all instances; there must be no conflict of interest.</li> <li>• have policies and procedures for internal quality assurance (IQA) and maintain records of IQA activity and moderation for external quality assurance (EQA) purposes.</li> <li>• deliver induction training for independent assessors, and for invigilators and markers (where used).</li> <li>• undertake standardisation activity on this apprenticeship for an independent assessor before they conduct an EPA for the first time, if the EPA is updated and periodically (a minimum of annually)</li> <li>• verify the identity of the apprentice.</li> <li>• use language in the development and delivery of the EPA that is appropriate to the level of the occupational standard.</li> </ul> |
| Independent Assessor | <p>As a minimum, an independent assessor must:</p> <ul style="list-style-type: none"> <li>• have the competence to assess the apprentice at the level of this apprenticeship and hold any required qualifications and experience in line with the requirements of the independent assessor as detailed in the IQA section of this EPA plan.</li> <li>• understand the occupational standard and the requirements of this EPA.</li> <li>• have, maintain and be able to evidence, up-to-date knowledge and expertise of the occupation.</li> <li>• deliver the end-point assessment in-line with this EPA plan.</li> <li>• comply with the IQA requirements of the EPAO.</li> <li>• have no direct connection or conflict of interest with the apprentice, their employer or training provider; in all instances; there must be no conflict of interest.</li> <li>• attend induction training.</li> <li>• attend standardisation events before they conduct an EPA for the first time and a minimum of annually for this apprenticeship.</li> <li>• record and report assessment outcome decisions, for each apprentice, following instructions and using assessment</li> </ul>  |

|           |   |
|-----------|---|
|           | recording documentation provided by the EPAO, in a timely manner.   |
| Regulator | <p>As a minimum the regulator must:</p> <ul style="list-style-type: none"> <li>• carry out a range of functions in relation to the occupations they regulate, including making sure individuals have the necessary qualifications and/ or experience to practise the occupation and taking any necessary enforcement action.</li> <li>• issue a “license to practice” on successful completion of the “fit and proper person” application.</li> <li>• maintain a register of individuals admitted to the profession, and on which individuals need to be listed to be able to practice.</li> <li>• provide guidance on the level of competence apprentices need to attain to be added to the regulator’s register.</li> <li>• inform IfATE of any upcoming changes to the regulator’s requirements or assessment arrangements to enable a review of the statutory integrated apprenticeship.</li> </ul> |

## Internal Quality Assurance (IQA)

Internal quality assurance refers to how the EPAO ensures valid, consistent and reliable EPA decisions. The EPAO must adhere to the requirements within the roles and responsibilities section:

The EPAO must also:

- have quality assurance systems and procedures that ensure fair, reliable and consistent EPA regardless of employer, place, time or independent assessor.
- appoint independent assessors who are competent to deliver the EPA and who:
  - have recent relevant experience of the occupation or sector to at least occupational level 7 gained in the last 3 years or significant experience of the occupation or sector.
  - operate induction training for anyone involved in the delivery or assessment of the EPA.
- provide training for independent assessors in good assessment practice, operating the assessment tools and making grading decisions.
- provide standardisation activity for this apprenticeship standard for all independent assessors:
  - before they conduct an EPA for the first time



- if the EPA is updated
  - periodically as appropriate (every 6-8 weeks)
- conduct effective moderation of EPA decisions and grades.
- conduct appeals where required, according to the EPAO's appeals procedure, reviewing and making final decisions on EPA decisions and grades.
- have no direct connection with the apprentice, their employer or training provider.

## Re-sits and re-takes

In line with the BSB assessment regulations:

- If the apprentice fails any element of their training on their first attempt, they have unlimited further attempts within five years.
- Resits are not permissible to improve a mark that has met the Standard.

## Professional body recognition

Bar Standards Board (The Bar Standards Board is the regulatory arm of the General Council of the Bar Council, which is the Approved Regulator under the Legal Services Act 2007).

## Reasonable adjustments

The EPAO must have in place clear and fair arrangements for making reasonable adjustments for this apprenticeship standard. This should include how an apprentice qualifies for reasonable adjustments and what reasonable adjustments will be made. The adjustments must maintain the validity, reliability and integrity of the assessment decisions outlined in this EPA plan.