

EQUALITY IMPACT ASSESSMENT

Date of Screening	10 November 2010
Assessor Name & Job Title	Valerie Shrimplin Head of Education, BSB
Policy/Function to be Assessed	<p>The proposed change in the entry requirements for the Bar Professional Training Course [BPTC] to require all students to demonstrate that they have achieved 7.5 in all of the sections of the academic IELTS test.</p> <p>Previously (for applicants in 2009 and 2010) students whose first language was not English were required to demonstrate that they have achieved 7.5 in all of the sections of the academic IELTS test. Between 2002 – 2009 students were simply required to ‘reassure’ themselves that they had attained this level of fluency.</p>
Aim/Purpose of Policy	<p>The aim of this proposal is to enable the BSB to fulfil its regulatory role for setting and monitoring standards in relation to entry to the Bar and education and training for Barristers. The new Bar Professional Training Course was put in place from Academic Year 2010-11, to replace the old Bar Vocational Course [BVC]. As a result of the Wood Review of the BVC (2007-08), standards on the course were raised, including at entry, on exit, and during the course itself. The course is the gateway to Call to the Bar and eventual practice as a barrister, for which a high level of ability in the written and oral use of the English language is vital. Consequently, students enrolling on the BPTC must be fluent in English, conversant with the rules of grammar and able to express themselves clearly and accurately both when they speak and when they write.</p> <p>Previous Language Requirements</p> <p>In 2002 the Bar Council and BVC Providers agreed to adopt a policy aimed to ensure that applicants were aware of the level of language ability that they should have attained before enrolling on the course and the consequences of failing to perform at that level during the course. The policy required students to assure themselves that their oral and written English language ability is at least equivalent to a score of 7.5 in all sections of the IELTS. Then, on entry to the course, students were normally required to sign a statement that they are aware that this standard is required of all students who enter the BVC, and that they consider that they have met it as an individual. Students who were then found to have weak language skills could be asked to undertake the test and, if they did not reach the required standard, to leave the course.</p> <p>Existing Language Requirements</p> <p>The policy at present in place requires candidates whose first</p>

	<p>language is not English to demonstrate they are proficient at a minimum of 7.5 IELTS in all sections of the test by means of providing IELTS (or equivalent) certification. The aim is to ensure that all candidates are proficient in their oral and written English language ability.</p> <p>Difficulties with Previous Approach</p> <p>The implementation of the 2009 policy has proved problematic, for a variety of reasons:</p> <ol style="list-style-type: none">1. There are considerable difficulties in defining 'first language'. This is particularly problematic amongst ethnic minority speakers who (often domiciled in countries where English is an official language) speak their 'native' language at home but use English for education, work or other purposes.2. The requirement for only 'those whose first language is not English' to be required to take the test may be perceived by some as discriminatory3. Some of those who declare English as their first language may have lesser English language ability than those who confirm it is their second language4. Those whose first language is English may still have inadequate skills as English as their first language no way guarantees that the requirement for both written and spoken English is met as required by the Bar Course Handbook5. Many students born to migrants in the UK or international students have English as their first language. But it is often impossible to judge if a particular student's first language is English or not, without dropping in to their homes6. There are potential issues arising from EU law concerning rights of EU citizens to study in member states without being subject to additional entry requirements7. Some of those who claim exemption because of EU legislation may have poorer English than those from countries where English is a second language (eg the Indian sub continent)8. Students who declare English as their first language (and are thus exempt from the test) are, if they meet other requirements, accepted on the course. It is only a few days/weeks into the course that Providers become aware that some who make this declaration have inadequate English skills. The students will then be required to take the test and if they fail, to leave – but this is extremely difficult and distressing for students already on the course – and for staff involved too. University expulsion and appeals procedures have to be invoked, which take months. So the students often end up remaining on the course, performing poorly and affecting the learning experience of others.9. The present requirement is based on self assessment
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	<p>and solely relies on the individual's claim. Applying such a requirement in itself is flawed.</p> <p>10. Due to knowledge having spread amongst students that a declaration of first language can mean a place can be obtained and it is difficult for providers to ask them to leave, anecdotal evidence suggests that declarations of this nature are being made. This is totally unfair on students who, honestly stating that English is not their first language, take the test but do not reach the minimum standard and thus are prohibited from doing the course.</p> <p>As a result, the BPTC sub committee has reviewed the current policy and is proposing to amend it as below.</p> <p>Proposed Changes</p> <p>It is proposed that, to avoid discrimination (perceived or otherwise) and to be fair to everyone, all applicants must take the IELTS test and demonstrate that they have achieved a minimum of 7.5 in each category. This will be completely fair, because everyone has to do it in the same way. IELTS has systems in place to cater for students requiring adjustments - available worldwide. The BSB will also consider approving other forms of English language testing which can demonstrate that they test a candidate's written and oral skills to a comparable level.</p> <p>The Bar Standards Board has decided formally to require all students to demonstrate that they have the necessary level of English language ability to be able to complete the BVC satisfactorily and go on to practise at the Bar. This approach is, as will be recalled, somewhat similar to the old Use of English test that was in place some years ago for UK and overseas students alike who wished to study at universities involved in this testing.</p> <p>As stated on the IELTS website (http://www.ielts.org/), IELTS is the world's proven English test. Over 1.4 million candidates take the test each year to start their journeys into international education and employment. IELTS is recognised by more than 6000 institutions in over 135 countries and is the world's proven English test. Over 1.4 million candidates take the test each year to participate in international education and employment. The test costs in the region of £100 to take.</p> <p>The IELTS system tests language skills in 4 categories: reading, writing, speaking and listening. Full details and descriptors for each level are provided on the IELTS website at: http://www.ielts.org/PDF/IELTS%20Guide%20for%20Agents.pdf</p> <p>The bands are given as:</p> <ul style="list-style-type: none">9 Expert user8 Very good user7 Good user
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	<p>6 Competent user 5 Modest user 4 Limited user 3 Extremely limited user 2 Intermittent user 1 Non user 0 Did not attempt the test</p> <p>Aligning between 7 and 8 (at 7.5) is thus clearly appropriate (even modest) as a requirement for the course. All 4 sections are relevant for prospective students who wish to study the course designed for those who wish to practise at the Bar of England and Wales. The BPTC Sub Committee agreed that 7.5 IELTS is the correct minimum standard for the course after discussing the test with the organisers and reading and listening to example student responses to the different sections of the test.</p> <p>Various alternative equivalents will be available, to ensure fairness, eg TOEFL and the Pearson Vue English Test. A degree from an English University cannot always satisfy the English language requirement, as a degree tests academic rather than language (particularly oral), skills.</p> <p>IELTS requirements of other Professions</p> <p>IELTS requirements are also enforced by the Nursing and Midwifery Council, who require (since 2007) that overseas trained applicants for their register have a minimum score of 7.0. The Chartered Institute of Marketing asked of applicants “if English isn't your first language, you will also need to provideevidence of at least IELTS 6.5”. Other examples may be provided.</p> <p>Conclusions</p> <p>This policy is designed to eliminate the possibility of discrimination, to promote equality and the fostering of good relations between diverse groups. There has been a conscious and deliberate approach to considering the implications for the equality objectives before the decision was made.</p>
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Do you consider the policy to have an adverse impact on equality?

- Gender equality Yes No
- Race equality Yes No
- Disability equality Yes No

If yes, is there any evidence to support this?	<p>Race The rule change may disadvantage overseas students who will be proportionately more likely not to meet the IELTS</p>
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	<p>requirement. It may also disadvantage some UK ethnic minority students who have English as a second language. However, the BSB considered that there is proportionate justification for this as proficiency in written and spoken English language is necessary so that the course can be delivered according to the specification, and required standards can be met by students.</p>
	<p>Gender There is no evidence that the proposed change will have any impact on gender equality. No issues have been identified.</p>
	<p>Disability The introduction of the IELTS requirement for all students may have an impact on disability equality where prospective students have impairments related to the use of language e.g. speech impediments or physical disabilities that may affect their ability to take the test. There is therefore a need to consider reasonable adjustments for disabled applicants. However, adjustments are made (by IELTS) for those taking the test. The same also holds true for Pearson Vue tests and TOEFL.</p>
<p>If no, are your reasons for this?</p>	<p>The change will not have any impact on race or gender equality, as the rule applies to all applicants in exactly the same way.</p>

POLICY ANALYSIS

<p>What are the (potential) barriers to equality arising from this policy? What evidence supports the existence of such barriers?</p>	<p>Race</p> <p>The change will not have any impact on race equality, as the rule applies to all applicants in exactly the same way.</p>
	<p>Gender</p> <p>The change will not have any impact on gender equality, as the rule applies to all applicants in exactly the same way.</p>
	<p>Disability</p> <p>Approximately 6% of students have disclosed they have a disability. The largest disability group is students with dyslexia. The introduction of the IELTS requirement therefore needs to include the provision of reasonable adjustments to ensure that disabled students do not experience barriers to accessing the BVC as a result. IELTS have a clear policy on providing reasonable adjustments to people with disabilities.</p> <p>Students with a disability or condition which might require special arrangements are asked to discuss the matter with their test centre as soon as possible. Cases are considered individually and students will need to provide medical certification. Test centres need three months to put arrangements into place. Special arrangements include the following:</p> <ol style="list-style-type: none"> 1. Enlarged print and Brailled test papers, an amanuensis to write answers, a Braille word-processor – for those with visual difficulties. 2. Special amplification equipment, lip-reading version of the Listening module – for those with hearing difficulties. 3. Extra time for the Reading and Writing modules, use of a word processor – for those with learning difficulties (e.g. dyslexia). <p>Further, if a student has a severe speech impediment, which does not permit them to be able to communicate orally, or is a British Sign Language User, then it may be appropriate for the candidate to be exempted from this module. When such exemptions are permitted an endorsement is made on the candidate's Test Report Form. This process is undertaken by the IELTS test centres and will not involve the Bar Standards Board.</p> <p><i>Note:</i> There are no provisions for students to complete the Bar Course using sign language.</p>

Socio-economic issues

There is a possible issue with the additional cost of the test, now to be undertaken by all candidates. It may be that some students from disadvantaged or lower socio-economic backgrounds may be deterred from applying for the course because of the requirement to undertake the test, due to the cost. However, the requirement must be met before the course is started, not before the application is made, so applicants are only required to do it once they know they have an offer. In terms of the cost of the course as a whole, the cost of the test is negligible.

Stage 4 – Action Planning

Recommendations and actions required to reduce/remove barrier	Person Responsible	Deadline
The BSB will collect data from the online application system for the course and from the BPTC Providers as to the success rates of students on the course in relation to their IELTS scores, following the first year of implementation	This is done annually by the research/education team	Summer 2012
The BSB will review the requirement for all candidates to demonstrate they have achieved 7.5 IELTS following the first year of implementation	Head of Education Standards and the Education team	Summer 2012
Publicise the change in the English Language requirement to prospective students and the reasons for its introduction.	Head of Education Standards and the BSB Education Team in conjunction with the Inns and Providers	October 2011
Publicise the process for requesting reasonable adjustments to IELTS to prospective students and emphasise timescales.	Head of Education Standards and the BSB Education Team in conjunction with the Inns and Providers	October 2011