

### Impact Assessment Questions for the Providers on IELTS (7 May 2009)

1) What effect, if any, do you envisage this change having?

<p><b>Stephen Migdal - UWE</b></p> <ul style="list-style-type: none"> <li>• <i>It has led to an increased number of students seeking excusal from the requirement on basis that English is their preferred language.</i></li> </ul>
<p><b>Deveral Capp – UNN</b></p> <ul style="list-style-type: none"> <li>• <i>This will reduce the number of overseas students who will be able to undertake the BVC.</i></li> </ul>
<p><b>Stephen Illingworth – CoL(LON)</b></p> <ul style="list-style-type: none"> <li>• <i>increased admin burden on College to check IELTS qualifications for all students whose first language is not English or Welsh</i></li> <li>• <i>additional burden for students who are fluent in English having lived in the UK throughout all or most of their education but whose first language is not English. Difficulties for us in ensuring that this group of students get themselves tested in time</i></li> <li>• <i>reduced problems on the course arising from communication difficulties of a few students, hence reduced time having to spend asking such students to take the test whilst on the course / intermitting etc</i></li> <li>• <i>possibly a reduced number of applicants from minority ethnic groups who may be put off by having to take the test</i></li> </ul>
<p><b>CoL Admission Dept.</b></p> <ul style="list-style-type: none"> <li>• <i>It would improve the standards enormously. I am assuming this would be part of the aptitude test and it would not be left to institutions to police.</i></li> </ul>
<p><b>Stuart Sime – City</b></p> <ul style="list-style-type: none"> <li>• <i>It could have an adverse impact on equality of opportunity for some racial groups</i></li> </ul>

- It could also have an adverse impact on relations between different racial groups

**Hannah Walsh – Cardiff**

- In theory, it should make no difference as it is not a new requirement

2) Are you aware of any evidence or indication that the imposition of this requirement might have an adverse effect on any minority group, in terms of enabling access to training for the Bar?

**Stephen Migdal - UWE**

- Yes both Bangladeshi and Chinese Malaysian but that is not a reason for reducing the requirement

**Deveral Capp –UNN**

- *No*

**Stephen Illingworth – CoL(LON)**

- *I'm not aware of any, just anecdotal speculation*

**CoL Admission Dept.**

- *It will reduce the number of eligible students from ethnic minorities but sadly many of the applicants at present do not have a sufficient command of English to undertake a BVC with success and their weakness in communication has an adverse effect on other students*

**Stuart Sime – City**

- There has been insufficient time in this consultation to do any meaningful research into this issue

**Hannah Walsh – Cardiff**

- Our experience suggests that most students for whom English or Welsh is not their first language would constitute a minority group

3) Do you think that 7.5 IELTS reflects the level of language skills necessary to undertake the course?

<b>Stephen Migdal - UWE</b> <ul style="list-style-type: none"><li>• <i>No – it does not necessarily mean student has analytical skills but that may still apply even if spoken element was increased to 8.</i></li></ul>
<b>Deveral Capp –UNN</b> <ul style="list-style-type: none"><li>• <i>Yes</i></li></ul>
<b>Stephen Illingworth – CoL(LON)</b> <ul style="list-style-type: none"><li>• <i>I do not have enough knowledge of the test to answer.</i></li></ul>
<b>CoL Admission Dept.</b> <ul style="list-style-type: none"><li>• <i>Yes</i></li></ul>
<b>Stuart Sime – City</b> <ul style="list-style-type: none"><li>• Expert advice from a professional in the field of English Language support / proficiency is required on this issue</li><li>• The answer to the issue depends also on whether the requirement is being imposed to:<ul style="list-style-type: none"><li>○ Ensure students enrolling on the BVC have a realistic prospect of being able to cope on the course and pass the assessments; and/or</li><li>○ Ensure that students on the course have sufficient English Language proficiency to avoid impairing the learning experience of other students</li></ul></li><li>• 7.5 on the IELTS scale is half-way between the definitions of “Good User” and “Very Good User”</li></ul>

- If the policy is aimed at the student concerned having a realistic prospect of success, the standard required should take into account their prospects of improving their English language proficiency by the time of the assessments
- If the policy is **only** aimed at not impairing the prospects of other students
  - it is hard to justify the requirement as needing to apply to anything other than oral English
  - it is hard to justify the requirement beyond the level of “Good User”

**Hannah Walsh – Cardiff**

- Our feelings are that we do not know enough about what is required to demonstrate this level of competence.

4) Should the required score for oral English be set higher than that of reading, writing and listening?

<p><b>Stephen Migdal - UWE</b></p> <ul style="list-style-type: none"> <li>• Yes – minimum 8</li> </ul>
<p><b>Deveral Capp –UNN</b></p> <ul style="list-style-type: none"> <li>• <i>I think that this is something that is ultimately worth considering, but only when the 7.5 rule is satisfactorily entrenched in the system.</i></li> </ul>
<p><b>Stephen Illingworth – CoL(LON)</b></p> <ul style="list-style-type: none"> <li>• <i>All areas of communication are very important. The work of a barrister requires excellent drafting ability which requires excellent reading ability. Oral skills require excellent listening. All 4 parts seem equally important. The only basis for a lower requirement for reading and writing would be that students who are poor at reading and writing have minimal impact on the studies of other students as compared with students who have poor listening and speaking skills.</i></li> </ul>
<p><b>CoL Admission Dept.</b></p> <ul style="list-style-type: none"> <li>• <i>Oral and writing are most important – if these were set at 8 it would be even better</i></li> </ul>
<p><b>Stuart Sime – City</b></p> <ul style="list-style-type: none"> <li>• Expert advice from a professional in the field of English Language support / proficiency is required on this issue</li> <li>• It depends on what the policy is intended to achieve</li> </ul>
<p><b>Hannah Walsh – Cardiff</b></p> <ul style="list-style-type: none"> <li>• As barristers need to demonstrate high standards of written and oral English it seems difficult to require different standards in</li> </ul>

relation to each.

5) Do you think there are any other methods of testing English language skills that should be considered as an alternative to IELTS?

<b>Stephen Migdal - UWE</b> <ul style="list-style-type: none"><li>• <i>I had assumed that the Aptitude test would replace this but, if not, IELTS is as good as anything else</i></li></ul>
<b>Deveral Capp –UNN</b> <ul style="list-style-type: none"><li>• <i>There are a number of other tests that are possible to test English but the only one which is widely available, tests all of the required skills and can be taken all around the world is IELTS.</i></li></ul>
<b>Stephen Illingworth – CoL(LON)</b> <ul style="list-style-type: none"><li>• <i>I'm not aware of any</i></li></ul>
<b>CoL Admission Dept.</b> <ul style="list-style-type: none"><li>• <i>No – stick with IELTS as it is easiest to judge – we do not want to have alternatives unless we have clear comparison tables</i></li></ul>
<b>Stuart Sime – City</b> <ul style="list-style-type: none"><li>• <i>Expert advice from a professional in the field of English Language support / proficiency is required on this issue</i></li></ul>
<b>Hannah Walsh – Cardiff</b> <ul style="list-style-type: none"><li>• <i>There may be other methods available but we are not aware of these.</i></li></ul>

6) What level of English Language competence do you think is needed to practise as a barrister?

<p><b>Stephen Migdal - UWE</b></p> <ul style="list-style-type: none"> <li>• <i>Logically it should be the highest possible i.e. 9</i></li> </ul>
<p><b>Deveral Capp –UNN</b></p> <ul style="list-style-type: none"> <li>• <i>The minimum standard for practise as a barrister must be one of complete fluency.</i></li> </ul>
<p><b>Stephen Illingworth – CoL(LON)</b></p> <ul style="list-style-type: none"> <li>• <i>Fluent English or Welsh</i></li> </ul>
<p><b>CoL Admission Dept.</b></p> <ul style="list-style-type: none"> <li>• <i>7.5 minimum</i></li> </ul>
<p><b>Stuart Sime – City</b></p> <ul style="list-style-type: none"> <li>• Expert advice from a professional in the field of English Language support / proficiency is required on this issue, but clearly practice at the Bar demands a high level of ability in the written and oral use of the English language</li> <li>• This is a different issue to that relating to the minimum standard required for enrolment on the BVC. The current requirement is aimed at the level of English language proficiency required to undertake the BVC, which has a different set of demands than entering independent practice (or employed practice) as a barrister.</li> </ul>
<p><b>Hannah Walsh – Cardiff</b></p> <ul style="list-style-type: none"> <li>• A very high level is required by comparison with many other disciplines</li> </ul>

If you have any further thoughts on IELTS please include them.

<p><b>Stephen Migdal - UWE</b></p> <ul style="list-style-type: none"> <li>• <i>It is clearly discriminatory in its present form insofar as not all applicants are subject to it</i></li> </ul>
<p><b>Deveral Capps –UNN</b></p> <ul style="list-style-type: none"> <li>• <i>I have one concern with IELTS in that there may be an occasion where common sense dictates that the 7.5 minimum rule shouldn't apply, i.e. where a student has 8.0 in all but reading, where they have a 7. Imposing the IELTS requirement will do nothing but good for the Bar of England and Wales.</i></li> </ul>
<p><b>Stephen Illingworth – CoL(LON)</b></p> <ul style="list-style-type: none"> <li>• <i>The move away from allowing the students to self-certificate their language ability is helpful to College and welcomed. How the IELTS test fits in with the new aptitude test needs to be thought through.</i></li> <li>• <i>There may be better ways of defining the group of students required to take the test to avoid the unnecessary inclusion of those students who are fluent even though technically English or Welsh is not their first language</i></li> </ul>
<p><b>CoL Admission Dept.</b></p> <ul style="list-style-type: none"> <li>• <i>You must make the question "Is English your first language" a compulsory field so it cannot be ignored by applicants. Do not offer any alternative (eg if educated in English). Also applicants will lie so there needs to be a declaration in which they have to say that the information they have supplied is correct and if they are found to have be untruthful they may be barred from the BVC.</i></li> </ul>
<p><b>Stuart Sime – City</b></p> <ul style="list-style-type: none"> <li>• <i>The requirement that all candidates for whom English or Welsh is not their first language must have attained at least 7.5 on the IELTS test may be in breach of European Law, and may be discriminatory on grounds of nationality (EU Treaty, art. 12).</i></li> </ul>
<p><b>Hannah Walsh – Cardiff</b></p>

- We are concerned about the wording of the IELTS requirement,

*From 2009, when enrolling on the BVC, all candidates for whom English or Welsh is not their first language must demonstrate that they have attained a minimum 7.5 IELTS standard in each section of the academic test. You can apply for the BVC before completing the IELTS requirements. However, in order to enrol on the BVC with the Provider in the autumn of 2009 you are required to have sat and achieved 7.5 in each section of the academic IELTS test.*

It appears to us that this requirement relies on applicants disclosing that English (or Welsh) is not their first language. It is possible, it seems to us, that if English (or Welsh) is not a students' first language and they do not disclose this, they could avoid undertaking the IELTS test. This could lead to problems if they then enrol on the course and this becomes apparent.