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## Literature Review

### 4. Education standards and entry to formal legal education

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## Admission to formal education and educational standards

### Introduction

1. Admission is one of the critical moments of legal education. In spite of the often strong debates on methods of determining entry to both academic law programmes and the profession, there are as we shall see surprising gaps in our knowledge as to process and result. In this section of the literature review we give an overview of admissions and discuss some aspects of admission process and procedure, as well as some alternative admission assessments.<sup>1</sup>

### Academic entry standards: the current position

2. GCSEs and A Levels<sup>2</sup> are still the major determinant of admissions to academic higher education in England and Wales. While there are no modern figures for the predictive value of A Levels as regards university performance in law schools there are data for other professions which show that A Levels are strong predictors of some, though not all, aspects of future academic performance (McManus *et al*, 2003). Below we summarise the position in brief for the regulated professions in law. We begin with the smaller regulated professions.

### Costs lawyers

3. The minimum entry standards for a trainee costs lawyer, who must be at least 16, are set by the Costs Lawyer Standards Board as:
  - a) four GCSEs at grade C or above, English and Maths being compulsory; or
  - b) two A level passes and 1 GCSE level to include English; or
  - c) three AS level passes to include either English or Maths; or
  - d) GNVQ at intermediate or advance level, provided a communications skills element is included; or
  - e) passing a written aptitude test set by the ACL.  
(CLSB, 2013)
4. Trainees then pursue a three-module distance-learning course, assessed by final examination over a minimum three-year period. Exemptions are available for holders of law degrees, LPC/BPTC (or their precursors) and CILEx qualifications. Final qualification is contingent on three years' suitable practice experience, which may be audited.

### Licensed conveyancers

5. The Council for Licensed Conveyancers states (n.d., a, b) that basic entry requirements are four GCSEs at A-C passes (or equivalent) in English Language and three other approved subjects although mature entrants may have this requirement waived. Discretionary exemptions apply to this and other aspects of the training regime, on application and suitable evidence. CLC offer an online distance-learning course that is designed to be combined with in-office practice, alternatively some of the courses are provided, part-time, by colleges. Minimum qualification time is two

<sup>1</sup> There is a useful table outlining some of the main legal career options and points of admissions at <http://www.lawcareers.net/Information/Timetables/CILEX/>. A useful and accessible site giving information to those interested in legal careers is <http://www.lawcareers.net/Information/FirstSteps.asp>.

<sup>2</sup> In which we include the Welsh Baccalaureate.

years for the two-stage programme (Foundation followed by Finals), with most students studying for three to four years. There is a time limit of seven years for completion of the course. A minimum of two years certified and supervised “practical training” in the workplace is also required before a licence to practise can be obtained.

## Notaries

6. Notaries (other than ecclesiastical and European notaries) must be at least 21, a solicitor, a barrister or graduate and prepared to take the relevant oaths (Master of the Faculties, 1998). There are a number of prescribed topics of study, although solicitors and barristers may qualify by completing the distance learning UCL Notarial Practice Course covering Roman Law, Private International Law and Notarial Practice over a two-year period.

## Patent attorneys and registered trade mark attorneys

7. Patent attorneys occupy a peculiar position in almost inevitably being “dual” qualified both domestically and as representatives before the European Patent Office. The European Patent Office requires candidates to “possess a university-level scientific or technical qualification, or [be] able to satisfy the Secretariat that they possess an equivalent level of scientific or technical knowledge” (European Patent Office, 2011, p. 11). Consequently, although the ostensible minimum entry qualifications for patent attorneys are a degree, or LPC/BPTC, or any other qualification approved by the relevant examination agency (IPReg 2009, 2011) in practice patent attorneys will have at least a first degree in a science subject and often a doctorate. There is a discretionary exemption for “persons with substantial experience” outside these provisions.
8. Registered trade mark attorneys share their admission criteria with the patent attorneys. However, as the European Patent Office requirement is not of direct relevance, they may more frequently have degrees in other subjects.
9. Practice then diverges (IPReg, 2009, 2011). Trainee patent attorneys, as well as obtaining the European qualification, pursue a series of papers at Foundation and then Advanced level on a part-time basis. The position for trainee trade mark attorneys is in transition. Some may continue to qualify through a similar mechanism to the patent attorneys; others through a new system that involves an academic course delivered on a part-time basis, by Queen Mary University followed by a vocational course delivered by Nottingham Law School.
10. Prior to admission both trainee patent attorneys and trainee trade mark attorneys must have completed at least two years and in some cases four years, full-time practice.
11. Patent and trade mark administrators, operating in a support role, may pursue the CIPA Certificate in Patent Administration (CIPA, 2012) or the ITMA Trade Mark Administrators Course (ITMA, 2012).

## Chartered Legal Executives

12. CILEx oversees a number of qualifications, including some for legal secretaries. There are no formal entry requirements although for entry to the level 3 certificate and professional diploma, although a minimum of four GCSEs at grade C or above, including English Language or Literature or equivalent qualification, is recommended (CILEX, n.d., a.c.). A City and Guilds/CILEx level 2 award, certificate or diploma in Legal Studies is available either for intending paralegals, or as an alternative precursor to the level 3 qualifications. Holders of qualifying law degrees may enter the level 6 stage through a graduate fast track and holders of the LPC or BPTC may be entirely exempt from the CILEx qualifications (CILEX, n.d., d).
13. The CILEx qualifications may be pursued online or part time at, for example, FE colleges. Some foundation and LLB degrees exempt against the CILEx structure.
14. A number of grades of membership of CILEx are available, including graduate entry (CILEX, n.d., b), and it is possible for entrants to, for example, terminate their studies at level 3. To become a Chartered Legal Executive, trainees from all entry routes have been required to complete at least five years of qualifying employment (CILEX, n.d.e) in a solicitors or licensed conveyancers' firm or in another organization where they are supervised by a chartered legal executive, barrister, solicitor or licensed conveyancer. The period of qualifying employment may run before, after, or more typically, during the period of study but at least two years of the five must follow acquisition of the level 6 qualification. Following consultation and pilot (IPS, 2011) of a work-based learning scheme, however the position will change from 2013. In addition, the definition of qualifying employment has been reviewed, and the period of qualifying employment reduced from five years to three (IPS, n.d.).
15. Skills for Justice is working with CILEx and others on a framework for legal services apprenticeships designed to recruit school leavers (Skills for Justice, n.d.; CILEx et al, 2012). There are no formal entry requirements but, as the apprenticeship is by definition embedded in employment, it is recognised that employers may set minimum formal academic qualification requirements. At present this structure may articulate more clearly, by way of progression, into the CILEx qualifications than into those of other professions, particularly those of solicitors and the bar.<sup>3</sup>

## Solicitors and barristers: academic stage

16. The picture with regard to the actual academic entry standards for those wishing to qualify as solicitors or be called to the Bar is considerably more complicated. The basic principle, however, is that entrants must have a "qualifying law degree",<sup>4</sup> or a degree in another subject followed by a conversion course (GDL) or may proceed directly into the solicitors' vocational stage if they are Chartered Legal Executives. Common to both professions is the need to obtain a period of qualifying employment (pupillage or a training contract) before being able to qualify fully.<sup>5</sup>
17. This may be attributed to a number of factors, listed below.

<sup>3</sup> Activity is currently in England only, although there are plans to extend into Wales in the near future.

<sup>4</sup> as defined by the JASB statement (JASB, 2011).

<sup>5</sup> BPTC graduates are allowed to call themselves "barristers" on completion of the BPTC although they are not permitted to practise without then completing pupillage. The same is not true of LPC graduates (although they may then move sideways to become, for example, Graduate Members of CILEx).

### Lack of transparency in the recruitment process

18. Whilst most law firms and some chambers and the Bar Standards Board<sup>6</sup> collect and publish information on the academic credentials of the individuals hired who then proceed to qualification, there exists a paucity of published data detailing the academic attributes of those applicants who are rejected. The ability to access this data is essential to any proper study of academic entry standards to the profession: without being able to study the academic profiles of those who are rejected it is difficult to draw conclusions regarding the quality of advice offered to young people wishing to enter the profession.

19 The general advice provided by careers websites is that candidates should aim to achieve at least a 2.1 in their university degree. In principle a 2:1 is a minimum requirement for entry to the BPTC and, as, for example, in 2010/2011, 32.4% of pupils were recruited prior to beginning their BPTC, (BSB, 2012, p. 47) the effect of academic performance at the later vocational stage may be more ambivalent. Although most shy away from discussing the relative weighting attached by employers to the educational institution attended by applicants, one article on the website *lawyer2b* stated the following:

The importance of a stellar academic record cannot be stressed enough. A number of law schools at top universities insist on three A grades and the minimum requirement for securing a training contract at a reputable commercial law firm is typically a 2:1 degree.

Historically, City law firms were notorious for their bias towards graduates from Oxford and Cambridge universities. Thankfully, nowadays firms are making a concerted effort to cast their nets wider. Nevertheless, some snobbery still exists. And with some top City firms receiving on average more than 2,000 applications for around 50 training contracts, they can be as fussy as they like. So if you do not make the grade, then getting beyond the dreaded rejection letter is unlikely. (Begum, 2009).

While hardly representative, these comments do give a snapshot of opinion on aspects of the process. The fact that, in 2010/2011, 34.5% of pupil barristers had completed their first degree at Oxford or Cambridge provides a further perspective (BSB, 2012, p. 47).<sup>7</sup> It is not easy to find similar data for solicitors although a 2010 survey of LinkedIn profiles reported in the *Law Society Gazette* suggested that 53% of partners in Magic Circle firms had Oxford or Cambridge educations (Dean, 2010).

20. A qualitative study by Rolfe and Anderson, published in 2003 reports the preference of larger firms for students from older universities based on: “a number of beliefs about old and new universities, which did not include the type of law course or its content” (Rolfe and Anderson, 2003, p. 321). Instead, the rationale for this preference was reported as being based on: ‘the perceived quality of application and calibre of recruits, the position in the Times league table, the belief that universities with higher entry requirements will deliver more demanding courses and the graduates will be better and the image of the firm’ (Rolfe and Anderson, 2003, p.321). The introduction of the LNAT and similar aptitude assessments may

<sup>6</sup> The *Bar Barometer* (November 2012) for example, indicates (pp. 49-50) that 54.5% of pupils recruited in 2010/2011 held a 2:1, and 34.9% a first. This data does not differentiate between those whose first degree was in law and those whose first degree was in another subject.

<sup>7</sup> The next highest university was Bristol at 3.6%. 55.9% went to a state school (compared to 88.8% of the general graduate population). That said, there is evidence of attempts to recognise and counteract a perception that “I don’t stand a chance unless I’ve been to Oxford or Cambridge” (COMBAR, 2007, p. 11).

serve to further entrench these beliefs, though there is no direct research that supports this.

#### **Lack of specificity in data published by UCAS and HESA**

21. The way in which both UCAS and HESA collect data means that they group Qualifying Law Degree (“QLD”) programmes (as defined by the JASB) together with non-qualifying law degree programmes. HESA data does not differentiate between ‘broadly based programmes in law’, ‘law by area’, ‘law by topic’ and the rather opaque category of ‘others in law’. Furthermore, neither the HESA nor the UCAS websites provide definitions for these programme titles. Whilst it is possible to analyse the data from UCAS in reference to each of these different programme titles, HESA data cannot be interrogated further without enlisting the help of their statistics departments. There appears to be no literature that has done either, to date. As a result it is difficult to draw concrete conclusions regarding the academic entry standards for QLDs without undertaking new research. Whilst we discuss the QLD principally in terms of the two professions that, through JASB, currently mandate it, its discussion is also relevant for the many other legal professions, which accept it or provide exemption against it, in their own qualification structures. The situation is further complicated by the next issue below.

#### **Lack of information on the use of the tariff systems by Universities when assessing applications**

22. UCAS uses a tariff system to grade applications (UCAS, n.d. a, b, c, d). At present, there are 52 qualifications that attract tariff points (see Figure 1 below). Many universities will specify that their offer must include a certain number of points from a particular qualification although they may accept other qualifications which they deem to be “equivalent” (see Green and Vignoles, 2012<sup>8</sup>). Institutions also vary in the acceptability or otherwise of A level Law.

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<sup>8</sup> For the debate about potential progression from apprenticeship into HE, a potential which now arises in the legal field, see Thomas, Cox and Gallagher, 2012.

#### WHAT QUALIFICATIONS ARE INCLUDED IN THE TARIFF?

The following qualifications are included in the UCAS Tariff. See the number on the qualification title to find the relevant section of the Tariff table.

- 1 AAT NVQ Level 3 in Accounting
- 2 AAT Level 3 Diploma in Accounting (QCF)
- 3 Advanced Diploma
- 4 Advanced Extension Awards
- 5 Advanced Placement Programme (US and Canada)
- 6 Arts Award (Gold)
- 7 ASDAN Community Volunteering qualification
- 8 Asset Languages Advanced Stage
- 9 British Horse Society (Stage 3 Horse Knowledge & Care, Stage 3 Riding and Preliminary Teacher's Certificate)
- 10 BTEC Awards (NQF)
- 11 BTEC Certificates and Extended Certificates (NQF)
- 12 BTEC Diplomas (NQF)
- 13 BTEC National in Early Years (NQF)
- 14 BTEC Nationals (NQF)
- 15 BTEC QCF Qualifications (Suite known as Nationals)
- 16 BTEC Specialist Qualifications (QCF)
- 17 CACHE Award, Certificate and Diploma in Child Care and Education
- 18 CACHE Level 3 Extended Diploma for the Children and Young People's Workforce (QCF)
- 19 Cambridge ESOL Examinations
- 20 Cambridge Pre-U
- 21 Certificate of Personal Effectiveness (COPE)
- 22 CISI Introduction to Securities and Investment
- 23 City & Guilds Land Based Services Level 3 Qualifications
- 24 Graded Dance and Vocational Graded Dance
- 25 Diploma in Fashion Retail
- 26 Diploma in Foundation Studies (Art & Design; Art, Design & Media)
- 27 EDI Level 3 Certificate in Accounting, Certificate in Accounting (IAS)
- 28 Essential Skills (Northern Ireland)
- 29 Essential Skills Wales
- 30 Extended Project (stand alone)
- 31 Free-standing Mathematics
- 32 Functional skills
- 33 GCE (AS, AS Double Award, A level, A level Double Award and A level (with additional AS))
- 34 Hong Kong Diploma of Secondary Education (from 2012 entry onwards)
- 35 ifs School of Finance (Certificate and Diploma in Financial Studies)
- 36 iMedia (OCR level Certificate/Diploma for iMedia Professionals)
- 37 International Baccalaureate (IB) Diploma
- 38 International Baccalaureate (IB) Certificate
- 39 Irish Leaving Certificate (Higher and Ordinary levels)
- 40 IT Professionals (IPRO) (Certificate and Diploma)
- 41 Key Skills (Levels 2, 3 and 4)
- 42 Music examinations (grades 6, 7 and 8)
- 43 OCR Level 3 Certificate in Mathematics for Engineering
- 44 OCR Level 3 Certificate for Young Enterprise
- 45 OCR Nationals (National Certificate, National Diploma and National Extended Diploma)
- 46 Principal Learning Wales
- 47 Progression Diploma
- 48 Rockschoool Music Practitioners Qualifications
- 49 Scottish Qualifications
- 50 Speech and Drama examinations (grades 6, 7 and 8 and Performance Studies)
- 51 Sports Leaders UK
- 52 Welsh Baccalaureate Advanced Diploma (Core)

Updates on the Tariff, including details on the incorporation of any new qualifications, are posted on [www.ucas.com](http://www.ucas.com).

Figure 1: Qualifications included in the UCAS Tariff 2012 )

Without access to data on the number of applications accepted and rejected for QLDs broken down according to both tariff score and composition of tariff score, it is very difficult to develop a meaningful picture of the true nature of academic entry standards for these courses.

#### Lack of information regarding academic standards required of candidates from non-law degree backgrounds

23. Again, the lack of published data on individuals from non-law backgrounds (in this context via the Graduate Diploma in Law (GDL)<sup>9</sup>) who are rejected when applying for training contracts/pupillage makes it harder to assess the academic entry

<sup>9</sup> CILEx transferees into the solicitors' profession may be exempted from the training contract.

standards for the profession. Whilst general guidance is that a 2.1 is minimum academic benchmark for entry to the profession, it is difficult to assess how accurate this is. In terms of composition, several large firms publish statistics stating that between 40-50% of their trainees are from non-law backgrounds (Clifford Chance,<sup>10</sup> Taylor Wessing<sup>11</sup>). The most recent publicly available Law Society statistics indicate that 1,446 of the 8,491 people admitted to the roll in 2008/2009 did so with non-law degrees (Law Society, 2009, p. 48). Similar information does not appear to be publicly available for the bar.

24. Rolfe and Anderson found (supporting similar conclusions by Bermingham and Hodgson, 2001) an association between taking the CPE/GDL (rather than a law degree) and increased chances of securing a training contract. They present a number of explanations provided by firms for this, including the perception that the number of what might be regarded as acceptable law students is insufficient to meet demand and that 'more than half of all law students in the UK are at new universities... which are not targeted for recruitment and are not favoured by law firms when selecting applicants for interview (Rolfe and Anderson, 2003, p. 325). Rolfe and Anderson also assert that firms rely heavily on A-Level grades when recruiting trainees (rather than degree class mark). Theirs was a qualitative study but it adds to the argument for firms publishing more information on the individuals they reject if we are to understand fully the academic entry requirements for the profession (see also Braithwaite, 2010, on diversity for arguments in favour of information publication).
25. From the data collected by UCAS it appears that the number of accepted applicants to University (see Appendices 1 & 2 below) has risen across the period 2006-2011 whilst the number of those applicants gaining tariff scores of 360+ (the typical offer for a QLD degree) has fallen. Furthermore, the average tariff scores of students accepted to study all Law courses has fallen: this is mirrored by Accountancy but the opposite of the trend in Medicine (see Appendix 3 below).
26. In addition, pivot table analysis of the UCAS data on applicants/acceptances by tariff score for Law students in the UK in 2003 has consistently demonstrated more acceptances than applicants.
27. Although from autumn 2012, universities (but not private providers) are required to publish "key information sets" to inform potential applicants,<sup>12</sup> this does not include information on application of the tariff. Data on employment prospects is shown, but not in sufficient detail to address the points made in paragraph 17 above.

### Solicitors and Barristers: the vocational stages

28. On one level, the criteria for entry to the LPC and BPTC, vocational programmes for aspiring solicitors and barristers, are fairly easily explained. The SRA requires that applicants enrol as a student and confirm they have completed the academic stage of training – a QLD, CPE or GDL at an English or Welsh academic institution – or that

<sup>10</sup> <http://gradsuk.cliffordchance.com/faqs.html>

<sup>11</sup> <http://graduate.taylorwessing.com/faqs/>

<sup>12</sup> <http://unistats.direct.gov.uk/Search/SubjectList/C%2c24%2c060/ReturnTo/Subjects.>

they have full exemption from the CPE/GDL,<sup>13</sup> or that they have obtained the equivalent CILEx qualification. The administrative forms include the Suitability Test 2011 which deals largely with issues of ‘character and suitability’ which the SRA, under the Solicitors Act 1974, are required to deal with (SRA, 2012). Once again, the detail of who precisely is chosen by institutions and why is difficult to obtain. The pass rate in 2009 was 75.1% of all enrolled LPC students who sat the exams (Law Society, 2009, p. 35).

29. Applicants to the BPTC (BSB, 2011, the successor of the BVC from 2010/2011 as a result of the Wood Review, BSB, 2008b) go through a similar process. Application is made to the BSB, called BPTC Online, and there is heavy competition for places. The detail of admissions processing and choice by institutions may be difficult to research due to lack of comprehensive data, though some is available. A 2:1 is required and CILEx do not have automatic entry. The pass rate for the BPTC was 66% in 2010/2011 compared to 80% for the final year of the BVC (Bar Council/BSB, 2012). It should be said, however, that one element of the change in the course structure was to raise the minimum pass mark from 50% to 60%.
  
30. Following completion of the BPTC, graduate, although entitled to the title of “barrister”, must complete a one-year<sup>14</sup> pupillage (BSB, 2012b) prior to being able to *practise* as members of the bar. Pupillage, for which there is considerable competition, is normally in the chambers of self-employed barristers, but may be in the Government Legal Service or a small number of organisations (including some solicitors’ firms) authorised by the BSB to provide pupillage. Pupillage involves a “first six” during which the pupil shadow and observe their pupil supervisor, draft documents and carry out research and a second six during which they may take on work of their own but remain supervised. Advocacy training courses and practice management courses are completed during pupillage and further training is completed during the early years of practice.. Following recommendations made by the Wood Review (BSB, 2008a) training of pupil supervisors has been enhanced and measures put in place to seek to regulate the quality of performance and range of activity undertaken during pupillage.
  
31. Following completion of the LPC graduates must complete a two-year<sup>15</sup> training (SRA, 2008) of employment in a solicitors’ firm or another authorised organisation (eg the GLS, a local authority, or another organisation which has been authorised by the SRA to take trainees). The range of exposure during the training contract must be to at least three distinct different areas of work and to both contentious and non-contentious work. The title of “solicitor, which entitles the individual to obtain a practising certificate not conferred until the training contract has been completed. Solicitors are not normally permitted to practise alone until a further 3 years have elapsed since qualification.<sup>16</sup> Again, whilst less marked than for the bar, there is considerable competition for vacancies, as well as, in some sectors, challenges in meeting the threshold requirements for the breadth of experience and a number of

<sup>13</sup> There is some partial exemption from the CPE/GDL for, for example, entrants from the Republic of Ireland.

<sup>14</sup> Normally – there may be some reduction for relevant prior experience.

<sup>15</sup> Again, there may be some reduction for relevant prior experience. There are also variations in the intersection between the end of the LPC and the beginning of the training contract, particularly where either or both are pursued on a part-time basis.

<sup>16</sup> The somewhat contentious “Management Course Stage 1”, mandatory during the first three years is, presumably, placed at that point with a view to being preparation for sole practice once the first three years are complete.

innovations are or have been explored to address them.<sup>17</sup> Although a group of “day one outcomes” intended to represent the competences of solicitors at the point of qualification,<sup>18</sup> and a set of “work-based learning outcomes”, intended to represent the competences to be achieved during and at the end of the training contract<sup>19</sup> have been developed, the training contract remains at the time of writing governed by the “practice skills standards” (SRA, 2008) setting out what is to be achieved. These appear to range from the highly advanced<sup>20</sup> to the rather passive.<sup>21</sup>

32. A Professional Skills Course (including some advocacy, business and finance and some optional study) is completed during the training contract.
33. Much more complex are the criteria for entry to training contract and pupillage, and we shall discuss aspects of these in the following sections.

### The development of entry standards by regulation

34. It is difficult to contrast the current position with entry standards in previous years, for the reasons given above, and because of the paucity of data on regulation of prior regimes, both at undergraduate and vocational stages of legal education.<sup>22</sup> There is certainly little in the literature that makes reasonable and coherent comparison as to the effect of regulation on entry standards. There is evidence from a study on occupational regulation that the effects of regulation ‘can be expected to be stronger when the entry requirements are either higher [than occupations such as childcare workers] or are more extensively applied’ (Forth *et al*, 2011, p. 16).
35. As Huxley-Binns points out, ‘to date the impact of legislative and regulatory changes has been negligible on the QLD’ (Huxley-Binns, 2011, p. 295). Like many other commentators, though, she points out that the changes to be brought about by the Legal Services Act 2007 will impact on admission:
 

‘Fewer QLD graduates of the future may choose to proceed to the LPC or BPTC without a guaranteed training contract or pupillage. Rather than law firms, they are likely to work for businesses specializing in legal services, working alongside accountants, financial advisers, estate agents, taxation consultants, conveyancers, trade mark attorneys, work based learning students, risk assessors, insurers and underwriters (p. 296)

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<sup>17</sup> Secondments (modular training contracts) or exchanges between organisations; the replacement of the contentious requirement by a classroom simulation and/or pro bono work; consortium traineeships and their development into the Accutrainee model, for example. A more substantial experiment, in which paralegals without training contracts were externally supported to achieve the same results, is the paralegal section of the SRA’s work-based learning pilot (IWBL, 2010; BMG Research, 2012).

<sup>18</sup> These are, however, tested in the Qualifying Lawyer Transfer Scheme assessments for Scottish, Northern Irish and foreign and other qualified lawyers wishing to transfer into the profession.

<sup>19</sup> These were tested on both current trainees and on paralegals in the SRA’s work-based learning pilot. They were also required to produce evidence of having satisfactorily achieved the stated competences. (IWBL, 2010; BMG Research, 2012).

<sup>20</sup> “On completing the training contract, trainee solicitors should be competent to exercise the rights of audience available to solicitors on admission”, i.e.. to conduct a trial in the county court or magistrates’ court.

<sup>21</sup> “Trainees should understand the processes involved in contentious and non-contentious negotiations [and] appreciate the importance to the client of reaching agreement or resolving a dispute.”

<sup>22</sup> As indicated above, European regulation clearly has an impact on the entry standards for the patent attorney profession. Clearly there is the potential for useful comparative data emerging from the change from BVC to BPTC.

She argues for mandated knowledge specialisms outlined in the Joint Academic Stage Board Statement to be replaced by 'skills aligned to knowledge' (p. 298). This is a reasonable viewpoint, one expressed by a number of commentators on legal education at least since Biggs' concept of alignment became generally accepted in higher education as a standard curriculum device (Biggs, 1999) and one we have explored in our empirical investigations..

36. As with all undergraduate law provision, there is a "benchmark" for law programmes provided by the QAA (QAA, 2007). For professional purposes, however, where the QLD and GDL are more significant, the Joint Academic Stage Board Statement (JASB, 2011) is of greater significance.. While accepted as a broad practice statement, the Statement has been criticized for mandating some specialisms at the expense of others, and doing so without any clear rationales (Birks, 1995) and for encouraging shallow cramming of legal subjects (Boon and Whyte, 2007). Whilst considerable innovation is seen in the field, the prescription of the foundation subjects and the proportion of the curriculum, which they are required to occupy, inevitably, constrains providers in the design of legal curricula, particularly for the GDL – this has been the subject of extensive comment in the last decade.
37. It could be argued that the generality of the Statement – one strategic reason why it has lasted as long as it has – together with, in the early days at least, a relative lack of procedural guidance surrounding it, has given rise to problems. In a Submission by CHULS to JASB, for example, on the subject of a JASB paper that criticized providers' collaborative arrangements with non-QLD providers, CHULS responded by criticizing issues of interpretation and procedure on the application of the Statement. CHULS also pointed out that areas of quality assurance subject to QAA and dealt with by internal quality processes within institutions need not be governed twice, in effect, by JASB (CHULS, 2007, p. 2). Procedures were extensively revised, no doubt as a result of this and similar exchanges and are now more sophisticated. The content of the statement may need revision – in an age of internetted technologies, any minimum statement of skills should include digital information literacy in its widest sense.
38. The JASB *Handbook* currently deals with the detail of issues arising from the Statement, and is the official reference document for QLD and CPE/GDL programmes, which must be followed by all providers of professional postgraduate training (since 2009-10). There will also be problems with the assessment which, currently under Appendix G, is split 60/40% between examination and coursework on the QLD, and 70/30% on the CPE/GDL which, it could be argued, set unnecessarily binding constraints on forms of assessment.

## Other issues in determining academic and professional entry

### LNAT, LSAT and BCAT

39. A number of law schools use the National Admissions Test for Law (LNAT).<sup>23</sup> Maharg (2007) traced one of its origins to E.L. Thorndyke's educational experiments at

<sup>23</sup> For more information on specialist admissions assessments such as LNAT, see the website of SPA (Supporting Professionalism in Admissions) at: <http://www.spa.ac.uk/admission-tests/index.html>, and in particular the report on that page entitled: 'SPA Report on Admissions Tests Used by Higher Education Institutions' (June 2007) and

Columbia University Law Faculty in the 1920s. The method, now extensively used in US law schools, involves testing candidates in order to obtain a score on critical reasoning aptitude.<sup>24</sup> According to the LNAT website<sup>25</sup> eight UK and two non-UK universities currently use the assessment to enable them to obtain such data. The Law National Admissions Test (LNAT) Consortium was formed in 2003 by the universities of Birmingham, Bristol, Cambridge, Durham, Nottingham, UEA (East Anglia) Oxford, and University College London. It consists of a two-hour test in two parts: a multiple-choice element (80 minutes) and an essay element (40 minutes). Law schools are advised by LNAT to use the results of the assessment in conjunction with other evidence, e.g. A-level results, interviews, etc. The assessment is administered for profit by Pearson VUE, a business of Pearson plc., the global educational and information corporation. There has been some fluidity in the group of universities participating in LNAT. Most recently, the University of Cambridge has withdrawn from LNAT and most colleges use the “Cambridge Law Test”, taken on paper whilst the candidate attends interview. This test may employ any of essay, problem and comprehension questions.

40. To date there has been little in the way of serious study of LNAT as a gatekeeping device. In a 2008 study funded and conducted by LNAT the authors concluded that LNAT did lead to a fall in applications to LNAT universities, but cited ‘wider contextual processes’ as, in part, the cause of this (Hoare, Syrpis and Crockett, 2008, p. 30). On the more serious issue of the assessment’s differential effect on widening participation (WP – which they defined as including students from low socio-economic background as well as BME students) they claim the effect has been ‘negligible’ (Hoare, Syrpis and Crockett, 2008, p. 31). The performance of WP against non-WP candidates was not considered. The Consortium claims on its website that school background does not influence performance in the LNAT ([No author], 2007). The Chair of the Consortium also claims that ‘by focusing purely on aptitude, those sitting the LNAT cannot be coached to succeed, the result is not swayed by presentation skills or a lack of them, it can't be crammed for and is almost impossible for someone to plagiarise or cheat’ (Lazarus, 2011).
41. Her claim that the LNAT cannot be coached is arguably open to doubt, nor does it prevent attempts to do so (see Hutton, Hutton and Sampson, 2011; Petrova and Reid, 2011). Skills and aptitude are never performed in a vacuum and it is self-evident that content, its absence or plenitude, cognitively ill-organized or well-structured, affects structure. Moreover, as the research literature for over three decades has been telling us, the full picture of a writer’s representation will have to include not just topic and discourse knowledge, pre-text, and textual choices, but the network of plans, goals, criteria, the associations and emotions, the evaluations and suggestions of collaborators, and so on – the activated network that makes up what a writer means. (Flower, 1994, pp.97-8)

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the statistics showing a slight increase in (transparent) use of admissions tests for 2013 entry (SPA, 2012). Other similar UK tests include the uniTEST (critical reasoning, developed by Cambridge Assessment with ACER, Australian Council for Educational Research), UKCAT (Clinical Aptitude Test for Medicine and Dentistry (HEI consortium of around 26 HEIs with Pearson VUE), and GAMSAT (Graduate Australian Medical School Admissions Test – a selection test developed by ACER for medical schools offering graduate-entry programmes). A GMAT is available for entry to MBA programmes: <http://www.mba.com/the-gmat.aspx>

<sup>24</sup> Significantly, the concept of ‘critical reasoning’ is not defined. The term normally used to describe what LNAT assesses is ‘aptitude’ – again, this term is not defined. The glossary to the Schwartz Report defines an ‘aptitude test’ as ‘designed to measure intellectual capabilities for thinking and reasoning, particularly logical and analytical reasoning abilities’ (Schwartz, 2004, p. 79), but this definition raises as many questions as it answers.

<sup>25</sup> (<http://www.lnat.ac.uk/lnat-exam/admissions-law.aspx>)

42. Kaye (Chair of the LNAT Consortium until 2005) stated in an article in *The Law Teacher* that ‘the format of the LNAT has been deliberately designed to avoid giving an advantage to those student willing to pay large sums of money to “test preparation” organizations’ (Kaye, 2005, p. 196), though this has not stopped Kaplan from publishing guides to the assessment (Kaplan, 2006). Moreover the research on student literacy in HE in the last few decades reveal the importance that practice of specific forms of writing has in familiarizing us with rhetorical structure, in helping us to routinize many of the lower cognitive processes of writing so that we can plan and structure higher-level ideas (Creme, 1999; Creme and Lea, 1997). Many of the essay flaws Kaye focuses on in his article arguably could be the result of the contextless activity of the assessment, and the lack of a familiar situated practice:  
 Spelling, grammar and punctuation were dreadful, and there was often little evidence of reasoning skills. Many students simply recited a list of facts instead of constructing an argument. Others apparently tried to follow a “blueprint” of how to write an essay, which had the effect that they spent most of their time defining or “unpacking” the question rather than answering it. (p. 197)
43. Two further points ought to be considered. Admissions in the LNAT is built around critical reasoning, but it is significant that ‘critical reasoning’ nowhere appears in the *JASB Handbook* or the Statement or indeed in the QAA subject benchmark for law. There are synonyms at various points,<sup>26</sup> but this key aptitude, upon the evidence of which students can be barred entry to law school, does not seem to be the focus of development once students have been accepted or rejected. Second, admission on the basis of predictive results in the LNAT is no prediction at all of a student’s ability to perform as a lawyer in the vocational stage of learning; or indeed of a student’s success in most of the undergraduate benchmark and transferable skills of the JASB Statement. This has been proven in other professions. A US study evaluated the use of an aptitude selection assessment in a dental school’s admissions process and found that the scores had no predictive value for clinical achievement at the end of the programme (Gray, Deem and Straja, 2002) – a result corroborated by similar results in McManus *et al* (2003) and other longitudinal studies.
44. In US law schools the literature is much more ambivalent about the effects of the equivalent assessment, the LSAT.<sup>27</sup> There, at least one study has shown that LSATs are only predictive of JD first year success,<sup>28</sup> not third year; while the author concluded that the ‘common practice in law school admissions of attributing special weight to the LSAT score as a predictor of law school academic performance is without merit or validity’ (Thomas, 2003, p. 1021). The history of the LSAT in American law schools is a contested one – there have been many and unresolved debates over the influence of law school rankings, weighting of LSAT scores alongside grade point or other averages, ‘whole-person’ approaches, the real predictive value of the test, the effect on the entry of students of colour, the role of the LSAT in affirmative action programmes, and over-reliance on the LSAT

<sup>26</sup> “Critical judgement” appears, for example, in the QAA subject benchmark under “general transferable intellectual skills” QAA, 2007, p. 3).

<sup>27</sup> According to LSAC, the LSAT is ‘designed to measure skills considered essential for success in law school’ – Law School Admission Council (2005) *LSAT AND LSDAS Information Book*. The JD programme is of course postgraduate: while practices vary, most law schools combine the LSAT with an undergraduate grade point average, which result is then combined into an Index Score.

<sup>28</sup> And possibly only 30% of that (Soares, 2012).

(Weinstein, 2001; Henderson, 2004; Kidder, 2001; Delgado 2001; Edwards, 2006, Randall, 2006).<sup>29</sup>

45. Following a period of consultation (BSB, 2012) the BSB is about to implement, for the 2013 BPTC entry, an aptitude test called the Bar Course Aptitude Test (BCAT). In a comprehensive consultation document (which also measures the aptitude test against Better Regulation principles) the BSB set out the work done to ensure that the test met the criteria for its implementation. The aim of the test is not, as with the LNAT, to select the best candidates from a body of candidates, but to identify ‘those unsuitable to do the [BPTC], at a threshold level, and whose presence on the course adversely impacts on the learning experience of other students’ (p. 138). According to the BSB the key criterion of its success will be the improvement of standards on entry, and therefore exit of the BPTC. By using a test universally we will be able systematically to identify students who are likely to fail the course and they will be prevented from undertaking it, thus saving them wasting their own time and money.

The pilots, particularly the second, were detailed and useful. The LSB also commissioned an academic, Chris Dewberry, to comment on aptitude tests generally and the conduct and results of the pilots (Dewberry, 2006). His detailed and comprehensive report (commented upon in an appendix to the BCAT consultation), points out that the purpose of the test should be clarified (p. 132); but he noted the very strong correlation between test scores and examination results, which were stronger than the median correlations for the US LSAT test and first year university results (p. 134). He noted that (as with the LSAT), a full predictive test could only be carried out once the BCAT was in operation. He did note, as the BCAT consultation paper observes, that ‘both Degree class and university attended significantly predicted course outcome’, though the test had incremental validity beyond students’ prior educational qualifications, i.e. the ‘best prediction (highest validity) is achieved by taking all these factors into account together’ (p. 134).

## Culture

46. Education is analogous to legal practice in that, while it can be reduced to work flows, matrices, procedures and patterns or templates, it is concerned primarily with social process and relationship (Trow 2006; Maharg and Maughan, 2011). Educational processes are therefore powerfully affected by culture in every respect – the national, racial, social, class, gender and family cultures that students bring to their studies, the cultures of the institution and its processes (classes, forms of teaching and assessment, physical locale, its history and the situated history of the law school or its equivalent within the wider institution), the culture that is embedded in procedures of critical points such as entry and exit points.
47. While much of this may not seem to be a regulatory issue, it does impact upon regulatory obligations. The educational literature has for some time now dwelt upon the cultural aspects of learning in higher education, professional learning and the formation of identity within undergraduate and postgraduate study and in training placements, traineeships and pupillages. West, for instance, in his study of

<sup>29</sup> Statistical data is increasingly available: see Marcus, Sweeney and Reese, 2011, Lauth, Sweeney and Reese, 2012.

adult learners in Medway towns, noted how the culture of institutional learning encountered by adult learners affected them not just in their studies but in their changing view of themselves and their communities: ‘The problem ... is that certain conversations, thoughts and actions are favoured rather than others in a manner which can frustrate the struggle for more integrated learning, selves and stories’ (West, 1996, p. 188). Given higher education’s transitional status in the lives of all students, he noted the importance of identity to study, and identities based upon interpretations of past and future thought and action: ‘reclaiming a past – emotionally, biographically, intellectually and culturally – is essential to claiming a future, built more on one’s own terms than upon those of others’ (p. 211).<sup>30</sup> He also drew attention to how educational structure in institutions, and social expectations, shape identity: ‘when adults give reasons for educational participation, their vocational explanations partly reflect the powerful normalising gaze of such ideas within society’ (p. 206).

48. We can see this given voice in some of the work on the admissions of specific groups of students to higher education and the professions. Shiner (2000; 2002), writing about BME students, takes up some of these perspectives to give a portrait of BME student engagement. Francis and McDonald, writing about part-time law students, noted the ‘multiple disadvantages, largely unrecognized by universities’, the marginalization of part-time students and, as a result, the formation of a ‘collective habitus which may structure what is “thinkable” for their futures’. The result is a ‘fundamentally paradoxical experience’ where institutions ‘offer broader access to legal practice for non-traditional entrants, while continuing to inhibit their chances of success by entrenching their difference in the eyes of the profession’ (Francis and McDonald, 2009, p. 220). Such work may seem to have more to say about the experience of learning while on the course rather than the experience of being admitted to a course; but it could be argued that this research should be taken into account when providing induction courses for part-time students; and that regulators might wish to consider research literature that points, as does Francis and McDonald’s to the effects that arise where ‘*formal* equality can mask substantive differences between groups [of students]’ (p. 226, their italics).
49. Sommerlad has shown how cultural biases affect crucial entry points, and in particular how theories of symbolic, linguistic and cultural capital come into play at all entry points, including where the profession controls entry, at training contract. She describes (quoting the work of Halpern, Shiner and Newburn) how there is a ‘significant bias against new university students, especially on the part of large commercial firms’ (pp. 204-5).
50. In their empirical study Zimdars, Sullivan and Heath have questioned the extent to which Bourdieu’s theory of cultural capital, which Sommerlad relies on amongst other theoretical constructs, explains the link between social background and gaining an offer to study at the University of Oxford. It did not, for example, explain the gender gap in admission, and only part of the disadvantage encountered by South-Asian applicants to Oxford (p. 648). They argue the case for constructing measures of cultural knowledge, and observe that ‘what matters is a relationship of familiarity with culture, rather than just participation in culture’ (p. 661). It could be argued that such measures would be useful to regulators, giving as they would a

<sup>30</sup> A point also made about the relationship between conditions of employment and identity, in his study of GPs responding to change in the NHS (West, 2001).

finer-grained analysis of the issues of diversity and access to higher education and the professions. Many of the examples cited in Sommerlad's empirical research bear this out: the importance to applicants of not just A Level achievements and university attended, but for men, playing and talking about specific sports, and for men and women, ways of talking, dressing and presenting socially (pp. 203-07).<sup>31</sup> This is true of the maintenance of elites generally in higher education, and the literature of this in education is extensive – in the case of linguistic markers, for example, going back at least to Bernstein's seminal work on hegemonic discourse and social class (1971). As Zimdars (2009, p. 3) points out with regard to admissions to Oxford,

net of attainment, the professional middle class, white, male and state school applicants fare particularly well in securing offers for undergraduate study at Oxford. With the exception of the state school effect, the admissions privilege advantages already privileged strata of society.

### Different professions: different knowledge, different skills?

51. As Huxley-Binns (2011), Flood (2010) and many others point out, the LSA 2007 will have significant effects on admissions: to law schools, to professional programmes, to the profession itself. Admissions and gatekeeping functions, as Abel (2003) pointed out, are crucial not just for students and educational providers but for regulators too; and when the shape and function of the profession is under such change as will be brought about by LSA, then admissions will change significantly. It is clear from the literature and self-evident facts that the two main professions are fragmenting into smaller bodies of professionals, most regulated by their own regulators, though there are some areas of unregulated practice.
52. Each of these bodies will have their own standards (IPS is a good example), and these standards will inevitably form part of the admissions process. On the transition from school to further or higher education, clearly school qualifications will be taken into account, but there may be further tests, such as the LNAT, should pressure of numbers and other pressures force regulators to seek other forms of filtering.
53. There is a possible argument for admission processes that take account of more than formal academic records and self-reports by applicants. In her work on the quality of solicitors' work, for instance, Sommerlad noted that her research findings could inform teaching and learning in a variety of ways (Sommerlad, 2000, p. 512). This is entirely justified in our view: research into matters such as lawyer-client relationship should be part of the resources that educationalists consider when drawing up, validating and updating outcomes, standards and the like. Sommerlad, however, takes a 'whole-office' approach:
 

These issues ... should also inform training for paralegals, since it appears that tight resources may result in the increasing delegation of legal aid work. This, in turn, raises the issue of in-house training, not only for all practitioners (including paralegals, legal executives, and clerks), but also for all support staff. Such training should form part of a coordinated strategy to generate a client-centred culture, embedding standards into practice which will foster a reflective practice rooted in such culture.

<sup>31</sup> And of course this is the subject of parody and ironic comment in the law student press and blogs. See, e.g., <http://www.lawcareers.net/Information/Blog/InTheEighthCircle/>

54. There are of course quite different cultures that exist between hierarchies of employed staff in all areas of legal work – between barristers and their clerks (Flood, 1983), and within solicitors’ offices – secretaries, partners, paralegals, associates, PSLs, etc. Many of the areas of knowledge required for transactional work, for instance, overlap between employment roles, as do the requisite skills; but there is also demarcation of both knowledge and skills through role, relationship and management. In a solicitor’s office for instance the subject of her research, namely client-care and the client relationship is of central importance; but it is important in different ways to different employment segments within the office.
55. This simultaneous identity and diversity raises the question as to whether separate regulators should draw up separate standards, or whether there should be a degree of homogeneity between the different (and differently regulated) areas of legal practice regulation. This is not a question to be answered in our project, but it does affect the educational issues of standards and development of admission criteria, for ideally outcomes and standard-setting will need to reflect this; and educational admissions procedures and standards will similarly need to be designed to accommodate it. Francis (2002, p. 22) described some of the issues perceptively, well before LSA (2007):
- If occupational boundaries continue to blur, if there is increasing convergence between legal workers, the momentum towards a fused profession, to homogenize education, training, representation and regulation may prove irresistible.
56. It makes sense for such research to be used by regulators for the creation of assessment criteria for entry at the professional stage; but there is also an argument that it could be used at the undergraduate stage as well. If the skills statements in the JASB Statement are to be taken seriously, then perhaps at least some more of them of them (and certainly beyond the aptitude of critical reasoning) could be taken into account when students are admitted to law programmes.
57. Some of this was investigated and reported on in the SRA Work-Based Learning Scheme (IWBL, 2010; BMG Research, 2012), which, *inter alia*, explored an alternative to formal education and current training contract arrangements. While not strictly the subject of this section, the report nevertheless gives valuable insight into current admissions issues. On the subject of whether the pilot WBL would reduce barriers to access, the IWBL report stated that:
- most candidates were convinced that such a scheme would help address the specific perceived barrier to entry into the profession of socio/educational background but only relating directly to paralegals and those in legal related employment
  - professionals were not convinced that by itself the WBL scheme could address barriers to entry but rather barriers to entry needed to be addressed earlier in the education and training process, for example at the training contract application stage
  - due to the economic climate, professionals in law firms believed that the level of degree and type of university would still need to be one of the criteria of initial selection for processing to interview stage
  - professionals were not convinced that having a WBL portfolio would offer any particular advantage to the individual in seeking a newly qualified solicitor job in a legal firm. It could assist in securing an interview. (IWBL, p. 16)

58. Since one of the primary aims of the research was to test a route to qualification that did not depend on a training contract, the work would be especially of interest to groups such as paralegals, who were unable to obtain training contracts, though they may have completed the first two stages of the route to becoming a solicitor. On that issue, the IWBL researchers reported that the WBL route was ‘a fairer system’ (p. 7), but over the course of the pilot they raised the following issues:
- shifting economic climate and the potential professionalization of other legal roles influenced a modification in respondent views from ‘supportive in principle’ to ‘perhaps not feasible’
  - all professionals did believe it was ‘fair’ to have this route but were concerned that reduced availability of training contracts would make entry into the profession even more competitive, and selection criteria would be even more refined, making a change to the degree level requirement unlikely
  - concerns over whether being employed as a paralegal could give full exposure to the areas of law without the paralegal becoming a full time trainee
  - the process of replacing a paralegal would also incur more costs for the employer
  - during the course of the scheme concerns arose, which were not evident in the first year, that giving access to paralegals to enter the profession through the WBL scheme may create a two-tier system because paralegals would never be able to have the same experience as trainees unless they were employed solely as trainees.<sup>32</sup>
  - the impact of Alternative Business Structures as well as the emergence of a professional body for paralegals was mentioned in this context but not elaborated upon
  - the possibility of firms becoming more specialized and traditional paralegal work going abroad meant that firms would be looking for individuals to enter the profession who had the highest knowledge and skills levels to bring in and maintain business. It was believed by some that this approach was a meritocratic approach, decided by the market, that would remove barriers to entry that were based on other factors such as age, ethnicity and gender.
- (IWBL, p. 54)

Many of these issues are discussed earlier. It is interesting to note the argument in the final point above, namely that the action of the market, in encouraging formation of niche practices and outsourcing, would remove barriers to entry. It may do the opposite, in the case of niche practices restricting entry to those with highly specialist qualifications in specific areas of law, and in the case of outsourcing, removing at a stroke the promising early rungs of the paralegal ladder described briefly at p.2 of this chapter.

- 58 Subsequent investigation (BMG, 2012) of the second cohort of part-time participants, raised similar points but in particular in this context:

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<sup>32</sup> Some of these concerns may be circular: paralegals clearly *can* have the same exposure to different areas of law as trainees do (and would not have been able to complete the pilot without it). Similarly, if training contracts are as variable as is reported, some trainees may not have the same quality of experience as the paralegals in the pilot.

- Part-time candidates were at no specific disadvantage in terms of the WBL training process. They simply faced the pressures that apply to people who seek to study for a qualification whilst holding down a job.
- Differences in delivery mode between part-time and full-time candidates do not result in different standards of training and learning. Numbers of WBL trainees are still small but it appears that a WBL approach is robust and allows flexible delivery without dilution of standards.

[...]

- The pilot appears to show that it has made a contribution to lowering barriers to access to the legal profession for those candidates who took part. However, if the pilot was to be delivered in a similar way in the future there may be some concern that, in cases where paralegals become qualified but do not move up into a fully-qualified status position as a solicitor, the programme's impact is a little muted.
- At the present time, the sector is likely to see the WBL approach not as a competitor to, or replacement of, the traditional approach to the training of solicitors but as a variation, which has specific value in specific circumstances and should be developed and promoted as such.

59. Clearly a WBL route would necessitate a wide-ranging review of standards and entry criteria across the range of regulators in the legal domain; and the IWBL report's key recommendations signalled the significant work that would need to be done to achieve the aims of WBL:

- Undertake further work to set out the skills and attributes for qualifying as a solicitor;
  - Develop progressive steps of achievement linking the LPC, the vocational stage and Day 1 competences;
  - Set out the learning outcomes necessary to demonstrate competence;<sup>33</sup>
  - Consider a credit system to assess incremental learning and to open the door to more flexible routes to qualification and transfer between professions;
  - Retain and develop the use of the portfolio as a learning journal;
  - Train key professionals in coaching and assessing within a WBL framework;<sup>34</sup>
  - Continue the bold moves in widening participation through exploring an accredited learning scheme for prior learning;
  - Address barriers to entry at secondary school level when choices of university, courses and future careers are still in the formative stage.
- (IWBL, 18)

60. Working on its own pilot in 2012, IPS has produced a scheme that will, from 2013, apply to all applicants for Chartered Legal Executive Status. In the final iteration, there are eight competencies: practical application of the law and legal practice, communication skills, client relations, management of workload, business awareness, professional conduct, self awareness and development and working with others, divided into twenty-seven outcomes (IPS, n.d.) Guidance for each outcome

<sup>33</sup> BMG suggested, of the tested WBL outcomes, "A wider roll-out of the pilot may benefit if the number of outcomes is streamlined with more emphasis placed on achieving against the eight broad outcomes in order to reduce the overall workload for candidates and employers." (p. 7).

<sup>34</sup> The BMG report endorsed the idea that there was scope for further work on support and information for supervisors.

and other supporting documents are provided and assessment is by portfolio and supporting documents against assessment criteria. Initial summative assessment is by the employer. A moderation process then involves review by IPS officers and reference to the IPS Admission and Licensing Committee (IPS, n.d.).

## Other qualifications

### Barristers clerks

61. A degree is not necessary for entry, and entrants are expected to have a minimum of four GCSE pass grades at A-C or A Levels.<sup>35</sup> Membership of the Institute for Barristers' Clerks (IBC) is open to all clerks.<sup>36</sup> It offers a one-year BTEC Advanced Award in Chambers Administration for Barristers' Clerks. The course (largely online) is aimed at clerks with up to five years of experience, and certifies competence as a junior clerk.

### Immigration advisers

62. It is in the nature of community-based immigration advisers that they might have limited formal prior qualifications. The application for regulation (OISC, n.d.) therefore combines assessment of character with requirements for prior informal immigration advice experience within an online assessment of the applicant's knowledge of the OISC codes and rules.

### Legal Finance and Management

63. The Institute of Legal Finance and Management offers a diploma and several associate courses to its membership, which may include members of existing professions (such as accountants, CILEx or solicitors) as well, potentially, as those employed as "cashiers" (ILFM, n.d.). There are no specific entry qualifications.

### Legal Secretaries and PAs

64. Aside from generic secretarial qualifications, CILEx offers a level 2 and a level 3 qualification for legal secretaries in association with City and Guilds. In addition, the Institute of Legal Secretaries and PAs offers its own Legal Secretaries Diploma (ILSPA, n.d.) to those who already have "administrative skills with a good typing speed, computer literacy, a knowledge of word processing programs and a good standard of English".

### Wills, trusts and estates

65. The Institute of Professional Willwriters offers a number of short training courses outside its CPD scheme for full, affiliate and sponsored members on technicalities of will writing and taking will instructions. Entrance to full membership is by "a 1½ hour written paper and a role play taking Will instructions and a Will drafting exercise" (with a 70% pass mark) or for those with 5 years relevant experience, four written assignments based on the applicant's actual files, intended to demonstrate

<sup>35</sup> See [http://www.prospects.ac.uk/barristers\\_clerk\\_entry\\_requirements.htm](http://www.prospects.ac.uk/barristers_clerk_entry_requirements.htm)

<sup>36</sup> See <http://www.ibt.org.uk/>

competence. There is a sequence of exemptions for other qualifications and experience (IPW, n.d., a, b)

66. The Society of Trust and Estate Practitioners offers a number of certificates and diplomas as well as a qualified practitioner programme route (at level 7, supported by a reflective log) for those with significant prior experience.<sup>37</sup> It also, via the University of Manchester, allows diploma graduates to top up to a BSc in Management and Trust Estates. There are no formal entry requirements for the certificates and completion of the certificate is normally a precursor to entry to the diplomas. (STEP, n.d.)
67. The Society of Will Writers and Estate Planning Practitioners offers a variety of classroom, distance learning and online modular courses and examinations, through its College of Will-writing. There is no minimum standard of academic qualification for entry.

### Paralegals

68. A number of paralegal qualifications are available in the higher education sector, as, for example the Postgraduate Diploma in Paralegal Practice offered by Leeds Metropolitan University. Clearly to varying explicit extents the CILEx qualifications, especially those at level 3 and the LLB, BPTC and LPC operate as qualifications for paralegal practice. There are, however, two organisations offering other distinctly “paralegal” frameworks.
69. The Institute of Paralegals recognizes a four-stage career path (IoP, n.d.), outlined below:
- *Affiliate member.* This stage is open access to all, and designed for those currently not doing legal work but aspiring to become a paralegal, e.g. studying a law course. Membership does not confer any professional designation; there is no obligatory training and no CPD requirement.
  - *Associate Paralegal.* This is the apprenticeship stage, open to those practising law, but with less than four years’ experience, less than two years’ experience if they have completed an approved course or less than one year’s legal work experience if they have completed the Legal Practice Course. This is a recognized professional designation; there is no obligatory training requirement, and there is a CPD obligation of 12 hours per annum.
  - *Certified Paralegal.* This is an award aimed at more experienced practitioners, normally a minimum of four years; or two years experience and completion of an approved course, or one year’s experience and completion of the LPC/BPTC. This is a recognized professional designation and confers full membership of the Institute. There is no obligatory training requirement, and there is a CPD obligation of 12 hours per annum.
  - *Qualified Paralegal.* This stage is for qualified lawyers (solicitors or barristers), or people doing legal work who are eligible to become a Certified Paralegal and who have passed the mandatory course. This is a recognized professional

<sup>37</sup> Entry to this route is contingent on one of a) professional qualification and two years PQE in trust and estate practice; or b) a vocational degree and 5 years similar experience or c) 10 years similar experience.

designation and confers full membership of the Institute, and there is a CPD obligation of 12 hours per annum.<sup>38</sup>

70. The admissions process is designed to move from practice situations into more formal educational structures; but it is significant that the Institute has chosen to incorporate other levels of legal education within its structure, particularly at stages 3 and 4.
71. The National Association of Licensed Paralegals (NALP, n.d.) offers a number of courses (sometimes through FE and HE institutions) (recognised by OfQual):
- Paralegal apprenticeship at level 2 and 3;
  - A level 4 diploma, for which the normal entry requirements are two A Levels; A Level Law; BTEC National Diploma (NVQ/GNVQ Level 3 or above); CILEX Level 3 Qualifications; or ILSPAs Legal Secretary Diploma;
  - A level 7 diploma, for which the normal entry requirements are LL.B. (Hons); BA LAW or CPE/GDL.

## Themes arising from debates

### Control of entry points

72. From a regulatory point of view, admissions policies are crucial entry points and control of the checkpoint has been viewed as essential. But that control is necessarily a shared one for legal regulators because the stakes are so high and the issues so important to a range of stakeholders, from students themselves to government and society generally. Entry to undergraduate programmes is shaped by a complex mix of market forces, government caps on undergraduate numbers, as these are interpreted by local institutions, governed by QA guidelines and much else. Entry to professional programmes is more controlled, as might be expected, by regulators. The key issue for regulators is how to design entry processes that are fair, promote equality and diversity, and ensure quality of candidates in a highly competitive market.
73. It is clear that the Abel thesis identified over a decade ago – namely that the profession has been overly concerned with both the imperative and the impossibility of controlling supply into the profession – is one complicating factor in an otherwise complicated enough situation (Abel, 2003, p. 114). Paradoxically, control of admissions may not be the way forward, any more than top-down, highly detailed and prescriptive curriculum control was the way forward for regulators in the design of teaching and learning on professional programmes. Quality – of regulation, outcome and access – is critical. It is significant that the BSB’s consultation document on a proposed aptitude test notes that the test ‘is not designed specifically to cap numbers but to ensure the legitimate aim that only suitable candidates with a reasonable prospect of passing undertake the course’ (pp. 137-8) – though of course the test will operate as a cap, but based this time on criteria of quality and access. In the report, social class was not taken into account as a category that may be affected by the test; but as Professor Carol Costley noted in her contribution to the SRA WBL report, socioeconomic status is crucial (WBL, 2010,

<sup>38</sup> Information available at the Institute of Paralegals website: <http://www.theiop.org/careers/become-a-qualified-paralegal/career-path.html>

p. 129). As Zimdars points out in her survey of Bar pupils in the period 2004-08, 'participation by those from working class backgrounds is lower among pupils than the university population' (Zimdars, 2010, p. 117). She also concluded that degree class, university attended and performance on the BVC were the strongest predictors of young barristers' earnings and employment status. If the aptitude test is implemented it will be interesting to see what effect, if any, it has on opening access to the BPTC for individuals regardless of their social origin. The Neuberger Report (2007, p. 8) did advocate much more liaison between the Bar and schools and universities in this respect; but much more will be needed to change prevailing attitudes.

74. In the long-term future, given the wide variety of employment options made available by deregulation, and given other changes that will be brought about by the Legal Services Act, attempts to control numbers alone will be increasingly unsuccessful. There may be attempts to limit access to limited types of employment, and regulators should be aware of them. Given the complexities of entity- *versus* activity-based regulation, and particularly the issues of diversity (see chapter seven of the literature review), it is clear that the whole issue of gatekeeping by regulation at every stage of legal education requires general revision.<sup>39</sup>

### Joint Academic Stage Board Statement

75. We would suggest that the literature points to the need for the Joint Statement, for long the concordat between academy and legal professions, to be redrafted in the light of the changes being brought about by the Legal Services Act 2007. The statement of transferable skills, for instance, requires alignment with the recent changes to professional standards, and probably also in the light of the changing standards in other academic disciplines. It may be that the skills standards need to be specified in more detail. It is interesting that the skill set analysed in the LNAT is not specifically detailed in the Statement; and indeed given the LNAT's role as gatekeeper, the part that critical reasoning plays in both undergraduate degrees and in the professional sector of legal education should be re-assessed. Given the increasing potential for divergence between the law of England and that of Wales, that is reflected in a separate legal jurisdiction, we suggest also that attention is paid in the Statement to creating at least an awareness of the potential for divergence in the QLD.

### Alternatives to standardized admissions tests

76. For admissions officers struggling to discriminate between students who all have three As in A Levels, the simplest alternative might have been to raise the ceiling of the A Level upward, to A+, A++, as suggested in the Tomlinson Report (2004), but not implemented. However there is a strong argument, particularly on grounds of

<sup>39</sup> The BSB consulted, in 2012, on a draft regulatory framework with draft rules and options, and this is clearly a response to the LSA 2007 along the lines of regulating advocacy-focused ABSs, LDPs and Barrister-Only entities. It was proposed that the BSB Handbook be adjusted to allow barrister-only practices; legal disciplinary practices and to permit barristers to conduct litigation, and that the BSB become a licensing authority for ABSs (BSB, 2012a). However, there is a clear statement that the BSB perceives itself to be a field-specific regulator: 'The BSB is seeking to become a niche specialist regulator focusing on advocacy and ancillary services and to regulate beyond this more widely would be outside the scope of the BSB's remit and could lead to regulatory failure.' (*ibid*, p. 4).

diversity, for cost-effective alternatives to A Levels. One reason for the LNAT's success is that it seems to provide that alternative. However LNATs are not a complete solution. There are alternatives to LNAT, and they should be explored by regulators, educational providers and educational researchers. Some of them, unlike the LNAT, take the well-researched concept that all texts are symbolic representations that writers use to think and work with, and have a social history replete with social and affective reality that is an integral part of the attention that writers and readers give to professional texts.

77. Some also take account of the professional *habitus* that lawyers inhabit, and draw performance predictors from that domain. One example of this is the work of Marjorie Shultz and Sheldon Zedeck, Professors of Psychology at UC Berkeley, who in 2008 released their final report on a performance prediction project entitled 'Identification, Development, and Validation of Predictors for Successful Lawyering' (Shultz and Zedeck, 2008). To predict effective lawyering, Shultz and Zedeck needed to define the concept, which they did over the course of well over a hundred interviews with lawyers, faculty, students, judges and clients, and identified 26 factors of lawyer effectiveness and behavioural examples of each.<sup>40</sup> They validated the new predictors and tested them using a sample of 1,148 alumni from two law schools, graduating 1973 – 2006. Their conclusions were that the new test instruments they devised, used in conjunction with current tests such as the LSAT, could 'extend admission consideration beyond prediction of grades to include predictions of professional effectiveness in law and law-related jobs' (Shultz and Zedeck, 2011, p. 661). In their view,

Inclusion of tests to predict lawyer performance would ... be justified by the actual role and mandate of law schools as professional schools and by the profession's mandate in society (e.g. serving clients, guiding behaviour, aiding in resolution of disputes and contributing to justice). (p. 661)

78. Shultz and Zedeck's work is of course a good fit for professional training and education. The extent to which it could be used at undergraduate admissions is another matter; but we would suggest that the sophistication and rigour of their work is a good model for the development of further work in this area. The work of the BSB on the BCAT is useful in this respect. The consultation document reveals that the BSB has attempted to align the assessment criteria of the aptitude test from the work of practitioners and tried to create a test that can, with convincing predictive power, identify poor candidates before they enter the BPTC. A key issue is of course the cut score, which will minimize the impact on BME applicants (which the consultation document acknowledged was affected by the test); and that has still to be determined.<sup>41</sup>

79. In other disciplines there is research and good practice that can be used in law

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<sup>40</sup> The 26 factors were: Analysis and Reasoning; Creativity/Innovation; Problem Solving; Practical Judgment; Researching the Law; Fact Finding; Questioning and Interviewing; Influencing and Advocating; Writing; Speaking; Listening; Strategic Planning; Organizing and Managing One's Own Work; Organizing and Managing Others (Staff/Colleagues); Negotiation Skills; Ability to See the World Through the Eyes of Others; Networking and Business Development; Providing Advice & Counsel & Building Relationships with Clients; Developing Relationships within the Legal Profession; Evaluation, Development, and Mentoring; Passion and Engagement; Diligence; Integrity/Honesty; Stress Management; Community Involvement and Service; Self-Development.

<sup>41</sup> As the report points out, 'the largest [adverse] impact was for ethnic groups with students from minority groups being somewhat less successful than the white group overall' (p. 141), though the report goes on to point out the rather puzzling result that 'some BME categories actually perform better on the Test than on the course' (p. 140).

school and professional programme admissions. Sedlacek (2004) challenged the dominance of the SAT in the US, and gave a wide variety of non-cognitive assessment instruments that could be used in conjunction with it, or in place of it. In a review of admissions practices in medical schools McManus *et al* (2005) concurred with this approach, stating that ‘an argument exists for ... developing and validating tests of non-cognitive variables in selection, including interpersonal communication skills, motivation, and probity’ (p. 555).

### Principles of fair admissions

80. In any admissions system there should be a principled basis that underpins the process by which admission is conducted. Such a basis was outlined in the Schwartz Report (2004), whose principles of fair admissions processes stated that they should:
- Be transparent
  - Enable institutions to select students who are able to complete the course as judged by their achievements and their potential
  - Strive to use assessment methods that are reliable and valid
  - Seek to minimise barriers for applicants
  - Be professional in every respect and underpinned by appropriate institutional structures and processes. (Schwartz, 2004, pp. 7-8)
81. The Schwartz Report recommendations and principles were considered by the then Department for Innovation, Universities and Skills (DIUS), which commissioned a further report in 2008, as recommended in the Schwartz Report, to gauge the sector’s response to the Schwartz principles. That report, brief title *Schwartz Report Review*, and its associated initiative, Supporting Professionalism in Admissions Programme (SPA), provides much information in the way of good practice in admissions standards, processes and procedures. It also gives a valuable portrait of changes to admissions that reflect larger pressures higher education institutions by government and QAA. The Schwartz Review Report found that a number of the Schwartz principles had been successfully adopted by the higher education sector. With regard to factors other than formal academic qualifications being taken into account in admissions decision-making, though, it was clear that ‘the majority of institutions’ practice had not changed as a result of the Schwartz Report’ (McCaig *et al*, 2008, p. 7).
82. There have been initiatives that attempt to widen participation in law programmes. The Sutton Trust and the College of Law, for example, established a Pathways to Law programme in England (<http://www.pathwaystolaw.org/#>). Originally established at Edinburgh University, the initiative encourages widening participation, and argues (along with earlier widening participation initiatives such as Glasgow University Education Department’s *The University and Its Ways*) embedding processes beyond the point of admission and within the broader culture of the institution.<sup>42</sup> The sociological and the educational point is clear: widening participation at admissions counts for little if retention of students later in the programme becomes a problematic issue.

<sup>42</sup> See Edinburgh’s website at <http://www.law.ed.ac.uk/wideningparticipation/>. See LSE’s website at: <http://www.law.ed.ac.uk/wideningparticipation/http://www2.lse.ac.uk/study/undergraduate/informationForTeachersAndSchools/wideningParticipation/pathwayToLaw.aspx>

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## Appendix 1

Applicants/Acceptances by Tariff UCAS Data UK 2010

JACS2 Subject Group	Group M		Values			
	Law		Sum of	Sum of	Sum of	Sum of
Row Labels	Sum of Applicants	Sum of Deg Accepts	Found Deg Accepts	HND Accepts	Other Accepts	Accepts - All
<b>0</b>	<b>4514</b>	<b>4080</b>	<b>115</b>	<b>34</b>	<b>3</b>	<b>4232</b>
M1 - Law by Area	3238	2775	11	5	3	2794
M2 - Law by Topic	156	362	59	8	0	429
M9 - Others in Law	755	853	31	21	0	905
MM - Combinations within Law	40	90	14	0	0	104
Z No preferred subject line	325	0	0	0	0	0
<b>001-079</b>	<b>607</b>	<b>487</b>	<b>17</b>	<b>7</b>	<b>2</b>	<b>513</b>
M1 - Law by Area	340	243	1	0	1	245
M2 - Law by Topic	24	62	7	4	0	73
M9 - Others in Law	183	166	6	3	0	175
MM - Combinations within Law	5	16	3	0	1	20
Z No preferred subject line	55	0	0	0	0	0
<b>080-119</b>	<b>350</b>	<b>171</b>	<b>19</b>	<b>3</b>	<b>1</b>	<b>194</b>
M1 - Law by Area	213	109	3	1	0	113
M2 - Law by Topic	12	13	6	1	1	21
M9 - Others in Law	90	45	4	1	0	50
MM - Combinations within Law	4	4	6	0	0	10
Z No preferred subject line	31	0	0	0	0	0
<b>120-179</b>	<b>887</b>	<b>464</b>	<b>32</b>	<b>12</b>	<b>2</b>	<b>510</b>
M1 - Law by Area	559	283	3	3	0	289
M2 - Law by Topic	28	35	15	2	1	53
M9 - Others in Law	227	124	7	7	0	138
MM - Combinations within Law	5	22	7	0	1	30
Z No preferred subject line	68	0	0	0	0	0
<b>180-239</b>	<b>1748</b>	<b>1227</b>	<b>25</b>	<b>7</b>	<b>0</b>	<b>1259</b>
M1 - Law by Area	1120	727	8	1	0	736
M2 - Law by Topic	23	92	8	1	0	101
M9 - Others in Law	466	366	6	5	0	377
MM - Combinations within Law	9	42	3	0	0	45
Z No preferred subject line	130	0	0	0	0	0
<b>240-299</b>	<b>2540</b>	<b>2204</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>2213</b>
M1 - Law by Area	1796	1420	2	1	0	1423
M2 - Law by Topic	39	167	1	1	0	169
M9 - Others in Law	530	561	2	1	0	564
MM - Combinations within Law	12	56	1	0	0	57
Z No preferred subject line	163	0	0	0	0	0
<b>300-359</b>	<b>2631</b>	<b>2514</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2515</b>

Applicants/Acceptances by Tariff LICAS Data UK 2010

M1 - Law by Area	2088	1881	0	0	0	1881
M2 - Law by Topic	36	116	1	0	0	117
M9 - Others in Law	361	402	0	0	0	402
MM - Combinations within Law	7	73	0	0	0	73
Z No preferred subject line	139	0	0	0	0	0
<b>360-419</b>	<b>2455</b>	<b>2302</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2304</b>
M1 - Law by Area	2133	1907	0	1	0	1908
M2 - Law by Topic	13	86	1	0	0	87
M9 - Others in Law	197	247	0	0	0	247
MM - Combinations within Law	14	62	0	0	0	62
Z No preferred subject line	98	0	0	0	0	0
<b>420-479</b>	<b>1845</b>	<b>1678</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1680</b>
M1 - Law by Area	1680	1511	1	0	0	1512
M2 - Law by Topic	8	47	0	0	0	47
M9 - Others in Law	87	86	0	0	0	86
MM - Combinations within Law	6	34	1	0	0	35
Z No preferred subject line	64	0	0	0	0	0
<b>480-539</b>	<b>1209</b>	<b>1159</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1159</b>
M1 - Law by Area	1153	1076	0	0	0	1076
M2 - Law by Topic	3	22	0	0	0	22
M9 - Others in Law	29	48	0	0	0	48
MM - Combinations within Law	1	13	0	0	0	13
Z No preferred subject line	21	0	0	0	0	0
<b>540 plus</b>	<b>1537</b>	<b>1429</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1429</b>
M1 - Law by Area	1503	1397	0	0	0	1397
M2 - Law by Topic	3	10	0	0	0	10
M9 - Others in Law	10	12	0	0	0	12
MM - Combinations within Law	3	10	0	0	0	10
Z No preferred subject line	18	0	0	0	0	0
<b>Grand Total</b>	<b>20323</b>	<b>17715</b>	<b>218</b>	<b>67</b>	<b>8</b>	<b>18008</b>

## Appendix 2

Accepted applicants

Tariff	2006	2007	2008	2009	2010	2011
None/not known	98,300	117,449	142,769	145,694	141,640	141,315
001-079	10,169	15,598	18,266	21,455	21,184	17,982
080-119	6,601	6,514	6,870	6,648	6,442	6,657
120-179	18,336	15,582	16,423	16,158	14,728	14,604
180-239	31,596	28,305	29,859	30,904	28,618	28,217
240-299	42,353	39,649	42,448	44,751	45,458	46,849
300-359	45,101	43,343	46,224	49,094	49,624	51,912
360-419	39,171	39,383	41,484	43,861	42,861	45,521
420-479	26,214	27,359	28,178	30,134	31,087	32,734
480-539	15,795	16,995	17,574	18,754	19,723	21,033
540 plus	11,928	14,367	14,929	17,610	23,269	24,411
<b>Total</b>	<b>345,564</b>	<b>364,544</b>	<b>405,024</b>	<b>425,063</b>	<b>424,634</b>	<b>431,235</b>

Applicants - expressed as percentages

Tariff	2006	2007	2008	2009	2010	2011
None/not known	32.3%	35.5%	38.8%	38.8%	39.4%	39.2%
001-079	3.3%	4.7%	4.8%	5.2%	5.1%	4.4%
080-119	2.2%	2.1%	1.9%	1.8%	1.8%	1.9%
120-179	5.7%	4.7%	4.3%	4.2%	4.1%	4.2%
180-239	9.1%	7.8%	7.2%	7.2%	7.0%	7.0%
240-299	11.6%	10.3%	9.9%	9.8%	9.8%	9.9%
300-359	11.9%	10.9%	10.5%	10.4%	10.1%	10.2%
360-419	10.1%	9.7%	9.2%	9.1%	8.4%	8.7%
420-479	6.6%	6.7%	6.2%	6.2%	6.0%	6.1%
480-539	4.0%	4.1%	3.8%	3.8%	3.8%	3.9%
540 plus	3.0%	3.4%	3.2%	3.5%	4.4%	4.5%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

## Appendix 3

Accepted applicants - average Tariff scores by subject

Subject	2006	2007	2008	2009	2010	2011
Group A Medicine & Dentistry	377.9	378.79	379.24	384.66	401.38	399.26
A1 - Pre-clinical Medicine	375.27	381.84	382.32	387.46	405.91	406.48
A2 - Pre-clinical Dentistry	396.24	362.07	365.77	371.28	377.41	361.23
A9 - Others in Medicine and Dentistry	368.1	263.81	194.83	277.95	236.50	266.00
Group B Subjects allied to Medicine	188.69	184.25	127.44	123.38	133.67	147.41
B1 - Anatomy,Physiology and Pathology	265.58	265	259.87	254.59	279.35	284.80
B2 - Pharmacology,Toxicology and Pharmacy	283.24	288.28	282.79	298.12	305.81	322.99
B3 - Complementary Medicine	61.41	57.4	67.81	66.42	69.75	79.62
B4 - Nutrition	171.58	181.35	158.21	168.50	166.43	172.84
B5 - Ophthalmics	308.42	298.25	304.99	310.44	321.37	318.09
B6 - Aural and Oral Sciences	248.21	237.76	255.27	229.89	247.64	252.93
B7 - Nursing	132.24	120.83	60.94	57.82	71.89	79.14
B8 - Medical Technology	152.89	151.6	149.96	144.76	160.42	169.78
B9 - Others in Subjects allied to Medicine	169.35	167.1	170.83	167.52	179.59	189.82
BB - Combinations within Subjects allied to Medicine	153.56	149.73	125.59	132.45	129.49	140.54
Group C Biological Sciences	235.41	228.51	223.02	228.04	238.69	240.35
C0 - Biological Sciences: any area of study	475	347.79	390.60	382.92	486.25	473.43
C1 - Biology	287.43	286.61	292.09	307.29	317.87	319.33
C2 - Botany	224.39	217.35	315.90	287.79	348.21	335.65
C3 - Zoology	261.45	259.37	251.87	253.84	279.99	283.95
C4 - Genetics	312.82	317.63	317.92	333.73	346.17	359.09
C5 - Microbiology	292.3	279.33	271.18	293.96	320.55	320.07
C6 - Sports Science	148.82	141.02	133.24	129.90	129.58	127.19
C7 - Molecular Biology,Biophysics & Biochem	319.18	325.32	319.65	347.74	352.48	345.50
C8 - Psychology	263.5	256.62	249.44	255.62	269.25	269.27
C9 - Others in Biological Sciences	218.19	198.7	170.69	203.29	226.45	251.50
CC - Combinations within Biological Sciences	251.42	242.02	242.57	252.64	257.07	256.55
Group D Vet Sci, Ag & related	170.39	170.3	159.12	157.19	160.95	166.37
D0 - Vet Sci, Ag & related: any area of study	166	81.5	-	-	-	-
D1 - Pre-clinical Veterinary Medicine	380.13	379.34	384.57	389.05	407.21	403.95
D2 - Clinical Veterinary Medicine & Dentistry	137	148.83	-	-	-	-
D3 - Animal Science	117.78	125.79	120.11	132.49	123.15	130.17
D4 - Agriculture	98.25	99.45	96.82	104.01	112.33	122.26

Rise in average tariff score