

The Bar Access Group: At What Price the Cost of a Legal Education?

Law students worrying about debts? Many people find this hard to believe. In fact as a law student if you so much as mention your concern about the large amount of debt you are racking up, the standard response is: ‘oh yes, but once you’re a fat cat lawyer you’ll be able to pay it off in a couple of years..’

Number-Crunching

However since 1997 undergraduate students have no longer been entitled to maintenance grants. Furthermore since 1998 they have had to pay tuition fees, the cost of which continues to rise. Undergraduate debts are then exacerbated by the cost of a legal education itself which is spiralling. In 2001 the Law Conversion Course at City University cost £3,000, yet this year (2004/5) it cost £5650. A similar pattern has occurred at most providers of the Law Conversion Course. Similarly, the Bar Vocational Course at the Inns of Court School of Law cost £2875 in 1991/2, £5200 in 1995/6 and £11,360 in 2005/6: again prices have risen in a similar fashion at most BVC providers. As barristers are self-employed, it is the individual students who have to meet the costs of the Law Conversion Course and the BVC. The LPC course for future solicitors costs about £2000 less than the BVC, even though it is longer, there are more teaching hours, and the quality of the course content and tuition is generally regarded as far higher. Furthermore, some LPC students have both their tuition *and* their living expenses paid for by Solicitors firms.

An Expensive Gamble

Despite the high cost of a legal education, there is no guarantee of work as a barrister afterwards. Providers of the BVC course currently take 1,600 students each year, yet the number of actual pupillages last year shrank by 20 per cent to just 572 from 711 in 2003 and 766 in 2002. However there is some good news - compulsory funding of pupillages, has also helped reduce the huge gap between the numbers who complete pupillage and those who get tenancy (ie. permanent work as a barrister) since the ratio of pupillages to tenancies is improving (See <<http://www.legaleducation.org.uk/Careers/statistics.php>>.)

Student Support?

The Inns of Courts do offer some scholarships to CPE and BVC students, yet most of these are not awarded on the basis of financial need. Some Inns even award scholarships to those who have pupillages with the Government Legal Service, and are therefore have their tuition and living costs paid already. **Our survey also suggested that students from private schools and Oxbridge were disproportionately likely to receive these scholarships.** The size of the Inns of Court scholarships has stayed more or less the same over the last few years, so that now even the largest scholarships no longer cover the cost of tuition fees let alone living costs. Post-graduate law students, unlike medical students or trainee

teachers, are not eligible for government student loans and are therefore forced to take out professional studies loans at commercial rates of interest.

Repaying Debts

Despite all the 'Fat Cat' myths, many barristers, particularly those working in Criminal or Family law, are paid a lot less than other professionals with similar educational backgrounds such as doctors and teachers. Pupil barristers are also generally paid significantly less than trainee solicitors. The minimum pupillage award (the salary of a barrister starting work) is currently set at £10,000. There is no London weighting. If pupils are taken on and offered tenancies, then they will be self-employed. Many barristers during their first years of practice find it quite difficult financially. However, it is during pupillage and those first few years working that many students will have to start repaying their undergraduate student loan *and* at least the interest payments on their professional studies loans.

The Bar Access Group

The Bar Access Group was set up by a group of former City CPE students in October 2004. We are an informal network of law students, BVC students, LPC students, pupils, trainee solicitors and tenants who are all concerned at the rising cost of a Legal Education and the consequential financial barrier to access to the Bar.

In particular we are concerned about:

- The fact that there is insufficient awareness of the cost of a Legal Education among those currently practising at the bar, judges, chambers and the Legal Press.
- The fact that there is insufficient awareness of the cost of a Legal Education and the financial gamble involved in embarking upon a career at the Bar among undergraduate students, University Law Departments and University Careers Advisers.
- The fact that there is insufficient awareness of the *impact* of the cost of a Legal Education among those individuals in the Inns of Courts, The Bar Council and Chambers who are involved in making decisions which affect law students.
- The fact that, as the Mountfield and Task Force reports concluded, the rising cost of the BVC is already having a distorting effect on pupillage and many very good candidates are choosing to pursue training contracts with Solicitors firms whereby the cost of their legal education is paid, solely due to the financial insecurity of the Bar.

Our Objectives

The quality and relevance of the design, content and the teaching on the BVC are notoriously bad and much criticised by students and barristers. It is generally accepted among many practising barristers that the content of the BVC course would be better taught 'on the job'. Whilst the purpose, content and structure of the Legal Practice Course

has been modernised and designed so as to be relevant to preparing students for practice as a solicitor, this is not the case with the BVC. Despite these problems, the Bar Access Group decided that lobbying about the content of the BVC would distract from our main message regarding the *price* of a legal education, and for this reason the Bar Access Group has only raised concerns about the BVC course itself, where these concerns have financial consequences.

What We Have Done...

We have raised a number of concerns with the Bar Council Education and Training Department. We have suggested that they reduce the length, and therefore the cost of the course. We have also suggested changes to the course structure that might reduce the cost, such as limiting the number of small group sessions to teach civil and criminal legal procedure and introducing more lectures. We also suggested that students are given the option whether they wish to purchase very expensive practitioners' texts (which are then out of date by the time that students start practise), rather than the price of the books (which are all available in the library) being automatically added to the course cost. It is noteworthy that some of these textbooks are written or published by the BVC Providers or their staff.

We expressed concern that individual Bar Council employees who had been involved with quality control of the BVC (including being involved with the Working Party whose work is broadly, to conduct a complete review of the BVC, to consider whether it should continue to exist at all and if so, in what form,) for over ten years had moved from the Bar Council to work for BVC course providers. We also expressed our concern that the information provided by the Education and Training department, especially their 'alternative BVC prospectus' was misleading in places. An argument often made on behalf of the BVC providers is that the course is valuable in its own right, regardless of whether one goes on to obtain pupillage. The experience of those of us who have been employed before training to enter the Bar is that the course teaches very few transferable skills that couldn't be learned while in employment, rather than at a cost of £11,000. We also expressed concern that the sample of former BVC students used in regular surveys to monitor the quality and usefulness of the BVC was a biased sample, and that it would be more reliable to survey pupil-masters and barristers about the relevance of the BVC content.

We have also raised similar concerns with interested third parties including the Department for Constitutional Affairs, the Office of Fair Trading, the Minister for Consumer Affairs, the Times Legal Supplement, the Inns of Court, The Bar Council Equality and Diversity Committee, some of the BVC course providers, members of the Judiciary and practising barristers.

We have collected information on the cost of a post-graduate Legal Education, and brought this information to the attention of the press, the Inns of Court, the Bar Council and various members of the Bar and Judiciary. We have also collected information on the impact of this rising cost on those considering a career at the bar.

Our survey of over 2,000 students provided evidence to support many of the stereotypes associated with legal training. Half of all students training to become barristers or solicitors rely on their families as a source of income. The scholarships available appear to be biased in favour of privately-educated applicants and those who went to Oxford or Cambridge University. Unsurprisingly, the high cost of the BVC and the low chance of obtaining pupillage persuaded many people to train as solicitors, or to opt out of the legal profession completely. The implications for diversity and equality of access to the profession are clear.

The Difficulties We've Encountered

Several years ago, some of the large City firms who were due to employ students on the LPC course as trainee solicitors joined forces in order to ensure that changes were made to the LPC course so that it became more relevant to practice. Unfortunately BVC students do not have access to such large influential bodies who could take up the issue with the BVC course providers. Barristers' Chambers rarely take more than a handful of pupils and do not fund the cost of the BVC course.

We see little evidence that the financial barrier to the Bar is being taken seriously by the Bar Council or the Inns of Court. Members of the Inns have informed us that they have a 'gentlemen's' agreement with the Bar Council not to intervene in Education and Training matters, this is despite the fact that ultimately the responsibility for the training of future barristers lies with the Inns who have delegated that responsibility to the Bar Council. We have also expressed our general concern to some of the Inns about the lack of structured, institutionalised means by which the Inns, can learn the concerns of BVC students.

The Bar Council's position regarding the cost of the BVC, seems to be that the price is reasonable and not restricting access. We are concerned that the Bar Council have reached this conclusion without adequate research into i) the quality of the current course provision, ii) the actual cost to the providers of the course provided, iii) ways that these costs could be reduced without impacting on the quality of the course provision, and iv) the views of current and prospective students on these costs. The Bar Council receives a fee of £285 for every student that takes the Bar Vocational Course. Students are not given an explanation of what this charge is for. We have raised a large number of concerns with the Education and Training Department of the Bar Council, yet have seen little evidence that students' concerns are being taken seriously. Furthermore it is not clear whether the Bar Council is actually in a position to do anything, *even* if they wanted to. In a report written in April 2005, the Pupillage Funding and Advertising Committee which deals with applications from chambers for waivers from the requirement to fund and advertise pupillages, reported that at least 36 pupillages between 2002 - 2004 were both unfunded and unadvertised. Yet the Committee concluded that it was not within its remit to take further action because it had no power '*to police' pupillage funding and advertising requirements*'.

The Future of the Group

The Bar Access Group will continue its work so long as there are students willing to devote time to the campaign. From September 2005, a new group of students starting the BVC will take over management of the Group and it is hoped that more and more students and practitioners will take an interest in the issues we are raising. During 2005-6, we will continue lobbying government and the Inns of Court. We would like to gain further feedback from practicing barristers about their view of the BVC and how it might be more efficiently taught. As of July 2005, the Department of Constitutional Affairs is reviewing the legal aid system and has stated that entry to the Bar will form part of their review. We will be presenting our survey to the DCA and hope that we will have an ongoing consultative role in the review. On the practical side, we will be setting up a Group website.

Further Information

For further information about the Bar Access Group and if you wish to be added to the Group email list, please email elizabeth_prochaska@yahoo.com.

Provider	Approx. student Nos 2004/5	2005/6	2004/2005 ¹	2003/2004 ²	2002/2003 ²	2001/2002 ³	2000/2001 ³	1999/2000 ³	1998/1999 ⁴	1997/1998 ⁴
Inns of Court School of Law	525	confirm when place	11360	10650	9250	8750	7750	7200	6850	6520
BPP Law School	215	11,495 + 295 BC fee	11185	10750	9750	9000	8200	7320	6970	6720
The College of Law	180 places		10485	9785	9050	8550	7850	7420	7170	6720
University of Northumbria at Newcastle	80 places	'Not Yet Set'	7715	7500/8250*	7170	7000	6750	6140	5970	5750
Cardiff Law School	66		7785	7435/8685*	7000/8350*	6650/8000*	6190/7310*	6120/7320*	5550/8280*	5520/8500*
University of West of England at Bristol	120 places		8085	7510/8525*	7150/8000*	6650/8000*	6190/7310*	6120/7320*	5720	5520/6570*
Manchester Metropolitan University	c.100		7750	7435/8420*	7165/8180*	6695/7880*	6750	6500/7430*	6300	
Nottingham Law School	94		8735	8470	8185	7750	6800	6450	6300	6070

¹ Includes Bar Council fee of £285

² Unknown if includes Bar Council Fee

³ Includes Bar Council fee of £250

⁴ Includes Bar Council fee of £220

CPE / PgDL

Provider	Approx. student Nos 2004/5	2005/6	2004/2005	2003/ 2004
Anglia Polytechnic University (CPE)	20 FT	£4,500		£3,500
Bournemouth University (GDL)	50 FT		£4,100	EU: £3,500 FT, £1,750 Overseas; £7,000 FT, £3,500 PT
BPP Law School, London			£6,590.	£6,490 inc all materials
BPP Leeds		£5500	£5,250.	
BPP Manchester		£5500	Not open.	Not open.
Brunel University	30 FT		EU: £4250 Overseas: £8250	£4,000
City University CPE	150 FT 20 PT		£5650	£4950
The College of Law, London	450 FT 150 PT		£6,090	£5,800
Birmingham	120 FT		£5,730	£5,565
Guildford	300 FT		£5,790	£5,565
Chester	160 FT		£5,500	£5,345
York	150 FT		£5,500.	£5,345
De Montfort University (CPE/GDL)	40 FT 60 PT	£3,500 FT £2650 PT		EU: £3,150 FT, £2,455 PT Over £3,650 FT; £2,705 PT
Exeter University, Centre for Legal Practice (GDL)	45 FT	£4,650 tbc		£4,245
Keele University (CPE/GDL)	20 FT		£2,500	
Kingston University (GDL)	100 FT and PT		£3,950	EU: £3,950 FT, £1,975 PT Over £7,250 FT, £3,625 PT
Leeds Metropolitan	52 FT; 50 PT		£3,050 FT, £1,525 PT	£2,950 FT; £1,500 PT
London Metropolitan University – London City Campus (CPE/GDL)	70 FT; 100 PT		£3,000 approx.	£3,000FT; : £1,500 PT
London South Bank University (CPE/GDL)				£2,360FT ; £1,160 PT
Manchester Metropolitan University (GDL)	100 FT; 70 PT		£3,500 f/t 1750 p/t	£3,300 FT; £1,650 PT.

