

Action plan in response to the recommendations in the Review of the August 2020 exams

Introduction

1. The Bar Standards Board (BSB) welcomes the recommendations in the independent review of the August 2020 exams. This plan sets out the actions in response to those recommendations as well as actions that we have already put in place in the light of our own lessons learned from the August exams. We remain committed to ensuring that exams are accessible as possible and the student experience is at the heart of the action plan. The BSB has been through a major programme of reform of the way in which the Bar Course is delivered and assessed. These reforms are now in place and are not therefore reflected in this action plan. Some of the recommendations go wider than the delivery of the centralised examinations and to the BSB's approach to regulation. We welcome these suggestions and actions in response are incorporated into this plan. The plan groups actions under the following headings:
 - Inclusivity of our approach to policy and process development
 - Roles and responsibilities in the management of the centralised exams
 - Communication and engagement
 - Accessibility and inclusion of the centralised assessments
 - Governance and project disciplines
2. In grouping the actions in this way we present a coherent approach to addressing the recommendations. We do not explicitly reference every recommendation in the action plan, but each recommendation has contributed to the actions that we now set. To assist with cross referencing the report to the action plan we have included the relevant term(s) of reference from which the action arises.
3. We will keep the action plan under review and it will be refined and updated as we work through its implementation. The most up to date version of the plan will be available on the BSB website.
4. The Plan will be overseen by Oliver Hanmer, the BSB Director of Regulatory Operations, and monitored by the BSB Senior Management Team, with regular reports provided to the Governance, Risk and Audit Committee and to the BSB Board who will ensure that it is put into effect and evaluate its impact.

Theme	Action	Report Term(s) of reference (TOR)	Timeframe
Inclusivity of policy and process development	The BSB will review its approach to the assessment of the equality and diversity impacts of its regulatory and operational policy. We will look at how we can more effectively engage with external experts and interested parties in carrying out our equality analysis.	TOR 4,9,10	September 2021
	The BSB will require the vocational Authorised Education and Training Organisations (AETOs) to complete Equality Impact Assessments (EIAs) and Data Protection Impact Assessments (DPIAs) for both the centralised assessments and the assessments set and run by the AETOs themselves.	TOR 4,7,8,9	With immediate effect
	- To support more structured engagement with the BSB on Bar Training and its approach to regulation more generally, the BSB will establish: ➤ A student liaison group with representatives invited from each AETO and which should include students from protected characteristic groups as well as international students ➤ A pupil liaison group with representatives from each Inn and Circuit. Practice areas and protected characteristics will be represented on the group.	TOR 4,9,10	July 2021
Roles and responsibilities	The BSB will use the exam review to open discussion with the AETOs and the Inns of Court	TOR 8,9	June 2021

Theme	Action	Report Term(s) of reference (TOR)	Timeframe
	on how we can further develop our existing collaborative working relationships. • A statement setting out the roles and responsibilities for the management of reasonable adjustments will be developed and agreed with AETOs, including how complaints relating to provision of adjustments are managed and by whom. • Where the BSB has responsibility for the delivery of centralised examinations and contracts with an external party in support of that delivery, the BSB will: ➤ Publish a clear statement of roles and responsibilities on the delivery and management of the exams ➤ Provide a candidate guide setting out the arrangements for the exams, the system requirements, the booking process and clarity about data processing arrangements and responsibilities ➤ Agree arrangements for the provision of clear performance data on the delivery of service under the contract	TOR 8,9 TOR 1,3,5,6,11,12	June 2021 With immediate effect
Engagement and communication	• A communication strategy will be developed, in consultation with AETOs, for the management of the centralised assessments. The strategy will include:	TOR 1,8,10	July 2021

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	➤ A clear statement on who is responsible for communicating with students; ➤ The channel for that communication; ➤ The approach for agreeing responses to lines of enquiry or frequently asked questions		
Accessibility and inclusion of the centralised assessments	• For each centralised assessment, the BSB will work with AETOs to ensure that they are as accessible and inclusive as reasonably possible to all students, whilst also ensuring that the integrity of the assessment is maintained.	TOR 4,7,8,9	With immediate effect
	• The BSB will engage with the Student and Pupil Liaison Groups for advice on the accessibility of centralised assessments	TOR 4,7,9	Once the Group is established
	• A statement will be published on the commitment to making the centralised assessment as accessible and inclusive as reasonably possible for all students.	TOR 4,7,9,10	June 2021
Governance and Project Disciplines	• Alongside its existing Business Continuity Plan, the BSB will formalise into a policy its approach to handling critical or emergency incidents.	TOR 2,14	June 2021
	• Before implementing major new arrangements, such as online assessments, wherever possible, time will be built into the planning to allow for a pilot and review period before the new arrangements go live	TOR 2,14	As required

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	• Training on the purpose and preparation of Data Protection Impact Assessments will be provided to key BSB staff, with a commitment made that DPIAs will be completed as required for all new processes and policies • Data protection arrangements will be explicitly addressed in any contract with an external organisation for the supply of the centralised assessments, with clear agreement on responsibility and roles. The BSB Privacy Notice will be kept under review and revised as required. Where arrangements involve the processing of student data, how those arrangements work will be published on the BSB website. • Formal project governance arrangements will be put in place for the future delivery of the centralised assessments involving a third party supplier. • At the conclusion of a project on the centralised assessments, a lessons learned exercise will be carried out. This exercise will be used to inform future projects and the preparation of associated EIAs and DPIAs	TOR 6 TOR 6,12,13 TOR 13,14 TOR 8,13,14	COMPLETED With immediate effect With immediate effect With immediate effect