

Compilation of comments re: IELTS

This report includes extracts from:

- Reports of Monitoring visits to Providers since 2007
- Provider Group meeting minutes since 2008
- External Examiner Reports since 2008
- Bar Course (BVC/BPTC) Sub-Committee meeting minutes since 2008
- Student comments from the survey of 2008 (part of the Bar Course review)
- Student comments from the survey of 2010
- Letter from Mr Amit Kapadia Director Highly Skilled Migrant Programme (HSMP) to Baroness Deech 14 March 2010 (extract)
- Email from Barrister-at-law 31 May 2010
- Other comments found from further previous years

Extracts from Visit reports (2008-10)**Nottingham Law School 11-13 Feb 2008**

English language problems are directed to the Universities language support centre. The school requires students to certify themselves as being of sufficient standard to complete the course; therefore it is justifiable that they pay for extra tuition in English language skills, if they are found not to be.

Cardiff Law School 20-22 Feb 2008

All students are required to attend an initial meeting, during the first two weeks of the course, during which they are required to undertake basic English tests.

Manchester Metropolitan University 28-29 Feb 2008

It was agreed that entry standards were important and weak students, especially those with poor language skills, could affect the quality of experience for others.

College of Law Birmingham 28-30 April 2008

The students felt that there were a number of weaker students who affected their experience of the course. Some for language skills reasons...

BPP Leeds 2-4 March 2008

Students had complained about a 'weak tail', the BVC is not a remedial course and good English Language skills are absolutely essential.

BPP London 13-14 April 2008

The School were informed that the BVC Review Working party were not impressed with the level of English language skills that they had seen at all of the Providers. The School responded that there are people with language problems on every course, but that it was very difficult to judge, from the BVC application and a person's previous academic background the level of their skills in this area.

BPP 11-13 Nov 08

The Panel were given a very good description of the contractual provision whereby students are required to satisfy themselves they reach a standard of 7.5 IELTS and can be required to take the test at any time. However the Panel were later told of one student with weak English who had been taken aside and asked to have additional English lessons, but has not as yet been required to undertake IELTS. The situation was going to be reviewed during the Christmas/December break and yet it appeared to be a classic case where the contractual provision should have been triggered - simply because of the impact the student must be having on the other students.

Manchester Metropolitan University 1-3 Dec 08

This year, for the first time, the School are experiencing language problems with students on the part time course. The School have written a protocol to deal with this matter, which requires tutors to identify students with language difficulties and notify the course director. In turn, the director may require students to take an IELTS test and if they do not reach the required level to leave or defer their place on the course. The School agreed that a degree from an English University does not indicate that a student has sufficient language skills to be able to pass the course.

Cardiff Law School 2 March 2010

Discussion took place about a number of students on the course whose English language skills had been perceived as below the required 7.5 IELTS (in each category). Six students had been required to take the IELTS Test and had been warned that they may be required to leave if they did not achieve the required standard. All of the students had declared English as their first language. The situation raised serious issues since student enquirers are routinely told by the BSB that they may not undertake the course if they do not provide evidence that they fulfil all the entry requirements (including language requirements). To allow students to continue with less than 7.5 IELTS in all areas would be unfair to others who had been told they could not apply. There is also a need for continuity across Providers.

College of Law London 4 Feb 2010

The strengthened IELTS requirements had been helpful in ensuring that students had appropriate language skills

College of Law Birmingham 1 Feb 2010

Staff expressed the view that the strengthening of the IELTS rule had had a positive effect on standards

Manchester Metropolitan University 16 Feb 2010.

Staff considered there was no significant impact of students with weak language and other skills on the impact of other students, but students met by the panel raised this as an issue.

Nottingham Law School 1 Dec 2010

The students commented on some issues with about 'half a dozen' weak students ('one or two' in each group) with poor language skills.

University of Northumbria 9-10 March 2010

The panel heard that 5 students were asked to take an IELTS test, and there was considerable delay in getting the results to UNN management. They had failed the test and UNN strongly advised them to withdraw, and in fact began the withdrawal process, but realised that due to their admissions process it would be difficult to require them to withdraw. The students remained on the course but separated onto another group and receive extra language tuition. The panel was concerned to hear that this has happened as the IELTS rule is a requirement which must be complied with, but were pleased to hear that UNN will be amending their admissions process this year to ensure this does not happen again. The panel pointed out that Providers should require students to take an IELTS test if their English is not good enough, regardless of self certification or first language.

All members present acknowledged the difficulty of defining first language and self certification, which is why the BSB is hoping to be able to amend the BTRs to allow IELTS testing for all applicants. Students reported that there are language problems present in the classrooms, and that this can adversely affect their experience, particularly in negotiation sessions and assessments, and witness handling advocacy.

University of West of England March 3 2010

There has been one situation of language trouble, and the student in question was encouraged to withdraw from the course rather than take the IELTS test as it was considered that the language competence was of a standard that would not enable them to complete the course satisfactorily

Extracts from Bar Course (BVC/BPTC) Sub committee minutes

BPTC SC meeting 29 May 2009

The following comments on the IELTS impact assessment were made:

- 1) That the rule is plainly discriminatory in its current form
- 2) That Counsel's opinion should be sought on this matter and the question of EU Law
- 3) That all students should be required to undertake the test

[Committee members were asked to send in any comments on the IELTS impact assessment.]

BPTC SC 18 Nov 2009

Both opinions lend support to the idea that it would be fairer to apply the test to everyone,

BPTC SC 9 Feb 2009

The Chairman confirmed that the change in the rule had been caused by a high level of dissatisfaction from students on the course, with the language skills of other students which were having a negative impact on their experience. Marc Adams agreed that the BSB is pursuing a legitimate aim in setting a language requirement but that consultation with the Providers and other stakeholders was still necessary.

BPTC SC 23 Feb 2010

Discussion also took place with the Providers at this point concerning the application of the IELTS requirement and the difficulties of defining 'first language'. The strengthening of the IELTS requirement is a transitional measure until the Aptitude test is fully developed, but, because of the difficulties of defining who should take it, support was expressed by the Providers present that it should be undertaken by all

BPTC SC 5 May 2010

There was some discussion of what guidance should be issued to Providers on how to define English as a first language, as a number of queries had been received by the BSB.

It was agreed that if any candidates were to contact the BSB directly the only appropriate advice to give would be to state that if the candidate had any doubts about their language skills, the only sure way of ascertaining whether their skills were adequate was for them to take the IELTS test.

Extract from Providers' Group minutes**Providers 9 Oct 2009**

The Providers raised issues concerning the difficulties of defining 'first language' for the purposes of the IELTS test. The concern was noted and acknowledged by the Chair, who stated that this is the reason for the development of an aptitude test which all students will have to sit.

The Providers also mentioned the difficulties they face in accusing a student who has claimed English to be their first language, and then who goes onto fail the IELTS test, of dishonesty. Especially as such an accusation could cause problems with the student's Inn. The Chair agreed that it was more important to focus on language skills rather than trying to reveal dishonest students

Providers 5 Feb 2010

It was agreed that a UK degree is not indicative of adequate English language skills, which is why this approach is necessary

Providers 21 May 2010

It is planned for the Aptitude Test eventually to encompass the necessary language requirements and have an oral component but as the fine-tuning of the Aptitude Test will take some time, an interim measure is proposed in which all applicants will be required to take the IELTS test and to score more than 7.5 in all sections. A test for all should avoid accusations of discriminatory practice.

Some Providers had asked whether the BSB would provide more detailed guidance on what constitutes English as a foreign language, in order to better address student queries on current requirements.

Providers 4 Dec 2009

The difficulties with the consistent application of the IELTS rule (minimum 7.5 in all categories) were discussed. There are around 12 cases of students who have declared English as their first language, and that are now being required to take the IELTS test at two Providers.

Comments from students in 2008 survey

“The teaching was excellent but the speed of our progress was impeded by some students' struggles with language.”

“About 70% of the student body did not have adequate English language skills, which slowed classes to crawling pace and made advocacy exercises utterly pointless as often witnesses could not give intelligible answers to questions.”

“there are severe problems with English language which can massively affect your examinations”

“The vast differences in the language abilities of fellow students also hampers the development of these skills.”

“The English language skills of many of the foreign students are near non-existent, which makes training in advocacy/negotiation/conferencing a demoralising waste of time. Of course, in due course students would need to deal with all sorts of people when in practice, but to regularly be asked to negotiate with people who could not follow a simple question is laughable.”

“The language abilities of some fellow students made small groups proceed at a slow pace. Advocacy classes were particularly badly affected”

“There must be stricter English language requirements and academic entry requirements for those on the course; everybody is affected by someone who doesn't have the appropriate language skills or a proper grasp of basic legal concepts.”

“hampered by students who have severe language barriers or who are incapable of grasping simple concepts.”

“Main problem is very mixed ability groups. From students with Oxbridge 1sts to students who really struggle with the English language. Why are such students allowed on the course?”

“the language skills of some of the international students were I think a barrier to learning. For example in negotiation sessions. I appreciate this is a difficult and sensitive subject but still one that needs consideration for the benefit of all students.”

“Far too many students from other jurisdictions who had poor to almost virtually no English language skills. The UK to overseas balance was incorrect.”

External Examiner comments

Alex Wright – EE Aug 2009

As last year, I have concerns about the English language capabilities of some students

Damian Falkowski – EE Feb 2010

This is not a criticism of the course or teaching at City, but I do have concerns that there appear to be a significant number of candidates whose command and use of English in the Opinion is so poor that it would not pass what I would call the “instructing solicitor test”, i.e. the use of language and grammar is so poor that I would expect an instructing solicitor receiving the Opinion to send it back and refuse to pay (if privately funded) on the basis that the solicitor would be embarrassed to send such poor work on to the lay client. For a barrister, language is of paramount importance. I have serious doubts, with these language difficulties, whether these candidates have any future at the Bar.

Lesley-Anne Long EE – Feb 2010

Once again there were some concerns expressed (by students) about students for whom English was not their first language impacting negatively on the overall experience

EXPAND/add more comments from EEs

Comments from students from the 2010 survey

“As an International Student English is certainly a barrier for us”

“Selection of students undertaking the BVC should more strict, in particular a better grasp of written and spoken English should be tested in advance”

“course is not set to a sufficiently high standard of competence for a prospective pupil. Students' ability to develop beyond the minimum basic standard was hampered by the poor attendance of other students and the low standard of spoken English set by the entry requirements of the course.”

“Minimum degree and TOEFL requirements are a poor screening tool. The aptitude test should screen for knowledge of the law and legal principles as well as a minimum standard of spoken english.”

“The pace is too slow which disincentivises brighter students. Classes are slowed down by those who do not speak fluent English.”

“Many of the foreign students English language was exceedingly poor, incomprehensible and as a result prejudiced students who were assessed with them in certain examinations: i.e. negotiation (including mock assessments and SGS's preparation), advocacy (including mock assessments and SGS's preparation), and conference (including SGS's preparations. The demands of the course are difficult enough without having to try and understand what your opponent is saying because their grammer [sic] is of a extremely low standard. - In addition some of the foreign students English language was certainly not compliant with an ILETS [sic] score of 7.5 or above, as contracted that it should be.”

Letter from Mr Amit Kapadia (Director Highly Skilled Migrant Programme (HSMP) to Baroness Deech 14 March 2010 (extract)

I am writing to you in reference with the IELTS requirement you have placed. The present requirement says that one needs to have their first language as English for not undergoing the IELTS requirement. I found this very discriminatory for many of those who speak very good English but their first language is not English. I am an executive director for an NGO HSMP Forum [<http://www.hsmpforum.org>] which represents a large number of immigrants in the UK.

I read your statement in 'The Times <<http://www.ft.com/cms/s/0/9f3141b4-0e90-11df-bd79-00144feabdc0.html>>' where you say "A lot of students reportedly are on the course who can't cope with the language – whether foreign-born or British-born. I want a lawyer who is not just good in English, but very good in English." By saying this are you implying that children who are born to migrants do not have a good English language requirement? If so with all due respect I believe this is a very racist approach as the IELTS requirement is applied to only those whose first language is not English. I have come across barristers who may have an excellent advocacy or presentation skills but they were not very good in terms of grammar when they wrote their arguments or grounds for a case. I would have understood this if there was a common aptitude test for all irrespective of where they come from. Your approach also seems to insult many of those barristers born in the UK to immigrants or those who were born outside UK but qualified in the UK....I would like to hear from you and know the reasons for you to come up with such discriminatory rules.

Email From Barrister-at-law 31/05/2010 (extract)

Dear Rosie Faulkner,

As the Bar Standards Board is currently considering changes to the IELTS requirements for entry on the BPTC course in 2010, I would like to inform you about a very dishonest approach by some of the Bangladeshi BVC/BPTC applicants to overcome the IELTS requirements altogether. Do you know how? By simply falsely stating that their first language is English. Thereafter, as there is no one to test their English skill, they are easily getting the admission and the student Visa to go to UK.

Another point to note is that those who can afford the cost of BPTC from Bangladesh can definitely afford the cost of IELTS. In fact in Bangladesh most of the BPTC applicants appear in the IELTS but those (most of them) who do not get the required score just simply keep quiet on this matter and even I have heard that some applicants who has got score 5 (concealing this fact), has gone to do the BVC last year. They somehow pass the BPTC after several attempts, then never gets any pupillage in UK but gets the title 'Barrister' and return to Bangladesh and start practicing here as a Barrister.

In our Supreme Court of Bangladesh and High Court the official language is English and our general public trusts barristers as highly qualified and respected advocates. But when they see/work with these lower quality barristers, it degrades the respect for such title. Last 3/4 years, about 100's of students are returning with the title Barrister. We are concerned about the quality of such Barristers rather than the numbers. However, if the standards are maintained properly, we believe the upcoming Bangladeshi barristers number would be reduced by 50% compared to recent years.

Therefore, I would request you to take all necessary actions in establishing effective quality assurance measures to address the problems and before starting the BPTC would you please consider making the IELTS compulsory for all non-EU students for the sake of public interest.

Comments from pre- 2008 visits and reports

University of the West of England 2005

“Whilst we agree that the demonstration of high standards of spoken or written English are essential to work as a barrister, they should be a pre-requisite of entry to the BVC and not the primary concern of teaching and assessment at the vocational stage. We propose that the current recommendation as regards IELTS standards of English become a Bar Council requirement applicable to everyone who wishes to enrol on a BVC.”

Bell Working Group 2005

“The Group believes that rigorous entry standards must be set to ensure the quality of the course and the likely chance of success for those who pass. Entrance requirements should reflect the fact that over 55% of Law graduates now obtain 2.1 degrees or better. Proficiency in English Language is so important to practice at the Bar that a high level should be required from those entering any BVC course. In regard to the latter it is recommended that either a GCSE at grade A, A level at Grade C or above or IELTS test at 7.5 or above in the verbal and written components be adopted as requirements for entry. The Group believes that addressing the quality of the intake will have an immediate impact on the pace and depth of teaching on the course, improve the quality of experience of those who complain about the course being taught to the lowest common denominator and facilitate more time for practise, feedback and enquiry.”

Lincoln’s Inn Committee Dec 07

“It was felt that setting high entry standards would solve various issues such as weak students, excessive numbers on the course, and funding of students. Some 25% of students for example had a 2:2 or below, and English language skills were also sometimes deficient. Members of the Committee agreed that fluency should be established since candidates with poor English were likely to affect the learning experience of others (for example when acting as an opponent in negotiation). The current regulation on English language requirements (which took the form of a ‘self-declaration’ that may or may not be tested) appeared to need tightening up and it was observed that a specified International English Language Testing System (IELTS) or similar score should be a requirement. Verification of entry qualifications by Providers was also important.”