

*Higher Courts
Advocacy Qualification
(HCAQ)*

*Programme Handbook
2024/5*





Published for BPP Professional Development by:

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BPP House,
Aldine Place,
142-144 Uxbridge Road,
Shepherd's Bush Green,
London,
W12 8AA*

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*Version 3
May 2024*

Welcome by the Programme Manager

Thank you for choosing BPP Professional Education (“BPP”) to guide you through your Higher Rights of Audience programme (HRA), leading to the Higher Courts Advocacy Qualification (HCAQ). We hope you find your study with us a rewarding experience.

We recognise how valuable you are to your firm and understand the demands on your time in and out of the workplace. We feel we understand your legal training needs and appreciate the nature of the environment within which you work. This is why BPP has its own dedicated staff of solicitors and barristers with appropriate qualifications and experience striving hard to ensure that you receive the highest level of training. Our aim is to ensure that you successfully complete your HCAQ Assessments and take away the necessary skills, practical hints and tips given on our courses so you can implement these in practice.

We are confident that you will be satisfied with the high level of service we provide and welcome your comments and feedback. As lawyers of today, we recognise that you are the leaders of tomorrow and we look forward to supporting you through your training needs today and for the future. We wish you every success on the Higher Rights course.

Vicky Walden

**Head of Law Programmes
BPP Professional Development
victoriawalden@bpp.com**

1. INTRODUCTION TO THE PROGRAMME

Details

Programme Title	Higher Rights of Audience Programme (HRA)
Qualification	Higher Courts Advocacy Qualification (awarded by Solicitors Regulation Authority (SRA))
Awarding Body	SRA
Programme Accreditation	SRA

Overview of the Higher Rights Programme

BPP

The Higher Rights of Audience (HRAQ) Assessment programme is run by BPP Professional Education Limited, part of the BPP Holdings Group. BPP's various Schools deliver a broad range of professional development and examination training programmes. These include courses in accounting, banking, finance, marketing, education, health, human resources, taxation and, of course, law.

The Higher Courts Advocacy Qualification (HCAQ)

The HCAQ is a qualification granted by the SRA which enables solicitors and registered European lawyers (REL's) to conduct advocacy on behalf of clients before the Senior Courts of England & Wales. BPP has been accredited by the Law Society of England and Wales (and the Solicitors Regulation Authority from 2007) to offer the qualification since 2005 and is accredited to offer Civil & Criminal Assessments leading to the HCAQ.

The HCAQ comprises a number of elements which are regarded as essential for competence as a higher court advocate and on which candidates will be comprehensively assessed. The SRA Authorisation of Individuals Regulations sets out the education and training requirements for those seeking to exercise higher rights of audience in the higher courts of England and Wales.

Assessment Specification

The Solicitors Regulation Authority (SRA) prescribes the form and content for the HCAQ. The Assessment Standards appear at **Annex 1**. They are published by, and reproduced with the permission of, the SRA. Standards specific to civil and criminal proceedings are set out.

Please read through these Standards very carefully. It is your responsibility to ensure that you are adequately prepared for the Assessment which leads to the HCAQ, as it will be based on these Standards.

Higher Rights of Audience (HRAQ) Candidate Handbook

No formal training is **required** prior to submission to the Assessment, but BPP offers a programme of courses specifically designed to prepare you for the BPP HCAQ Assessments.

Please note that there will be a need to undertake significant personal study before the assessments. The BPP course ought to be considered as the foundation to the personal study that is required. BPP advise delegates to carefully plan their time leading up to the Assessments in order that they ensure sufficient time is available for self-study.

Assessment Regulations

The procedure for the production, marking and any issues regarding the Assessment is contained in the BPP HCAQ Assessment Regulations, which appear at **Annex 2**. To the extent that there is any conflict between the information elsewhere in this Handbook and BPP's HCAQ Assessment Regulations, the HCAQ Assessment Regulations shall prevail.

Confidentiality

All and any information given to BPP by you, and held by BPP about you, and any information relating to your performance in the Assessment will be treated in confidence by BPP. We have systems in place to ensure the security of electronic information held by us and our Assessment team also have systems and procedures in place to ensure the security and integrity of the assessment process, including the secure handling of all electronic information and submissions.

Feedback to Candidates

BPP provide feedback to assist delegates whilst on the HRAQ training courses. This is in order to improve their chances of success in the assessments. As an SRA approved assessment provider, BPP carry out summative not formative assessments. The purpose of these is to establish whether candidates have achieved the required standard. Accordingly, BPP do not give feedback on your performance or marks scored in the formal assessments, simply a pass or fail result. This is in line with SRA guidance and other authorised providers.

Feedback from Candidates

We welcome any feedback that you may have about any aspect of what we do at BPP, and especially on our Higher Rights of Audience programme. Please feel free to contact us by email with any comments you may have, let our staff know your thoughts verbally at any time, and kindly take a few moments to complete our feedback forms distributed on our taught programmes and at the Assessment venues.

BPP can be contacted in the following ways:

- by conversation with any course tutor
- by email to pdoperations@bpp.com
- via our website: <https://www.bpp.com/courses/law/hra-higher-rights-of-audience>
- by completing our feedback forms distributed on BPP taught programmes and at the Assessment venues;
- by participating in BPP's periodic customer interviews, open forums and focus groups.

All your feedback will be analysed by the teaching and assessment teams and the Head of Law Programmes as part of our ongoing commitment to improving the quality of our programmes and services.

Complaints

We wish to be able to provide you with the best products and service possible. To that end we have a Complaints Handling procedure should you have any dissatisfaction with our service to you (reproduced at Annex 3).

Learning Support & Identifying needs & requests for special facilities

BPP has a policy of providing the widest possible access to those who wish to benefit from its educational activities.

It is important that candidates with learning support requirements arising from disability, illness or any other issue are identified as early as possible so that necessary arrangements may be made to meet and support these needs.

Candidates are therefore asked to identify any learning support requirements that they may have, or other facilities or adjustments they feel they require, ***in writing and at the time of their application to sit the Assessment***. Such application must be accompanied by appropriate written medical evidence, which must not be more than 12 months old at the date of the application.

Candidates are requested to notify BPP at least ***one month*** prior to the Assessment sitting. BPP cannot guarantee that any applications received later than this will be considered in time for the Assessment.

Upon receipt of a request for special facilities or other reasonable adjustment, BPP will endeavour to provide all and any appropriate support, including giving clear and accurate information about the physical environment at each of the BPP Assessment venues and the facilities that BPP can provide to support candidates.

By attending the Assessment, you will be confirming that you are eligible and fit to sit the Assessment at that time and that there are no circumstances which might lead you to submit a subsequent application for concession. You will be asked to sign a declaration that you are fit to sit the assessment.

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Support

BPP may be able to provide a range of special facilities to assist candidates with learning support requirements in sitting the Assessments. Such provision is at BPP's discretion and where appropriate, may include:

- Separate Assessment accommodation
- Individual invigilation
- Computer use in Assessments
- Services of readers/amanuenses
- Additional time
- Any other appropriate adjustments or facilities.

Disclaimer

BPP will make every reasonable effort to provide the candidate with services that meet that candidate's needs. However, there may be occasions where such needs cannot be met due to financial, logistical and other constraints outside BPP's control.

This disclaimer is an express condition of any contract or agreement that the candidate may have with BPP for the provision of services. BPP will give the candidate as much notice as possible of any limitation that has to be put on the provision of facilities or support.

Data Protection

BPP complies with the requirements of the Data Protection Act in relation to information supplied by candidates to BPP. Such information will be treated as confidential by BPP and will not be released to any third parties outside the BPP Assessment process or the BPP Group. Information will only be retained for such period as is reasonably necessary and will be destroyed after a reasonable time.

2. THE HRA STUDY PROGRAMME

TAUGHT MODULES

The taught modules offered by BPP for the HRA programme are:

- Civil Higher Rights – Evidence & Litigation
- Criminal Higher Rights – Evidence & Litigation
- Civil Higher Rights – Advocacy
- Criminal Higher Rights – Advocacy

CIVIL PROGRAMME

Civil Higher Rights – Evidence & Litigation (12 hours)

These courses will provide up-to-date, essential knowledge of the rules of evidence together with practical tips for dealing with these topics both in the assessment and in practice.

Evidence 1	Evidence generally
Evidence 2	Hearsay Evidence
Evidence 3	Witness Evidence
Evidence 4	Expert opinion evidence
Evidence 5	Disclosure and Privilege
Litigation 1	ADR
Litigation 2	Principles of Case Management
Litigation 3	Trial Preparation
Litigation 4	Drafting Statements of Case
Litigation 5	Appeals

Civil Higher Rights – Advocacy (12 hours)

These modules will enhance skill and understanding in the essential knowledge and skills of the practice of advocacy in the High Court and above for those who are preparing for the Higher Courts Advocacy Qualification (HCAQ).

Advocacy 1	Presentation Skills
Advocacy 2	Case analysis and trial preparation
Advocacy 3	Trial Speeches
Advocacy 4	Cross examination
Advocacy 5	Legal arguments and skeletons

CRIMINAL PROGRAMME

Criminal Higher Rights – Evidence & Procedure (12 hours)

These courses will provide up-to-date, essential knowledge of the rules of evidence together with practical tips for dealing with these topics in both the assessment and in practice.

Evidence 1	The fundamental rules
Evidence 2	Disclosure, PII and defence case statements
Evidence 3	Understanding Hearsay
Evidence 4	Understanding Bad Character
Evidence 5	Opinion and expert evidence
Procedure 1	Criminal Procedure Rules 2010
Procedure 2	PTPHs & indictments
Procedure 3	Juries and the trial process
Procedure 4	Sentencing
Procedure 5	Appeals and Judicial Review

Criminal Higher Rights – Advocacy (12 hours)

These modules will enhance skill and understanding in the essential knowledge and skills of the practice of advocacy in the High Court and above for those who are preparing for the Higher Courts Advocacy Qualification (HCAQ).

Advocacy 1	Case analysis and trial preparation
Advocacy 2	Trial speeches
Advocacy 3	Examination in Chief
Advocacy 4	Cross examination
Advocacy 5	Legal arguments and skeletons

Outline Programme Structure

(All taught modules are optional) AIMS AND LEARNING OUTCOMES

Programme Aims

The aims of the programme are to equip candidates to pass the Assessments which themselves meet the requirements of the SRA's specification for the Higher Courts Advocacy Assessments.

Please see SRA's website for the full standards of competence.

Delegates will be required to undertake self-study in order to build upon the knowledge learnt in the course and course notes provided. A list of relevant cases and reading material is also provided to support delegates in this self-study.

OVERALL LEARNING AND TEACHING STRATEGY

In Evidence & Litigation Modules:

Predominantly delivered in lecture-style, the sessions are interspersed with questions from delegates. There are reasoned discussions of examples relating to the subject-matter. Some practical exercises are included, particularly drafting of key documents, at which the tutor will give feedback. Practical exercises and guideline solutions can then be utilised for home study and further reflection.

Please note that delegates will be required to provide their own copies of any Practitioner texts required, including The White Book and Blackstone's/Archbold, for both the course and assessment. These will not be provided by BPP but will be necessary.

In Advocacy Modules:

Following introductory explanations of theory by the course tutor, the delegates work individually and in small groups to prepare practical advocacy exercises. These exercises build from interim applications, to isolated exercises of trial advocacy and culminate in the conduct of a cross-examination as part of a mock trial. These exercises are followed by individual self-reflection, formative feedback and plenary review.

CIVIL HIGHER RIGHTS: EVIDENCE & LITIGATION

General Information

School		Professional Development
Contact Hours		12
Programme(s)		Higher Rights of Audience
Module Leader		TBC
Related Modules	Pre-requisites	Admission as Solicitor of England & Wales
	Co-requisites	None
	Post-requisites	Successful completion of HCAQ Assessments; application to SRA for Higher Courts Advocacy
	Excluded Combinations	n/a
External Accrediting Body (if appropriate)		SRA

Introduction

This module aims to satisfy the SRA's required specification for the Higher Courts Advocacy Standards.

Educational Aims

This module aims to explain, reinforce and review the key legal, evidential and procedural principles underlying the subject-matter. It is intended to equip the delegate with sufficient basic understanding of principle, statute and common-law, practice and procedure to enable successful completion of the HCAQ Assessment insofar as it requires an understanding of such basic legal principles. It is intended to equip the student with the foundations of understanding to meet the requirements of the HCAQ Assessment, based on the SRA's Standards.

Learning Outcomes

Knowledge and Understanding

Ref	A. Delegates should be able to:
1	understand and apply the rules of evidence
2	determine when evidence is relevant and therefore potentially admissible
3	demonstrate their understanding of: 1. Burden and standards of proof and legal and evidential burdens

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	<p>2. Disclosure, including issues relating to pre action standard and specific disclosure as well as privilege</p> <p>3. Hearsay evidence including being able to identify hearsay evidence, procedural safeguards, how it may be admitted and its evidential value when adduced.</p> <p>4. Documentary hearsay under section 9 of the CEA 1995 and procedure for reliance under CPR 33.6</p> <p>5. Similar fact and character evidence including the circumstances when they are admissible.</p> <p>6. Opinion and expert evidence including when and to what extent opinion and expert evidence is admissible; experts' instructions, reports and meetings as well as duties of experts and remedies against experts</p> <p>7. Improperly obtained evidence including being aware of how evidence has been obtained, the evidential constraints and effects of adducing improperly obtained evidence.</p>
4	be aware that much civil advocacy depends on the quality of written documentation put before the court in addition to the quality of the oral advocacy at trial
5	comply with the Civil Procedure Rules throughout the trial process
6	recognise the costs implications faced at all stages of preparation and during the trial
7	apply pre-action protocols where relevant
8	appropriately advise the client on alternative dispute resolution remedies
9	draft coherent skeleton argument and other trial documents and identify deficiencies in the drafting of such documents
10	<p>prepare a coherent and effective trial strategy and/or produce a trial plan based on:</p> <ul style="list-style-type: none"> • Statements of Case • Witness Statements • Other disclosed documents put before the court
11	exercise sound judgement in the making of appropriate interim applications
12	understand the effect of interim orders
13	identify any costs implications resulting from interim orders

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Cognitive Skills

Ref	B. Delegates should be able to:
1	apply knowledge to case study-based scenarios and develop acceptable solutions and advise accordingly
2	contribute to discussions and develop understanding through listening and questioning

Professional Skills and Attitudes

Ref	C. Delegates should be able to:
1	apply appropriate professional standards both within and without the work context

General Transferable Skills

Ref	D. Delegates should be able to:
1	apply their understanding to practical and professional situations

Mode of Assessment

See Assessment Strategy (below).

Part 1 – Written Assessment

Part 2 – Oral Assessment

Key Reading

Course Study Materials.

Background Reading

Practitioner Texts and Reference works.

Programme

Day One

Session 1	Evidence generally; Competence and Compellability
Session 2	Lay Evidence- Witness Evidence
Session 3	Hearsay Evidence
Session 4	Expert Evidence
Session 5	Documentary Evidence

Day Two

Session 6	Drafting statements of case
Session 7	Case management and Interim Applications
Session 8	Pre action procedures; Costs; ADR; Appeals

CIVIL HIGHER RIGHTS: ADVOCACY

General Information

School		Professional Development
Contact Hours		12
Programme(s)		Higher Rights of Audience
Module Leader		TBC
Related Modules	Pre-requisites	Admission as Solicitor of England & Wales
	Co-requisites	None
	Post-requisites	Successful completion of HCAQ Assessments; application to SRA for Higher Courts Advocacy
	Excluded Combinations	n/a
External Accrediting Body (if appropriate)		SRA

Introduction

This module aims to satisfy the SRA's required specification for the Higher Courts Advocacy Standards.

Educational Aims

This module aims to explain, reinforce and practice the key legal skills underlying the subject-matter. It is intended to equip the delegate with sufficient basic understanding of approach, technique, underlying theory and practical aptitude to enable successful completion of the HCAQ Assessment insofar as it requires an understanding of and competence in such skill. It is intended to equip the student with a foundation of knowledge to meet the SRA Standards.

Learning Outcomes Knowledge and Understanding

Ref	A. Delegates should be able to:
1	(a) prepare coherent skeleton arguments and necessary supporting documents and supply the court with copies of the relevant law; (b) present legal argument to the court accurately citing only relevant and material law where necessary; (c) respond to interventions by the court and develop legal argument; (d) respond to the opponent's legal arguments and develop appropriate legal argument in the light of these

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2	When making an application the advocate must be prepared to present the case in detail as required by the court and be able to respond to any application as well as interventions by the court.
3	understand the importance of and be able to draft and present clear trial strategies and plans
4	using the trial strategy and plan, outline the facts and evidence, in terminology and detail as appropriate to the type of case.
5	present an effective and coherent opening speech
6	conduct an examination in chief, if required, by: <ul style="list-style-type: none"> • asking relevant non-leading questions which promote the client's case • identify and place before the court relevant documentation produced by the witness after establishing the necessary evidential foundation.
7	in cross examination: <ul style="list-style-type: none"> • know on what matters in dispute a witness can be cross examined • be able to control the direction and pace of the evidence • appropriately challenge the witness' evidence in accordance with the client's instructions • ensure that all relevant disputed matters are put to the witness • identify and appropriately cross-examine on any previous inconsistent statements.
8	identify situations when re-examination is required to put the client's case and to repair damage done to the witness in cross examination or to clarify or amplify matters raised in cross-examination
9	In relation to expert evidence: <ul style="list-style-type: none"> • identify and use effectively expert evidence • challenge expert evidence • where necessary confirm or question the expert's qualifications and expertise.
10	In relation to vulnerable witnesses: <ul style="list-style-type: none"> • identify vulnerable witnesses • use appropriate techniques when questioning vulnerable witnesses • comply with judicial directions regarding vulnerable witnesses
11	during the closing speech: <ul style="list-style-type: none"> • identify and appropriately present the: <ul style="list-style-type: none"> • key issues in the client's case • positive and negative evidence elicited from witnesses • anticipate and appropriately address arguments likely to be advanced by the opposing advocate • effectively deal with interventions by the court and respond appropriately to them.

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12	understand the implications and requirements of current Practice Directions as to what needs to be included in the trial bundle and should be able to ensure that the bundle complies with court requirements
13	understand the importance of alternative dispute resolution and when it is appropriate and advise their client appropriately.

Cognitive Skills

Ref	B. Delegates should be able to:
1	apply knowledge to case study-based scenarios and develop acceptable solutions and be able to present a case or argument convincingly and persuasively
2	contribute to discussions and develop understanding through listening and questioning and undertaking practical exercises

Professional Skills and Attitudes

Ref	C. Delegates should be able to:
1	appreciate the significance of the subject-matter and how it affects real-life professional situations
2	apply the principles of professional conduct and integrity to real-life professional situations

General Transferable Skills

Ref	D. Delegates should be able to:
1	apply their understanding and their skills to practical and professional situations

Mode of Assessment

See Assessment Strategy (below).

Part 1 – Written Assessment

Part 2 – Oral Assessment

Key Reading

Course Study Materials.

Background Reading

Practitioner Texts and Reference works.

Programme: Advocacy

Day One

Session 1	Overview
Session 2	Delivery – techniques and tips
Session 3	Case analysis and trial preparation
Session 4	Legal submissions
Session 5	Submissions practical
Session 6	[Skeleton arguments – available online]
Session 7	[Closing speeches – available online]

Day Two

Session 8	[Witness handling – Examination in Chief – available online]
Session 9	Witness handling – Cross-examination
Session 10	Witness handling – Cross-examination practical
Session 11	Trial speech workshop
Session 12	Plenary

CRIMINAL HIGHER RIGHTS: EVIDENCE & PROCEDURE

General Information

Department		Professional Development
Contact Hours		12
Programme(s)		Higher Rights of Audience
Module Leader		TBC
Related Modules	Pre-requisites	Admission as Solicitor of England & Wales or Trainee
	Co-requisites	None
	Post-requisites	Successful completion of HCAQ Assessments; application to SRA for Higher Courts Advocacy
	Excluded Combinations	n/a
External Accrediting Body (if appropriate)		SRA

Introduction

This module aims to satisfy the SRA's required specification for the Higher Courts Advocacy Standards (See Annex 1).

Educational Aims

This module aims to explain, reinforce and review the key legal, evidential and procedural principles underlying the subject-matter. It is intended to equip the delegate with sufficient basic understanding of principle, statute and common-law, practice and procedure to enable successful completion of the HCAQ Assessment insofar as it requires an understanding of such basic legal principles. It is intended to equip the student with a foundation of understanding to meet the requirements of the HCAQ Assessment, based on the SRA's Standards.

Please note that the course is a foundation of study and it is likely that a significant period of personal study will also be required.

Learning Outcomes

Knowledge and Understanding

Ref	A. Delegates should be able to:
1	understand and apply the rules of evidence
2	determine when evidence is relevant and therefore potentially admissible

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3	<p>demonstrate their understanding of:</p> <ol style="list-style-type: none">1. Burden and standards of proof and the differing roles of judge and jury.2. Disclosure, including issues relating to confidentiality, privilege and public interest immunity.3. Hearsay evidence including being able to identify hearsay evidence, recognise when it may be admissible, how it may be admitted and its evidential value when adduced.4. Documentary hearsay including laying the evidence for documentary hearsay, any formal requirements and time limits.5. Similar fact and character evidence including being able to recognise when similar fact and character evidence is appropriate as evidence.6. Opinion and expert evidence including when and to what extent opinion and expert evidence is admissible.7. Improperly obtained evidence including being aware of how evidence has been obtained, the evidential constraints and effects of adducing
4	understand and comply with the Criminal Procedure Rules throughout the trial process
5	understand and be able to advise on the differing practices styles and policies of other prosecuting authorities
6	ensure that documents which may be put before the judge and jury are in the appropriate format, accurate and material to the case
7	ensure that copies of any law to be argued are prepared for the benefit of the judge and the opposing advocate
8	demonstrate understanding of the potential admissibility of confessions and previous inconsistent statements including the exercise of the court's discretion
9	<p>be able to prepare a coherent and effective trial strategy and/or produce a trial plan based on:</p> <ul style="list-style-type: none">• an understanding of the rules relating to indictments• an understanding of the rules relating to disclosure.• an understanding of the issues that may arise at and/or from a Pre-Trial Preparation Hearing (PTPH)
10	be able to deal promptly and effectively with issues that may arise at and/or from the PTPH.

Cognitive Skills

Ref	B. Delegates should be able to:
1	apply knowledge to case study-based scenarios and develop acceptable solutions and advise accordingly
2	contribute to discussions and develop understanding through listening and questioning

Professional Skills and Attitudes

Ref	C. Delegates should be able to:
1	apply appropriate professional standards both within and without the work context

General Transferable Skills

Ref	D. Delegates should be able to:
1	apply their understanding to practical and professional situations

Mode of Assessment

See Assessment Strategy (below). Part 1 – Written Assessment

Part 2 – Oral Assessment

Key Reading

Course Study Materials.

Background Reading

Practitioner Texts and Reference works.

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Programme

Day One

Session 1	Evidence generally
Session 2	Burden / Standard of proof
Session 3	Disclosure
Session 4	Hearsay

Day Two

Session 5	Character evidence
Session 6	Opinion & Expert evidence
Session 7	Improperly obtained evidence
Session 8	Trial procedure, Sentencing, Appeals & Ethics

CRIMINAL HIGHER RIGHTS: ADVOCACY

General Information

Department		Professional Development
Contact Hours		12
Programme(s)		Higher Rights of Audience
Module Leader		TBC
Related Modules	Pre-requisites	Admission as Solicitor of England & Wales or Trainee
	Co-requisites	None
	Post-requisites	Successful completion of HCAQ Assessments; application to SRA for Higher Courts Advocacy
	Excluded Combinations	n/a
External Accrediting Body (if appropriate)		SRA

Introduction

This module aims to satisfy the SRA's required specification for the Higher Courts Advocacy Standards (See Annex 1).

Educational Aims

This module aims to explain, reinforce and practice the key legal skills underlying the subject-matter. It is intended to equip the delegate with sufficient basic understanding of approach, technique, underlying theory and practical aptitude to enable successful completion of the Assessment insofar as it requires an understanding of and competence in such skills. It is intended to equip the student with a foundation of knowledge required to meet the SRA Standards. Personal study is likely to be required in addition to attending the course.

Learning Outcomes

Knowledge and Understanding

Ref	A. Delegates should be able to:
1	(a) prepare coherent skeleton arguments and necessary supporting documents and supply the court with copies of the relevant law; (b) present legal argument to the court accurately citing only relevant and material law where necessary; (c) respond to interventions by the court and develop legal argument; (d) respond to the opponent's legal arguments and develop appropriate legal argument in the light of these.
2	When making an application the advocate must be prepared to present the case in detail as required by the court and be able to respond to any application as well as interventions by the court.
3	understand the importance of and be able to draft and present clear trial strategies and plans
4	using the trial strategy and plan, outline the facts and evidence, in terminology and detail as appropriate to the type of case.
5	present an effective and coherent opening speech
6	conduct an examination in chief, if required, by: asking relevant non-leading questions which promote the client's case; identify and place before the court relevant documentation produced by the witness after establishing the necessary evidential foundation.
7	in cross examination: <ul style="list-style-type: none">• know on what matters in dispute a witness can be cross examined;• be able to control the direction and pace of the evidence appropriately;• challenge the witness' evidence in accordance with the client's instructions;• ensure that all relevant disputed matters are put to the witness; identify and appropriately cross-examine on any previous inconsistent statements.
8	identify situations when re-examination is required to put the client's case, and to repair damage done to the witness in cross examination or to clarify or amplify matters raised in cross-examination
9	In relation to expert evidence: <ul style="list-style-type: none">• identify and use effectively expert evidence;• challenge expert evidence where necessary;• confirm or question the expert's qualifications and expertise.

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10	In relation to vulnerable witnesses: <ul style="list-style-type: none">• identify vulnerable witnesses• use appropriate techniques when questioning vulnerable witnesses• comply with judicial directions regarding vulnerable witnesses
11	during the closing speech: <ul style="list-style-type: none">• identify and appropriately present<ul style="list-style-type: none">• the key issues in the client's case;• positive and negative evidence elicited from witnesses;• anticipate and appropriately address arguments likely to be advanced by the opposing advocate;• effectively deal with interventions by the court and respond appropriately to them.
12	Understand and comply with the Criminal Procedure Rules throughout the trial process
13	understand and be able to advise on the differing practices styles and policies of other prosecuting authorities
14	ensure that documents which may be put before the judge and jury are in the appropriate format, accurate and material to the case
15	ensure that copies of any law to be argued are prepared for the benefit of the judge and the opposing advocate
16	demonstrate understanding of the potential admissibility of confessions and previous inconsistent statements including the exercise of the courts discretion.

Cognitive Skills

Ref	B. Delegates should be able to:
1	apply knowledge to case study-based scenarios and develop acceptable solutions and be able to present a case or argument convincingly and persuasively
2	contribute to discussions and develop understanding through listening and questioning and undertaking practical exercises

Professional Skills and Attitudes

Ref	C. Delegates should be able to:
1	appreciate the significance of the subject-matter and how it affects real-life professional situations
2	apply the principles of professional conduct and integrity to real-life professional situations

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General Transferable Skills

Ref	D. Delegates should be able to:
1	apply their understanding and their skills to practical and professional situations

Mode of Assessment

See Assessment Strategy (below). Part 1 – Written Assessment Parts 2/3 – Oral Assessment

Key Reading

Course Study Materials.

Background Reading

Practitioner Texts and Reference works.

Programme: Advocacy

Day One

Session 1	Overview
Session 2	Delivery – techniques and tips
Session 3	Case analysis and trial preparation
Session 4	Legal submissions
Session 5	Submissions practical
Session 6	[Skeleton arguments – available online]
Session 7	[Closing speeches – available online]

Day Two

Session 8	[Witness handling – Examination in Chief – available online]
Session 9	Witness handling – Cross-examination
Session 10	Witness handling – Cross-examination practical
Session 11	Trial speech workshop
Session 12	Plenary

3. THE HCAQ ASSESSMENTS

ASSESSMENT STRATEGY

The SRA stipulate that the mode and nature of the Assessments must include a written assessment, a trial speech, an interim application and a witness handling exercise.

BPP's Assessments comply with the Solicitors Regulation Authority's HCAQ Standards, detailed at Annex 1.

The law to be examined will be that in force at the date of the Assessment. It is incumbent upon you to make yourself familiar with any changes in the law coming into force prior to the Assessment.

Format of the Assessments

Each Assessment Schedule comprises two distinct components, which will be undertaken separately.

Part 1 – Written Assessment

Part 2 – Oral Assessment – Legal Application, Witness handling, Trial Speech

Part 1 (the Written Assessment) will be based on advance materials distributed to candidates 7 days before the date of the Assessment.

Part 2 (the Oral Assessments) will be taken approximately 7 days after completion of Part 1 and will be based on the same advance materials.

Please note that once the Assessment Schedule is underway (by the distribution of the advance materials 7 days prior to the Part 1 Written Assessment) BPP will not be able to entertain enquiries from candidates that relate to the Assessment materials or any question that might or may arise there from.

Please note that once assessment materials have been distributed all candidates are deemed to be under examination conditions. Collusion and plagiarism may result in an ethical fail and/or a referral to the SRA for academic misconduct. All work produced in the assessment shall be that of the individual candidate.

Please note that skeleton arguments must be submitted by the specified deadline, this is part of the assessment process. Late submissions may result in your oral assessment being classed as an immediate fail.

All elements have to be attempted and passed in one assessment. There is no opportunity to 'carry-over' a pass in one part of the assessment to another sitting.

Marks in the separate components will be aggregated. The overall pass mark is 60%.

However, candidates must pass EACH component Part separately (with a mark of at least 60% in each of the two Parts). A candidate who fails to achieve 60% in any of the Parts will fail the Assessment overall.

Candidates should note that the Assessors reserve the right to fail a candidate for any serious breach or failure in either ethics or equality and diversity matters, regardless of their overall mark elsewhere.

There will be two assessment regimes comprising two separate sets of materials – one for civil proceedings and one for criminal proceedings. Each will be assessed in the same way.

Part 1 - Written Assessment (40%)

Part 1 will be a written assessment taken online. This part is designed to test knowledge of evidence, procedure, litigation and skill at written advocacy. Candidates applying to sit the assessment will receive a set of case papers and instructions (advance material) approximately 7 days in advance of the assessment date.

It is the candidate's responsibility to bring to the assessment any reference texts they wish to use during the Assessment, these are not provided by BPP.

The assessment will last **2 hours, plus an additional 15 minutes reading/preparation time**. The questions will require candidates to draw upon their analysis of the case papers, apply any relevant law and procedure (including evidential principles) and advise in accordance with relevant legal and procedural principles. Candidates are reminded that equality and diversity issues are pervasive throughout the Assessments. The Code of Conduct and ethical principles will also form part of the assessment. In any ethical questions a good working knowledge of principles, rules and any relevant case law is required. Candidates must ensure they refer to the latest version of the SRA Code of Conduct when referencing that document.

Part 2 - Oral Assessment (60%)

Part 2 will be taken approximately 7 days after completion of Part 1. The assessment will be conducted online using the Microsoft Teams platform in the presence of the Assessor. Assessments will be recorded for moderation purposes.

Part 2 is an oral assessment. It comprises two 15-minute pieces of oral advocacy (one application/submission, one piece of cross examination) plus a 12 minute piece of advocacy (a closing speech). The application will be made to the Judge assessor who will play the role of Judge whilst also assessing and marking the applications. The witness for the cross examination will be played by an actor.

Candidates are reminded that equality and diversity issues are pervasive throughout the assessments.

It is the candidate's responsibility to bring to the assessment any reference texts they wish to use during the assessment, these are not provided by BPP.

ASSESSMENT ADMINISTRATION

Applying to BPP to take the Assessment(s)

You will find an application form to sit BPP's HRAQ Assessments on our website:
<https://www.bpp.com/courses/law/hra-higher-rights-of-audience>

Alternatively, you may call us on **03300 603 100**.

Correspondence

On enrolment, please ensure that you provide us with your correct email address.

You will be allocated a unique BPP candidate number. This candidate number must be used on any correspondence you send to BPP as well as your scripts in each Assessment.

Learning Support

Any candidate who has a disability or has any Learning Support requirement must notify BPP in writing of any special requirement when applying to sit the Assessment(s). Any application must be accompanied by appropriate medical evidence. [Our Learning Support policy is here.](#)

Further assessment information

By attending a sitting of the Assessment you will be deemed to be making a declaration to the effect that you are fit to sit the Assessment and that any circumstances which may justify special treatment **have been previously notified** to BPP. You must ensure that all such circumstances have been duly notified.

By attending a sitting of the Assessment you will be deemed to be confirming that the work you undertake in the assessments is your own work.

Frequency and Timing of Assessments

Assessments are held regularly throughout the year. Each sitting is referred to as an Assessment Schedule, and comprises all Parts of the Assessment, taken in 2 stages, approximately 8 days apart. You must sit all Parts in one single Assessment Schedule.

Full details of our Assessment dates and locations can be found in our course dates and prices information which can be viewed on our website:

<https://www.bpp.com/courses/law/hra-higher-rights-of-audience>

Fees

For each Assessment, an Assessment fee is payable. This will cover one Assessment Schedule only.

If a resit is required, a further fee will be payable.

Authorised Materials

The HRAQ Assessment is an 'open book' Assessment in the sense that candidates are entitled to refer to any teaching and learning materials in the Assessment.

It is the candidate's responsibility to bring to the assessment any reference texts they wish to use during the Assessments, these are **NOT** provided by BPP.

Study Materials

Candidates do not have to attend any particular course of study to prepare for the Assessments. There is, however, normally a correlation between attendance on a course of study and candidates' pass rates. BPP offer a range of study materials to those who attend the HRAQ training courses.

Mobile Phones & Other Electronic Devices

Mobile phones and other electronic devices are not permitted in any Assessment.

Identification & Declarations

Candidates must bring photographic identification to any Assessment sitting. Failure to do so may mean that a candidate is not permitted to sit the Assessment on that day and Assessment fees will not be refunded.

By attending the sitting, you are confirming that you are eligible and fit to sit the Assessment at that time, that there are no circumstances which might lead you to submit a subsequent application for concession and that you have notified BPP, in advance of the Assessment, that you have submitted any requests for special facilities or reasonable adjustments to take account of any learning support requirements or disabilities.

We will further assume that you have read and understood the HCAQ Assessment Regulations and that your submissions are your own unaided work. For the Regulations, please see Annex 2 of this Handbook.

Late Entry

It is the responsibility of each candidate to ensure that they arrive promptly for the Assessment.

Higher Rights of Audience (HRAQ) Candidate Handbook

No candidate will be permitted to begin a written assessment more than 30 minutes after the commencement of the Assessment, their non-attendance will count as a fail and no fees will be refunded. In the event of late entry (within the first 30 minutes), no additional time will be awarded.

In relation to the Oral Assessments candidates will be permitted to sit but the start time will remain the same. Any time lost as a result of late arrival will be deducted from the time allotted for the Assessment.

Notification of Results

Candidates will be notified of their Assessment results by email and post within approximately 10-12 weeks of the Assessment sitting. Results cannot be released or discussed over the telephone.

Successful candidates will receive a Certificate from BPP indicating the outcome of the Assessment.

Any notification of change of address/email address must be submitted by email to PDLawexams@bpp.com AND pdoperations@bpp.com not less than five days prior to the release of Assessment results.

No results will be issued until all outstanding fees payable to BPP have been settled in full and BPP is satisfied that no irregularities have occurred in the candidate's assessment.

As BPP does not award the HCAQ (it merely conducts the Assessments leading to the qualification) candidates will need to submit their Certificate to the SRA with an application form available from the SRA and the appropriate fee in order to be recognised as having attained the Higher Courts (Civil Advocacy) Qualification or Higher Courts (Criminal Advocacy) Qualification, as appropriate. Trainee solicitors can undertake the training but cannot sit the assessments until qualification and admission to the Roll.

4. IMPORTANT CONTACTS

Solicitors Regulation Authority (SRA)

All queries regarding the HCAQ itself must be addressed to the Solicitors Regulation Authority (Information Services), The Cube, 199 Wharfside St, Birmingham, B1 1RN
Tel: 0870 606 2555; DX720293 BIRMINGHAM 47.

Tel: 0870 606 2555.

Their website address is www.sra.org.uk

BPP

Telephone: **03300 603 100**

Email: pdoperations@bpp.com

Web: <https://www.bpp.com/courses/law/hra-higher-rights-of-audience>

Annex 1

SRA Higher Courts Advocacy Qualification Standards



HIGHER COURTS ADVOCACY QUALIFICATION STANDARDS

Statement of standards for solicitor higher court advocates

The SRA standards can be found [here](#) for criminal standards and [here](#) for civil standards.

Annex 2

The Higher Courts Advocacy Qualification Assessment Regulations

The Higher Courts Advocacy Qualification Assessment Regulations

These Examination Regulations ('the Regulations') govern the conduct of the Higher Courts Advocacy Qualification Assessments by BPP Professional Education (BPP).

1. Board of Examiners ("The Board")

1.1 The Board will comprise:

A Chair (independent of the programme and approved by the Academic Council.)

Ex Officio Members (Voting)

The Dean or Deputy Dean of the Law School (or his nominee)

The Internal

Examiner(s) The

External Examiner(s)

Nominee of the Solicitors' Regulation Authority

Attending Members (Non-Voting)

The Director of Assessed Qualified Lawyers Programmes (or his nominee)

The Programme Leader (HRA)

The Module Leaders (HRA)

Academic Registrar or representative (ex officio)

Any other person approved by the Chair of the Board of Examiners

1.2 A quorum for a meeting of the Board shall be half of the members of the Board, of whom no fewer than two shall be Voting Members and shall include an External Examiner or SRA Nominee.

1.3 Where necessary a meeting of the Board of Examiners may be held using video conferencing or telephone conferencing facilities.

1.4 The terms of reference of the Board are:

- (i) to scrutinise and, if satisfied, endorse recommendations made to it in respect of candidates' fulfilment of assessment requirements by the internal and external examiners, and to pass the recommendations to the Academic Council and to the Solicitors Regulation Authority.
- (ii) to monitor the conduct of assessment procedures and academic standards.

Authority

- 1.5 The Board of Examiners are responsible to and report to the Academic Council.

1. Voting and Recommendations

- 1.1 It is expected that decisions of the Boards of Examiners will normally be reached by consensus and after due debate but if a vote is required then decisions shall be made on the basis of a majority of those attending and voting at a quorate meeting. In the event of an equality of votes being cast, the Chair shall have a casting vote.

2. Method and Principles of Assessment

- 2.1 The assessment is conducted in English and comprises:
- Part 1 – Written Assessment (120 minutes)
 - Part 2 – Oral Assessment - Advocacy (42 minutes)
- 2.2 In order to satisfy the Board, a candidate must demonstrate competence by achieving a pass.
- 2.3 The pass mark shall be **60%**. However, candidates must pass EACH Part separately (with a mark of at least 60% in each of the three Parts). A candidate who fails to achieve 60% in any Part will fail the Assessment overall. Candidates may also be assessed as a fail if they demonstrate a breach of ethics or equality and diversity principles. Where marks are aggregated a candidate must achieve a minimum **50%** in each section of part 2.
- 2.4 A candidate who passes the Examination shall receive a certificate issued by BPP certifying that he/she has so passed.

3. Grading of Results

There shall no grading of results.

4. Resits

- 4.1 A candidate who fails an assessment may re-sit that assessment at any available assessment date.
- 4.2 These Regulations apply to re-sits.

5. Impaired Performance in Assessments.

There is no discretion to modify a mark or grade in response to extenuating circumstances (including medical conditions, adverse personal circumstances, or factors concerning the conduct or administration of the test) or otherwise.

6. Unfair practice

In relation to unfair practice BPP will apply the regulations as listed in the BPP General Academic Regulations Part H/16-23 which are available on request.

7. Appeals

Please note whilst any complaint will be properly reviewed, that in common with most exams, it is not possible for the outcome of any complaint to be to turn a failing mark into a passing one. The General Academic Regulations provide for a mechanism where a successful appeal can result in the Exam being classed as a "no sit". This normally avoids an exam candidate having a re-take mark "capped" at an upper limit, which re-takes usually are. This then allows for their overall grades not to be affected by a lower "capped" mark. Even under those regulations, there is no option to overturn a failing mark and make it a passing one, whatever the circumstances. As the Higher Rights assessment is purely pass or fail with unlimited opportunities for retakes without academic sanction, the 'capping' of marks in this way is not relevant.

Full appeals procedure can be found in [Section G of the BPP General Academic Regulations](#) and the [BPP Manual of Policies and Procedures, Complaints and Appeals Policy](#).

Independent Advice and Support can be accessed via the BPP University Students' Association at https://www.bppstudents.com/advice_help/

Annex 3

BPP Complaints Procedure

Our complaints policy

At BPP we are committed to providing a high-quality service to all our customers on our courses, programmes of study and Assessments. When something goes wrong we need you to tell us about it. This will help us to improve our standards.

Our complaints procedure

If you have a complaint about any aspect of our service, please contact the Professional Development Quality Assurance team pdqa@bpp.com who will investigate the matter on your behalf in the first instance.

Complaints can also be escalated to the Head of Law Programmes, Vicky Walden: victoriawalden@bpp.com