

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

**THE BAR STANDARDS BOARD
CENTRAL EXAMINATIONS BOARD
CHAIR'S REPORT
PART 2**

**Pupillage stage Professional Ethics
July 2025 Sitting**

1. EXECUTIVE SUMMARY

The eleventh sitting of the pupillage component Professional Ethics examination was held on Tuesday 22 July 2025 at 2pm. The summary of results is as follows:

Jul-25	
Total Number of Candidates	79
Number Passing	63
Passing Rate (%)	79.7%

All Exams To-Date			
Average Pass Rate over 12 sits			84.90%
	Apr-22	Jul-22	Oct-22
Number of Candidates	112	25	9
Number Passing	107	23	7
Passing Rate	95.50%	92.00%	77.80%
	Jan-23	Apr-23	Jul-23
Number of Candidates	213	59	51
Number Passing	196	42	46
Passing Rate	92.00%	71.20%	90.20%
	Jan-24	Apr-24	Jul-24
Number of Candidates	344	115	62
Number Passing	281	100	56
Passing Rate	81.70%	87.00%	90.30%
	Jan-25	Apr-25	Jul-25
Number of Candidates	497	115	79
Number Passing	448	82	63
Passing Rate	90.10%	71.30%	79.74%

The July 2025 sitting saw 79 candidates attempting the assessment. The passing rate of 79.7% was some way below the average across the pupillage stage assessments of Professional Ethics since the first sitting in April 2022 and was the fourth lowest recorded to date. The outcome for the July 2025 cohort was also the lowest July sitting passing rate since the introduction of the assessment. The data suggests that there is only a very weak correlation (+0.17) between smaller cohort size and lower cohort passing rates, although there is no obvious causative factor. There were no interventions required in respect of any cohorts of candidates for the July 2025 sitting and no interventions required in respect of the substantive content of any of the assessment questions.

2. THE JULY 2025 PROFESSIONAL ETHICS EXAMINATION RESULTS

2.1 Report from the Examinations Manager: candidate numbers

- 2.1.1 The Examinations Manager confirmed that 80 candidates registered for the examination during the booking period. 79 candidates attempted the exam. 58 candidates (73%) sat remotely proctored (OI) exams, and 21 candidates (27%) sat the exam at a test centre. Candidates sitting in test centres were spread across 9 centres.
- 2.1.2 Four candidates attempted the assessment under different secure arrangements as a result of permitted reasonable adjustments.

2.2 Report from the Examinations Manager: operational issues

- 2.2.1 Sixteen candidates sitting their exam remotely through Proctor Exam experienced a technical issue which meant that a portion of their webcam feed was not recorded. Most of these candidates appear to have continued with their exam unaware that any issue had occurred, and so were not disadvantaged. Four candidates did notice the issue and lost exam time attempting to resolve it. All four of these candidates were granted extenuating circumstances. The BSB Examinations Team are working with Surpass and Proctor Exam to prevent the issue from re-occurring.
- 2.2.2 The Examinations Manager reported that an error in the background settings in SecureMarker occurred which prevented SAQ1 from being blind double-marked. To resolve this all candidates' SAQ1 responses were transcribed into a new test form by the BSB Exams Team and the transcriptions were sent to markers instead of the originals. A log was kept of all transcriptions, and all transcriptions were checked against their originals, and the BSB Exams Team checked that the mark recorded for each candidate was that assigned to the transcription (not the placeholder mark used to clear the originals from the marking screen). No errors were found in the transcriptions or recording of marks for SAQ1.

2.3 Report from the Examinations Manager: academic misconduct

- 2.3.1 A 'Red-Amber-Green' (RAG) report was received from OI proctors with fifteen 'Red' flags and one 'Amber' flag. All sixteen of these related to the lack of webcam recording during portions of the candidates' exams described at 2.2.1 above, and were reviewed, but stood down in relation to examination misconduct. The Senior Examination Officers also carried out a review of a sample of 'Green flags' but found no conduct which warranted an investigation under the Examination Misconduct Policy.
- 2.3.2 Invigilator's Reports were received from the test centres, along with four incident reports. The incident reports did not relate to any suspected examination misconduct, although one did relate to an extenuating circumstance application.

2.4 Report from the Examinations Manager: Extenuating Circumstances

- 2.4.1 Five applications for extenuating circumstances were received, all related to technical issues arising from the delivery of the assessment. All five applications were accepted by the panel.
- 2.4.2 There were no 'Not Competent' results to be set aside in relation to these extenuating circumstances

2.5 Report from the Chief Examiner on the standard setting process

- 2.5.1 Following the sitting, a sample of scripts was selected for the purposes of standard setting. Ten candidate responses were chosen per question.
- 2.5.2 A team of standard setters comprising legal practitioners and professional legal academics was selected. They were given a briefing and written guidance on their tasks for the standard setting process along with the exam paper, the sample scripts and suggested mark scheme drafted by the examining team as part of the paper confirmation process. Following the briefing, the standard setters undertook the first part of standard setting, namely the task of identifying, independently of each other, the standard expected for each of four level descriptors for each question.¹
- 2.5.3 The examining team collated the material submitted by individual standard setters, which comprised commentary and suggestions regarding the content for each descriptor for each question. In addition, the examining team checked a wider selection of scripts, so that the available pool of 'observed' responses for each question was as wide as possible. Any additional matters were recorded for discussion at the standard setting meetings. The meetings, involving all standard setters and the examining team, took place and were scrutinised by the Independent Observer. The content for each question was discussed and agreed by standard setters. Immediately following the meetings, the examining team applied the mark scheme to further responses for each question and any issues arising from that task were raised and resolved with standard setters before the mark scheme was shared with markers.

2.6 Report from the Chief Examiner on the marking and moderation processes

- 2.6.1 A sample of candidates' answers was selected for discussion at the markers' meeting. Team Leaders were allocated two questions each and provided with written instructions about their role. Team Leaders attended a general Team Leader briefing as well as a separate meeting with a member of the examining team to discuss the particular questions for which they had responsibility.

¹ See Appendix 1 (in Part 1)

- 2.6.2 All markers had to sample mark ten responses for each of the two questions they were marking and submit the grades awarded and feedback provided for each response prior to the Team Leaders meeting. These data were analysed by Team Leaders and the examining team.
- 2.6.3 At the markers' meeting, a general briefing session for all marking teams focused on the need to provide accurate and meaningful feedback for each answer, and particularly for answers which were graded 'Poor' or 'Unacceptable'. Following the plenary markers' meeting, each marking team consisting of the Team Leader and markers, along with a member of the examining team, took part in individual discussions relating to the operation of the mark scheme of the questions they were to mark. This was a "think aloud" process in which individual markers talked through the sample answers and discussed the grade they awarded, based on the content of the mark scheme. Clarification was provided, where necessary, on the operation of the mark scheme. Additional answers submitted by the candidature were provided for discussion and grading once the earlier set of samples had been considered.
- 2.6.4 Following the markers' meeting, where necessary, the examining team discussed and amended the mark scheme to provide guidance as to how to address particular issues which had arisen during the markers' meetings.
- 2.6.5 Team Leaders then undertook a quota of marking which was moderated by a member of the examining team who also provided feedback not only on the application of the mark scheme but also the quality of commentary/feedback on the response. All markers then marked a similar number of responses which was moderated by the Team Leader. Feedback was provided to all markers. Where necessary, discussions between Team Leaders and the examining team took place regarding the operation of the mark scheme during and following this calibration exercise, and further guidance was provided to all affected markers in these circumstances. Responses which were discussed and resolved during the moderation/calibration process were submitted as final grades by either the member of the examining team or Team Leader responsible for the relevant question. Where it was considered necessary, a small number of markers were required to complete a further batch of marking (including feedback) which was moderated by the Team Leader.
- 2.6.6 Live blind double marking then took place i.e. each response was blind marked by two markers and written feedback was provided.
- 2.6.7 During the live marking period the examining team also undertook dip sampling of the marking. Where required, individual markers were provided with appropriate direction in relation to specific issues arising out of their marking.
- 2.6.8 Where both markers graded a response with the same grade, this grade stood as the final grade, with the exception of 'Unacceptable' responses which were escalated to and reviewed by the Team Leader.

- 2.6.9 Where markers graded a response differently, the response was adjudicated upon shortly thereafter by the Team Leader who could either confirm one or other of the grades or insert his/her own grade and feedback. This grade was then submitted as the final grade. Where a response was graded 'Unacceptable' by one of the original markers and the Team Leader agreed that it merited an 'Unacceptable' grade, the response was escalated for review by the examining team. Where a Team Leader graded a response 'Unacceptable' in circumstances where neither marker had given such a grade, the response was also escalated to the examining team. In a limited number of circumstances, the member of the examining team discussed the content of the response with the Chief Examiner before approving the 'Unacceptable' grade.
- 2.6.10 Following marking and adjudication, all results were collated according to the number of 'Good', 'Satisfactory', 'Poor' and 'Unacceptable' answers achieved.

2.7 Automatic passes and fails, and forensic reviews

- 2.7.1 Scripts which had *eight* or more 'Satisfactory' or 'Good' responses (and no more than two 'Unacceptable' responses)² ("automatic passes") were removed from further review processes. All such scripts were recorded as Competent.
- 2.7.2 Scripts which had *four or fewer* 'Satisfactory' or 'Good' responses ("automatic fails") were removed from further review processes. All such scripts were recorded as Not Competent.
- 2.7.3 For the July 2025 sitting, there was a small number of scripts which contained three or more 'Unacceptable' responses thus requiring a further review by the examining team. Any scripts which fell into this category following the further review were recorded as Not Competent.

2.8 Holistic reviews

- 2.8.1 Scripts which contained between five and seven 'Satisfactory' or 'Good' responses and no more than two 'Unacceptable' answers were subject to a final holistic review.
- 2.8.2 The task undertaken at this point was a "read through" of whole scripts and the reviewers were to judge whether the candidate met the competence

² Following marking of the April 2022 sitting, the examining team reviewed all scripts containing nine or more Satisfactory or Good responses. All scripts within this category were removed from further review as they more than met the competence threshold; this change was subsequently approved at the April 2022 review meeting. At the April 2023 exam review, it was decided when considering post-exam processes that scripts with eight or more "passing" answers (and which did not fall into the automatic 'three strikes' category) would be deemed "automatic" passes: over five sittings of the PE assessment no script with the profile of eight or more "passing" answers 'failed' at the holistic review stage.

threshold, bearing in mind the threshold criteria contained in the Professional Statement and the General Descriptors. The overriding criterion for grading a script as competent was that, on the basis of the candidate's performance across the paper as a whole, there was no reasonable doubt that s/he had displayed an awareness of Professional Ethics issues commensurate with the granting of a full practising certificate.³ Each script was reviewed independently by two reviewers, who were part of a team of eight, and who had previously participated in the holistic review task. If there was disagreement between the reviewers as to whether a candidate's script 'passed', a final review was undertaken by the Chief Examiner.

- 2.8.3 A further dip sampling of scripts which "failed" at the holistic review stage was undertaken at this stage. A sampling of those scripts which "passed" at the holistic review stage (and, in particular, those "just passing") was also undertaken.

2.9 Chief Examiner's conclusions on process

- 2.9.1 The Chief Examiner reported to the Exam Board that she was content that all standard setting, moderation/calibration, marking, adjudication and review processes were followed satisfactorily. Previously added steps such as that added to the standard setting process whereby members of the examining team applied the mark scheme to further responses immediately following standard setters' discussions had proved useful in that the mark scheme was tested before being provided to markers. The approach taken at calibration whereby responses considered either by a member of the examining team or a Team Leader were submitted as final grades continued to be effective. The dip sampling of all markers' marking during the live marking exercise continued to provide an additional safeguard.
- 2.9.2 The Chief Examiner confirmed that the quality of feedback/commentary given by markers to individual responses continues to be of a high quality, and that the system of double-blind marking and adjudication had worked effectively, enabling Team Leaders to monitor trends in the marking progress across teams. The introduction of blind double marking had promoted greater consistency amongst markers overall and as a consequence provided further reassurance to candidates regarding the fairness of the process.

3. THE OPERATION OF THE ASSESSMENT – RESULTS FOR EACH QUESTION

- 3.1 The following is a summary of the distribution of candidate performance in respect of each question and a brief overview of any discernible patterns in terms of candidate answers, in particular areas that proved challenging. To preserve the integrity of its question bank, the BSB does not provide full details of the questions used in the assessment, although the broad syllabus area under consideration is identified. Note that for reporting purposes in this

³ The presumption being that those scripts containing seven Satisfactory or Good answers met the threshold, whereas those scripts with five Satisfactory or Good answers did not. Scripts with six Satisfactory or Good answers were scrutinised using the same principles, bearing in mind that this category contained scripts which were "right on the competence threshold"

section the total shown for 'Unacceptable' responses will also include any 'Did Not Attempt' ('DNA') responses.

SAQ 1							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
0	0%	27	34%	37	47%	15	19%
Broad syllabus areas covered: The scenario required candidates to identify that the barrister was bound by CD5 in their use of social media in a non-professional capacity. They were also required to identify that the barrister had breached CD8 in relation to the discriminatory comments he had made about the politician's sex and disability, in addition to recognising that referring to his position as a barrister, where it was not relevant, is an abuse of his position. While the scenario explained the barrister had removed the post, candidates were required to explain what additional remedial steps the barrister had to take, as removing the post that had been seen by the public was, in itself, insufficient.							
Key observations from Chief Examiner on cohort performance: Overall candidates were able to grasp the key issues in the question; however, some candidates failed to pick up on the breach of CD8 in relation to the discriminatory comments made by the barrister, in addition to failing to address further remedial steps that the barrister needed to take following the removal of the post. Candidates appeared to show a good understanding of the application of CD5 in the use of social media and in recognising that it was inappropriate for the barrister to refer to his status in this context.							
Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.							

SAQ 2							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
4	5%	26	33%	44	56%	5	6%

Broad syllabus areas covered: This question involved a barrister who was being led in a trial by a KC. A new witness had been identified, and the barrister was being asked by the KC to take the witness statement. The barrister knew the witness and there was no one else available to take the statement.

Candidates were required to consider whether the duty of independence owed by the barrister may be compromised if they were to take the statement, given they were instructed in the trial and they knew the witness. Candidates were also required to recognise that it was in the client's best interests for the statement to be taken, and therefore the barrister must consider whether they could properly maintain their independence in the circumstances.

Key observations from Chief Examiner on cohort performance: Overall candidates were able to identify the key issues that arose in this scenario. Many candidates mistakenly referred to rC21 which relates to the acceptance of instructions, not appreciating that this was not engaged as the instructions had already been accepted. Generally, candidates struggled to elevate their answer to good, only covering the basic points in the question. A few responses failed to recognise the independence point at all, which resulted in them being graded as unacceptable.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 3							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
9	11%	20	25%	13	16%	37	47%

Broad syllabus areas covered: This scenario involved a barrister representing the defendant in a medical negligence claim. On the eve of trial, the barrister discovers an authority that undermines the defence and also notices that the court has failed to complete certain procedural steps but considers saying nothing about either point. On the morning of the hearing, the client instructs the barrister to cross-examine the claimant about joking over disregarding his medical advice and to focus on the claimant's "flirtatious nature" in order to unsettle and embarrass her. The question required identification of the ethical duties engaged and application of those duties to explain how the barrister should resolve the issues.

For a satisfactory answer, candidates needed to show that they understood and could apply the relevant ethical principles. This required recognition of the duty not to mislead the court (CD1) and, under rC3.4, must ensure that the court is made aware of all relevant authorities, including those which are adverse to the client's case. Candidates also needed to explain that counsel should not remain silent about the court's procedural error in order to raise it on appeal, as this would breach CD1 and CD3. In addition, they had to identify that counsel has a specific duty not to abuse the role of the advocate (rC3.2), which includes a prohibition on asking questions intended merely to insult, humiliate or annoy a witness (rC7.1). A satisfactory response therefore required the conclusion that the barrister must refuse the client's instruction to cross-examine the claimant on her "flirtatious nature," while acknowledging that questioning her about disregarding medical advice could be ethically permissible if relevant to the issues in the case.

Key observations from Chief Examiner on cohort performance: Overall, candidates performed quite well. Most candidates identified the need to bring the adverse judgment to the court's attention and to raise the procedural error with some candidates developing discussions relating to CD1 and receiving good grades. Good candidates were graded as such primarily due to their discussion of the paramountcy of CD1 over CD2 and other duties as well as the diminution in public confidence were the barrister to fail to raise the procedural error or to mention the judgment and/or to cross-examine the claimant inappropriately. Weaker candidates failed to address the issue around the client's instructions to the barrister that questions should be put to the claimant about her attitude to post-surgery advice and thus received poor grades. A very small percentage of candidates stated that the barrister did not have to bring the adverse authority to the court's attention, which was clearly wrong (in breach of CD1) and therefore graded unacceptable.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 4							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
0	0%	49	62%	13	16%	17	22%

Broad syllabus areas covered: This scenario invited candidates to address the principles around pleading fraud. A barrister is instructed to draft a defence in a claim arising out of a road traffic collision. The claimant relies on a medical report supporting his account of injury, but the instructing solicitor insists the claimant is fabricating injuries and has bribed a doctor. Although another doctor has informally indicated to the solicitor that there is no evidence of injury, no report has been finalised. The solicitor instructs the barrister to plead fraud in the defence despite the lack of supporting material. The question asks candidates to identify the ethical principles engaged and explain how the barrister should respond. For a satisfactory answer, candidates needed to recognise that the barrister is being instructed to plead fraud and that, under rC9.2(c), such an allegation may only be advanced if both limbs are satisfied namely that there are instructions to allege fraud and there is reasonably credible material to support it. On these facts, the barrister has only a preliminary indication from the medical expert, so there is currently no reasonably credible material on which to plead fraud. The barrister must act with honesty and integrity (CD3) and avoid conduct that could reasonably be seen to undermine their honesty, integrity or independence (rC8). They are personally responsible for their own work and must not allow the instructing solicitor to limit their discretion as to how the client's best interests are served, including the content of pleadings. Accordingly, the barrister should explain that they cannot draft a defence alleging fraud at this stage and should await the finalised report or other credible evidence; if the solicitor nonetheless insists that fraud be pleaded without such material, the barrister must refuse and, if necessary, cease to act

Key observations from Chief Examiner on cohort performance: Most candidates recognised that the question concerned pleading fraud, although that was then analysed in differing levels of detail. A number of candidates who were awarded good grades had developed their responses to include the application of CD2/CD7 and advice around whether it was in the client's best interests to have different solicitors and the engagement of CD5 to the circumstances. Unfortunately, many candidates who had written an otherwise acceptable answer were marked poor because they failed to discuss that the barrister should withdraw if the solicitor insists that fraud is pleaded in the absence of the report.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 5							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
7	9%	22	28%	28	35%	22	28%

Broad syllabus areas covered: This question involved a barrister who wanted to move away from criminal practice. The barrister was offered a complicated case in a different area of law the day before the case was due to be heard. The opponent in the case was a silk, and a skeleton argument was required for the following day also. The clerk had told the client that they would have an experienced barrister covering the case and the brief fee is significant to reflect this. Candidates were required to identify that the barrister was not competent to take on the instructions and would be in breach of their duty under CD2 and CD7. They were required to recognise that the barrister must apply their professional judgement and act with independence when deciding whether or not to accept the case, and not to allow the pressure from the clerk or significant brief fee to impact that decision. Candidates ultimately had to recognise that the barrister must not accept the instructions to act.

Key observations from Chief Examiner on cohort performance: Some candidates struggled to recognise that the barrister must act with independence in this scenario, focusing more on the duty owed to the client. There was also some confusion about the barrister being required to accept the case as the client would otherwise be left without representation, however, with those candidates failing to recognise that this exception only applied where the barrister was competent to take on the case. This resulted in a few candidates being graded unacceptable where they had not properly considered competence and concluded that the barrister was required to act in the trial. The remaining candidates were able to identify the key issues in the case with some picking up on the additional points to elevate their answer to good

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 6							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
4	5%	35	44%	29	37%	11	14%

Broad syllabus areas covered: This scenario tested the candidate's understanding of a barrister's personal responsibility for her own work and conduct. The barrister instructed in the case could not attend a conference with the client as planned, and her pupil was sent in her place. The instructing solicitor and client were not made aware of the pupil's status, and fees were invoiced at the barrister's rate.

Candidates were required to identify the steps that both the barrister and her pupil should take in light of the pupil's conduct. A satisfactory answer required the identification and application of the duty to act with honesty and with integrity, and specifically the duty not to mislead clients. Candidates were further required to engage in sensible discussion as to whether serious misconduct had taken place. Finally, the question required candidates to deal with the barrister's duty to cooperate with their regulator following a request for information.

Key observations from Chief Examiner on cohort performance: Generally speaking, the question was answered reasonably well. In particular, candidates consistently answered accurately and comprehensively when considering the barrister's duties to the BSB and identifying her responsibility for her work as undertaken by the pupil. Candidates were weaker dealing with the issues surrounding the pupil than those relating to the barrister, with some only dealing with the latter, notwithstanding the question highlighted the need for candidates to consider both. Weaker candidates identified the potential problems under CD3 but failed to address the potential serious misconduct point, or *vice versa*.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 7							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
4	5%	20	25%	39	49%	16	20%

Broad syllabus areas covered: This scenario tested candidates' ability to deal with the ethical issues that arise in circumstances where there is a clash of listings. The question required candidates to demonstrate an ability to identify relevant factors that the barrister would need to weigh in the balance when considering which of two hearings subject to the clash was more important to attend. Crucially, candidates needed to demonstrate an appreciation that the barrister could not, considering his obligations under CD2 and CD7, continue to represent both clients. A satisfactory answer expected candidates to identify the application of CD2 and/or CD7 in respect of both clients. Candidates were expected to demonstrate some knowledge of the BSB Clash of Hearing Dates Guidance ('the Guidance'), specifically by engaging in some discussion of the relevant factors from the Guidance when determining which hearing should take priority. While candidates were not expected to arrive at a firm conclusion in terms of which hearing should be favoured, candidates were required to demonstrate a clear appreciation of the fact that the barrister could not retain both sets of instructions in this instance.

Key observations from Chief Examiner on cohort performance: This question was answered reasonably well overall. Most candidates identified the key ethical issue, namely the clash of listings, and were able to apply either CD2 and/or CD7 in the relevant context. Most candidates also clearly identified that the barrister could not continue to act for both clients, either by reaching a conclusion as to which client the balance favoured (having engaged in a weighing of the relevant factors under the Guidance) or by simply stating that the barrister could not continue to act for both. Candidates were more variable in their ability to identify and discuss the competing factors from the Guidance that might favour the one client over the other. To be satisfactory, candidates were only required to identify at least one relevant factor per client, and the majority were able to do this. Those that were graded poor were often so because of failing to engage in any discussion of the factors from the Guidance, or where factors were only identified in relation to one client. Better candidates engaged in a more comprehensive discussion of the factors in relation to both clients and made some attempt to weigh the competing factors against each other.

There were a small number of candidates who simply missed the clash of listings point, instead focussing on other, more peripheral issues, such as the one client's vulnerabilities and how these should be accommodated. The failure to identify and deal with the key ethical issue meant that these candidates could only be graded poor. A small number of candidates were also graded poor as a result of failing to identify, either expressly or implicitly, that the barrister would need to return his instructions in relation to one of the two clients. There were a number of candidates graded as unacceptable. The main reason for this was that the candidates concluded that the barrister could adopt a 'wait and see' approach, on the basis that the one client's case might settle upon receipt of the new evidence.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 8							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	#
11	14%	8	10%	53	67%	7	9%

Broad syllabus areas covered: This scenario principally engaged CD2, CD4 and CD5 in the context of public access instructions. It tested candidates' understanding of the continuing duty to keep under review whether the client's best interests are served when acting on a public access basis. Specifically, it required candidates to identify that as the barrister was of the opinion that he could not manage the case much longer without a solicitor being instructed, unless the client agreed to the same, the barrister would have to cease to act and return his instructions. The scenario also engaged CD4 and CD5 in that the public access client was the sister of one of the partners in a firm of solicitors who instruct the barrister, and this was the context in which the barrister and the client knew each other. A satisfactory answer expected candidates to identify and apply CD2 in the context of the continuing duty, and to conclude that if the client continues to refuse to instruct a solicitor, the barrister must withdraw and return the instructions. With regard to CD4, candidates needed to identify the need for the barrister to ensure that regardless of the threats made by the client to inform her brother (the partner in the firm from whom the barrister received work), he maintains his independence, regardless of any consequences the same may have for him in terms of work. Finally, candidates were expected to identify the personal connection between the barrister and the client, and the need for the barrister to therefore consider his duties under CD4 and/ or CD5 when accepting the instructions in the first place.

Key observations from Chief Examiner on cohort performance: Overall, this question was dealt with reasonably well. Most candidates appreciated the need for the barrister to cease to act if the client continued to refuse to instruct a solicitor, and the application of CD2. Whilst a large number of candidates also noted the application of CD4 regarding the need for the barrister to maintain his independence regardless of any fear that he might lose work, many failed to go on to consider CD4 (or alternatively CD5) in relation to the initial acceptance of the instructions. However, as the latter point was not reflected in the poor descriptor, those candidates who had dealt with the other issues to a satisfactory standard were still graded as satisfactory overall. Better candidates made reference to the model client care letter, and the terms that would be set out therein with regard to CD2 and the continuing duty to advise as to whether the client's best interests would be served by the instruction of a solicitor. Better candidates also tended to address issues relating to confidentiality, and the need to comply with rC27 when withdrawing from the case.

Where candidates fell into the poor category it tended to be due to a failure to identify the application of CD4 with regard to the 'threat' to the barrister's work. However, there were a handful of candidates who also fell into the poor category as a result of a failure to identify and apply CD2 in the context of the scenario. There were several candidates graded as unacceptable. The main reason for this was the failure by these candidates to consider the need for the barrister to withdraw from the case if the client continued to refuse to instruct a solicitor.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 9							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
1	1%	24	30%	18	23%	36	46%

Broad syllabus areas covered: This question required candidates to identify the ethical principles where a junior barrister believes the work in chambers is being unfairly distributed and a clerk is possibly discriminating against her on the grounds of her sex. In particular, the barrister has found herself handling a disproportionate number of small claims and low-value cases while her male colleagues of similar experience and call have been given high-profile cases and more challenging work. The barrister, having joined chambers relatively recently, is concerned at the long-term impact on her developing career.

When the barrister challenges the clerk, he advises her that she needs to work on developing her practice. When she confides in a more senior female barrister in chambers, she is advised not to raise the issue formally and to “stay quiet” for the time being to avoid any confrontation within chambers, and that work will improve with time.

Candidates were required to identify the relevant ethical principles and apply them to the facts, and to suggest how the issues could be resolved.

Candidates needed to recognise that, as sex is a protected characteristic under the Equality Act 2010, chambers and its members are bound by equality and diversity rules under the Handbook and the barrister and members of chambers must take reasonable steps to ensure that certain equality and diversity requirements are complied with (rC110.3, Fair Allocation of Work Policy). Chambers must carry out equality monitoring, including regular reviews of equality and diversity policy, and review the allocation of unassigned work (rC110.3.f.iii), specifically including work allocated to barristers of fewer than four years’ standing such as the female barrister. Appropriate remedies were that the barrister should raise her concerns via the Equality and Diversity Officer, Head of Chambers/HOLP, head of civil team, revisit the issue with her clerk, follow the complaints process or other suitable pathway.

Key observations from Chief Examiner on cohort performance: On the whole candidates provided satisfactory responses, identified that this was a fair allocation of work question, discrimination and equality and diversity were key factors, and rC110 applied. The fact that the barrister was under four years’ call was frequently identified in the responses.

The most common error was a failure to identify the need for chambers to carry out equality monitoring, so although the other aspects such as ensuring a policy was in place and applied were recognised, the point regarding equality monitoring was omitted or referred to so obliquely that credit could not be awarded. Another frequently encountered error was a failure to state the obvious i.e. that there was potentially discrimination based on sex. On these two bases, responses were graded poor. Candidates achieved good grades by developing discussions around fair allocation of work and the areas of monitoring. Some candidates also provided advice regarding the more senior female barrister’s conduct.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 10							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
0	0%	27	34%	51	65%	1	1%

Broad syllabus areas covered: This question required candidates to deal primarily with issues relating to confidentiality. Junior and leading counsel were dealing with an inquiry which had received media attention. They intended to work on the case on the train and that work included preparing cross-examination of a key witness. The junior barrister went to the buffet carriage and left his laptop open on the table; when he returned the guard told him she had stopped a man from looking at the visible material, namely photographs from another case which, unlike material relating to the inquiry, was not in the public domain. The guard had identified that the junior barrister was involved in the inquiry. When leading counsel and the junior barrister were discussing the cross-examination, the junior commented that they needed to put the witness under pressure and make her “squirm.” The conversation was overheard by others, one of whom was a witness in the inquiry who identified herself to the barristers. Candidates were required to consider the ethical issues that arose for the junior barrister and provide a remedy.

Key observations from Chief Examiner on cohort performance: Overall most of the question was appropriately answered. There were a number of points which needed to be identified. Client confidentiality was explored in a range of ways; first, the barrister leaving the laptop open, secondly his displaying of photographs not yet in the public domain, and thirdly the conversation between the two barristers regarding the cross-examination of the witness. Most candidates identified the issue relating to the laptop and the photographs; good candidates discussed what was already disclosed and what was not and the distinction between the clients with regard to privacy. A relatively high number of candidates received a poor grade due to a failure to identify the breach of CD6 arising out of the conversation.

When considering the cross-examination discussion, some candidates took the approach that the case tactics had been compromised as a witness had overheard this, rather than appreciating that the approach to cross-examination itself was inappropriate in that it amounted to a potential breach of CD1/CD3. There was also some unnecessary focus on GDPR in terms of data held on the laptop. There appeared not to be many good answers. This may have been due to the fact that the scope for good marks was limited. There appeared to have been no unacceptable responses other than those where no answer was attempted.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 11							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
2	2%	7	9%	27	34%	43	54%

Broad syllabus areas covered: This scenario required candidates to address the cab rank rule in a situation where a barrister of ten years' call, who is seeking to move into international environmental law, is instructed to defend a company in a high-profile prosecution alleging serious environmental offences, including illegal dumping that caused harm to a protected area and to local health. The fee is substantial and the case is complex. After discovering the company's history of similar violations and fines, the barrister worries that acting for it could damage his reputation and jeopardise future international opportunities, and he considers declining the instructions.

For a satisfactory answer, candidates needed to recognise that the barrister has been properly instructed, is competent, and will be paid the proper fee, so the cab rank rule applies (rC29). They needed to explain that, under rC28.2, he must not withhold services because he or any section of the public finds the client's conduct, opinions, or beliefs unacceptable, and that reputational concerns or fears about future career prospects are not valid exceptions to the cab rank rule. The conclusion required is that the barrister is obliged to accept the instructions to represent the company.

Key observations from Chief Examiner on cohort performance: Generally speaking, this question was answered well. Candidates were able to identify and apply the cab rank rule and to state that the barrister was obliged to accept the instructions. Better candidates went on to explore the application of CD2/rC15 and the obligation on the barrister to promote the company's interests fearlessly and without regard for his own interests, the engagement of CD5 and the application of CD4/CD7 in respect of the barrister's treatment of the case/client. The most common error was where candidates failed to identify specifically that concern about future work prospects is not a basis upon which the barrister can refuse the instructions. This tended to be where candidates failed to go a step further to apply the particular facts of the question (i.e. the barrister's aspiration for an international role within the United Nations) to the rules.

Decision of the exam board in relation to question: No intervention necessary; results for question confirmed and applied to candidates.

SAQ 12							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
12	15%	30	38%	26	33%	11	14%

Broad syllabus areas covered: This scenario required candidates to deal with issues relating to breach of CD1/CD3 and conduct which amounted to serious misconduct. A barrister in her practising six months of pupillage attends a County Court in a small claim case to represent the claimant. The usher mistakenly hands her documents intended for opposing counsel namely a note of the defendant's instructions to his solicitors and a draft list of cross-examination questions. The barrister reads the documents and takes notes, then returns the papers without telling anyone what happened, and later uses the information in court to cross-examine the defendant.

For a satisfactory answer, candidates needed to explain that by continuing to read, note and use confidential/privileged material belonging to her opponent, the barrister breached duties to the court and to act with honesty and integrity (CD1 and/or CD3); that she should have stopped reading immediately, returned the papers at once, and explained the mistake; that persisting in reading and using the material amounts to dishonesty/serious misconduct (gC96.3); that she should inform her client and notify the opponent and/or the court of what occurred; and that she should report herself to the BSB for serious misconduct.

Key observations from Chief Examiner on cohort performance: Candidate performance in this question was mixed. Candidates were generally able to identify that the barrister had breached CD1/CD3 by continuing to read, take notes on and use the documents. Most candidates set out that the barrister should have returned the documents to her opponent and explained what had happened, and that she should explain to the client and/or advise her opponent and/or the court what had happened and also explained that she should self-report to the BSB for serious misconduct. Better answers readily identified that by using the confidential material in her cross-examination, the barrister had advanced a case not based on her client's instructions, that it would not have been in the best interests of the client to withdraw given that it was the day of the hearing and furthermore that her dishonest behaviour placed her in breach of CD5 due to the likely diminution in public confidence it would cause.

The weaker candidates tended to overlook the fact that the barrister had committed serious misconduct and/or should report herself, culminating in an unacceptable grade. A number of candidates were unable to identify that this is not a case where the barrister could apply to the court for permission to use the documents and frequently cited the case of *English & American Insurance Co Ltd & Others v Herbert Smith* [1988] FSR 232, or concluded wrongly that in this scenario the barrister could or should have withdrawn from the case once she became aware the documents were confidential and she continued to read them. Additionally, weaker candidates also failed to extend their consideration of the scenario beyond the initial issue of the barrister continuing to read and take notes on the confidential documents, omitting to consider that she should not have also used the documents in court.

Decision of the exam board in relation to question:

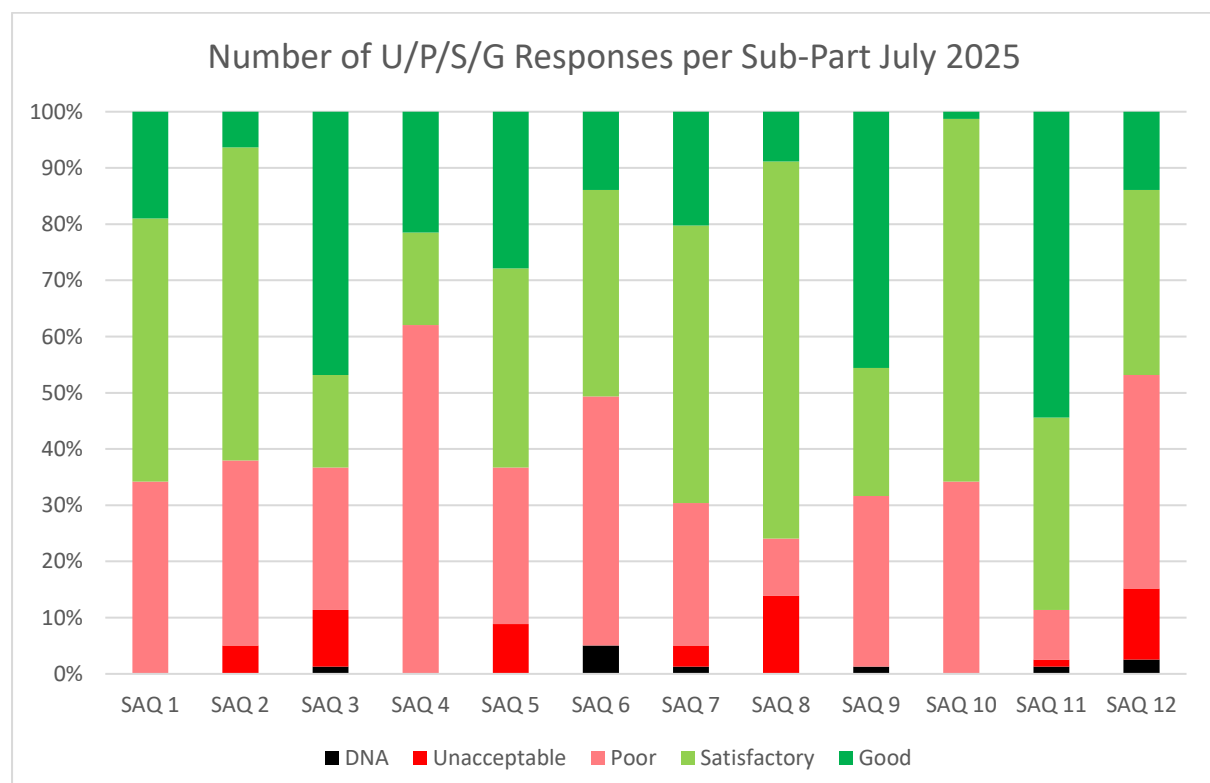
No intervention necessary; results for question confirmed and applied to candidates.

- 3.2 The Exam Board: (i) confirmed that no interventions were required in respect of any of the assessment questions, or cohort results; and (ii) that all questions would be included in the assessment for the purposes of compiling candidate results.
- 3.3 Taking the 12 question responses across 79 candidates produces 948 answers which were graded as follows:

Grading	% of all responses July 2025
Did Not Answer (DNA)	1.05%
Unacceptable	4.64%
Poor	31.12%
Satisfactory	39.87%
Good	23.31%

Across all 12 questions the competency rate (ie percentage of answers rated either 'Satisfactory' or 'Good') was 63%. The overall candidate passing rate for the July 2025 sitting was 79.7% which is higher than 63%, as candidates can be rated 'Competent' overall, without having to achieve a 'Good' or a 'Satisfactory' grading in respect of every one of the 12 questions.

3.4 Distribution of categorisations across questions July 2025 sitting



The graph above shows the distribution of answer categorisations across all 12 questions of the assessment for the July 2025 sitting. Question 4 proved to be the most challenging in terms of the percentage (62%) of responses graded as either 'DNA', 'Unacceptable' or 'Poor'. Other questions which stood out in terms of the proportion of responses graded as one of the unsatisfactory categories included SAQ12 with 53% of responses falling short of satisfactory, especially when contrasted with question 11 where 89% of the responses were graded 'Good' or 'Satisfactory'. The question with the highest number of 'Unacceptable' responses (ignoring DNAs) was SAQ8 with eleven responses graded as 'unacceptable'.

- 3.5 Assuming candidates attempted the questions in sequence, the data does not suggest a falling-off in candidate performance when comparing grades awarded for the first four questions, compared to those awarded for the last four questions. The average competency rate (*ie* answers rated either 'Satisfactory' or 'Good') for questions 1 to 4 was 57%, compared with 65% for questions 5 to 8, and 67% for questions 9 to 12.
- 3.6 The word count for the July 2025 assessment paper (3,626) was significantly lower than the average for the preceding 11 sittings (3,934) and reflects efforts by the examining team to respond to concerns raised in candidate feedback regarding the challenge experienced by some candidates in attempting to complete the entire assessment within the time permitted.

4. APPROVAL OF EXAM BOARD OUTCOMES

- 4.1 The Chief Examiner confirmed that she was content that all standard setting, marking, and review processes were followed satisfactorily and that there was nothing to cause concern about any of these individual stages following the sitting of the July 2025 Professional Ethics Assessment.
- 4.2 The Independent Psychometrician endorsed the decisions taken by the Exam Board and felt that the outcomes were reassuring.
- 4.3 The Independent Observer confirmed to the Exam Board that he was entirely happy with the way the board had considered the operation of the assessment, and the decisions made.
- 4.4 On behalf of the Director General and the Director of Regulatory Standards, the Head of Examinations confirmed that she was happy with the conduct of the Board and the conclusions which had been arrived at.

5. TREND DATA

5.1 The Candidate Journey: Cumulative data on candidate outcomes

Candidate Journey												
Examination Date	Apr-22	Jul-22	Oct-22	Jan-23	Apr-23	Jul-23	Jan-24	Apr-24	Jul-24	Jan-25	Apr-25	Jul-25
Single-Assessment Candidate Profiles and Outcomes												
Candidates First Sitting ¹	112	21	7	212	44	34	340	58	43	492	76	53
Candidates Resitting	N/A	4	2	1	15	17	4	57	19	5	39	26
Total Number of Candidates Sitting	112	25	9	213	59	51	344	115	62	497	115	79
First Sit Candidates Deemed 'Competent'	107	19	5	196	33	30	277	49	38	445	56	43
Resit Candidates Deemed 'Competent'	N/A	4	2	0	9	15	4	51	18	2	26	20
First Sit Candidates Deemed 'Not Competent'	4	2	1	16	10	3	62	9	5	44	11	10
Resit Candidates Deemed 'Not Competent'	0	0	0	1	6	2	0	6	1	0	5	6
Results Set Aside or Voided ²	1	0	1	0	1	1	1	0	0	6	17	0
Single-Assessment Pass Rate	95.5%	92.0%	77.8%	92.0%	71.2%	88.2%	81.7%	87.0%	90.3%	89.9%	71.3%	79.7%
Cumulative Outcomes												
Total Number of Unique Candidates to-date	112	132	139	351	394	427	767	824	867	1359	1434	1477
Cumulative Total of Unique Candidates Deemed 'Com	107	130	137	333	375	420	701	801	857	1304	1386	1449
Cumulative Total of Candidates Not Yet Deemed 'Com	5	2	2	18	19	7	66	23	10	55	48	28
Cumulative Pass Rate	95.5%	98.5%	98.6%	94.9%	95.2%	98.4%	91.4%	97.2%	98.8%	96.0%	96.7%	98.1%
(1) A Candidate may be recorded as a first sitter more than once, if their earlier attempts were deemed invalid, eg due to extenuating circumstances.												
(2) Results may be set aside or voided due to extenuating circumstances or examination misconduct.												
(3) Not all candidates previously deemed "Not Competent" will continue to attempt the assessment.												

5.2 Candidate success rate by reference to number of attempts

	#	%
Unique Candidates	1477	100%
<i>Of which have been deemed competent</i>	1449	98%
<i>Of which remain not yet competent</i>	28	2%
Of candidates who have been deemed 'Competent', those who		
<i>Passed on their first valid attempt</i>	1298	90%
<i>Passed on their second valid attempt</i>	134	9%
<i>Passed on their third valid attempt</i>	16	1%
<i>Passed on their fourth valid attempt</i>	1	0%
<i>Passed on their fifth valid attempt</i>	0	0%
Of candidates which remain 'Not Competent', those who		
<i>Have made one valid attempt</i>	20	71%
<i>Have made two valid attempts</i>	6	21%
<i>Have made three valid attempts</i>	2	7%
<i>Have made four valid attempts</i>	0	0%
<i>Have made five valid attempts</i>	0	0%
Examinations Sat by Candidates who Remain 'Not Competent'	As First Sit	As Resit
<i>*NB: These figures include ALL attempts, including those set aside or voided. Therefore, there may be more attempts listed here than there are candidates remaining not competent.</i>		
<i>Apr-22</i>	0	0
<i>Jul-22</i>	0	0
<i>Oct-22</i>	0	0
<i>Jan-23</i>	1	0
<i>Apr-23</i>	1	1
<i>Jul-23</i>	1	1
<i>Jan-24</i>	1	0
<i>Apr-24</i>	0	0
<i>Jul-24</i>	2	0
<i>Jan-25</i>	9	1
<i>Apr-25</i>	4	10
<i>Jul-25</i>		

The two tables on the previous page shows that, across the twelve sittings to date, 1,477 unique candidates have attempted this exam at least once. 1,449

of these candidates have been deemed 'Competent' with regard to this assessment, giving an overall cumulative passing rate of 98.1%.

Of the 1,477 candidates who have sat this exam, 1,298 have achieved a 'Competent' grading result on their first valid attempt, giving a cumulative first valid sit passing rate of 88%.

179 candidates have made at least one resit attempt, of which 151 have ultimately achieved a 'Competent' result following one or more previous valid attempts, giving a cumulative resit passing rate of 84%.

1432 candidates have, to date, achieved a 'Competent' grade within two attempts (*ie* within those attempts which are funded by the profession via the PCF) indicating a success rate within 2 valid attempts of 96.9%

There remain 28 candidates who have attempted the Professional Ethics Exam at least once but have not yet achieved a 'Competent' result. Because of successful applications to have sittings set aside on the grounds of extenuating circumstances, some of these 28 candidates do not yet have a record of having made a valid attempt at the assessment.

5.3 Trends in Single-Assessment Marks and Results

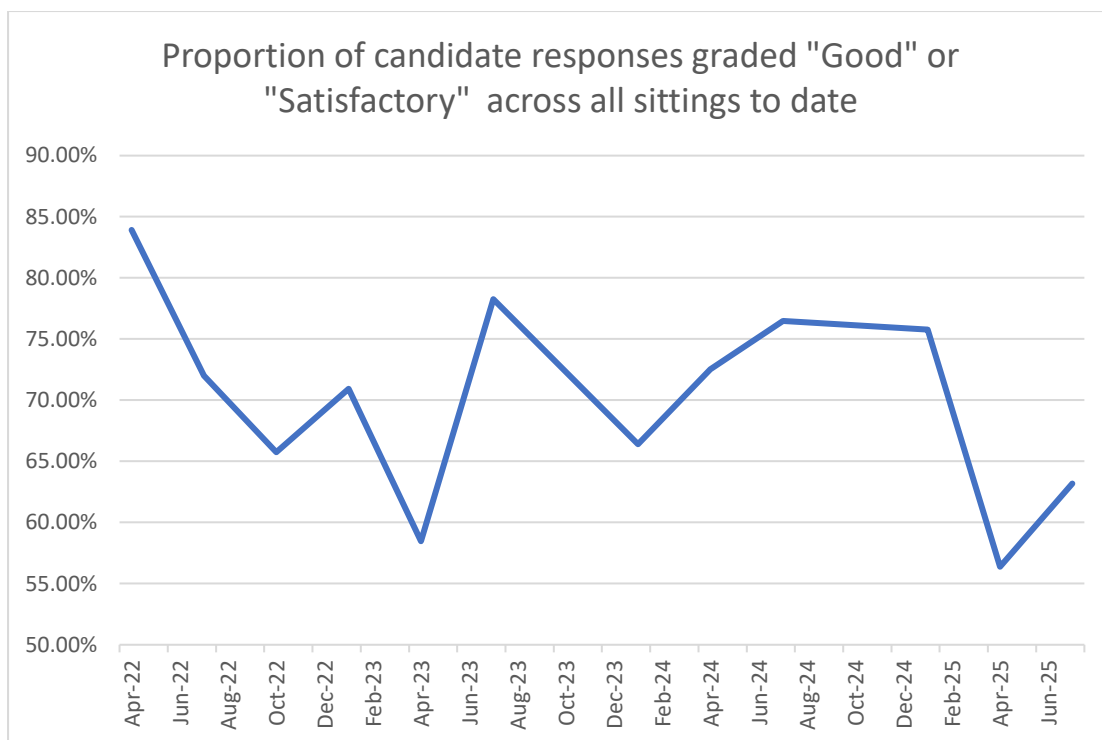
Sitting	Number of Attempts	Number of 'Competent' Results	% of Attempts Deemed 'Competent'
Apr-22	112	107	95.50%
Jul-22	25	23	92.00%
Oct-22	9	7	77.80%
Jan-23	213	196	92.00%
Apr-23	59	42	71.20%
Jul-23	51	45	88.20%
Jan-24	344	281	81.70%
Apr-24	115	100	87.00%
Jul-24	62	56	90.30%
Jan-25	497	447	89.94%
Apr-25	115	82	71.30%
Jul-25	79	63	79.75%
Cumulative Total to Date	1681	1449	86.20%
Average Single-Assessment Pass Rate			84.72%

It should be noted that the 'candidate journey' table at 5.2 (above) counts 1477 unique candidates (each pupil only counted once, regardless of how many attempts they have made), whilst the table at 5.3 counts the total number of attempts (for example, a candidate who sat three times will have had each of their three attempts added to the total). Hence, 98% of candidates have passed the Professional Ethics pupillage stage assessment to date (table at 5.2 above), and 86% of attempts at the Professional Ethics pupillage stage assessment have been successful date (table at 5.3 above), the passing rate in table 5.3 being lower because some of resit attempts.

5.4 Trends in SAQ response classification

The table below also considers all attempts and shows the total number of individual SAQ responses submitted by candidates at that attempt and the percentage of those responses which were assigned each grade boundary or deemed 'Did Not Attempt' (DNA).

Sitting	Apr-22	Jul-22	Oct-22	
Number of SAQ Responses	1344	300	108	
% DNA	0.00%	0.67%	2.78%	
% Unacceptable	3.20%	4.33%	4.63%	
% Poor	12.87%	23.00%	26.85%	
% Satisfactory	48.21%	43.00%	49.07%	
% Good	35.71%	29.00%	16.67%	
Sitting	Jan-23	Apr-23	Jul-23	
Number of SAQ Responses	2556	708	612	
% DNA	1.02%	2.54%	1.47%	
% Unacceptable	1.02%	4.52%	0.98%	
% Poor	27.03%	34.46%	19.28%	
% Satisfactory	51.49%	44.63%	51.63%	
% Good	19.44%	13.84%	26.63%	
Sitting	Jan-24	Apr-24	Jul-24	
Number of SAQ Responses	4128	1380	744	
% DNA	0.65%	0.65%	1.48%	
% Unacceptable	5.74%	8.91%	3.36%	
% Poor	27.20%	17.90%	18.68%	
% Satisfactory	45.78%	43.04%	51.34%	
% Good	20.62%	29.49%	25.13%	
Sitting	Jan-25	Apr-25	Jul-25	Cumulative
Number of SAQ Responses	5964	1380	948	20172
% DNA	1.01%	7.25%	1.05%	1.36%
% Unacceptable	1.56%	2.61%	4.64%	3.39%
% Poor	21.66%	33.77%	31.12%	24.22%
% Satisfactory	43.83%	39.57%	39.87%	45.52%
% Good	31.94%	16.81%	23.31%	25.51%



Of the 20,172 individual responses submitted across all sittings to date, the proportion of answers rated either 'Satisfactory' or 'Good') is 71.3%. The April 2022 cohort was arguably the strongest so far, with a score of 84%, compared to the April 2025 cohort (the weakest cohort so far) at 56.4%.

6. COHORT AND CANDIDATE PERFORMANCE JULY 2025 SITTING

Results for the July 2025 sitting of the pupillage stage Professional Ethics examination are as follows.

Jul-25	
Total Number of Candidates	79
Number Passing	63
Passing Rate (%)	79.7%

6.1 Analysis of cohort performance

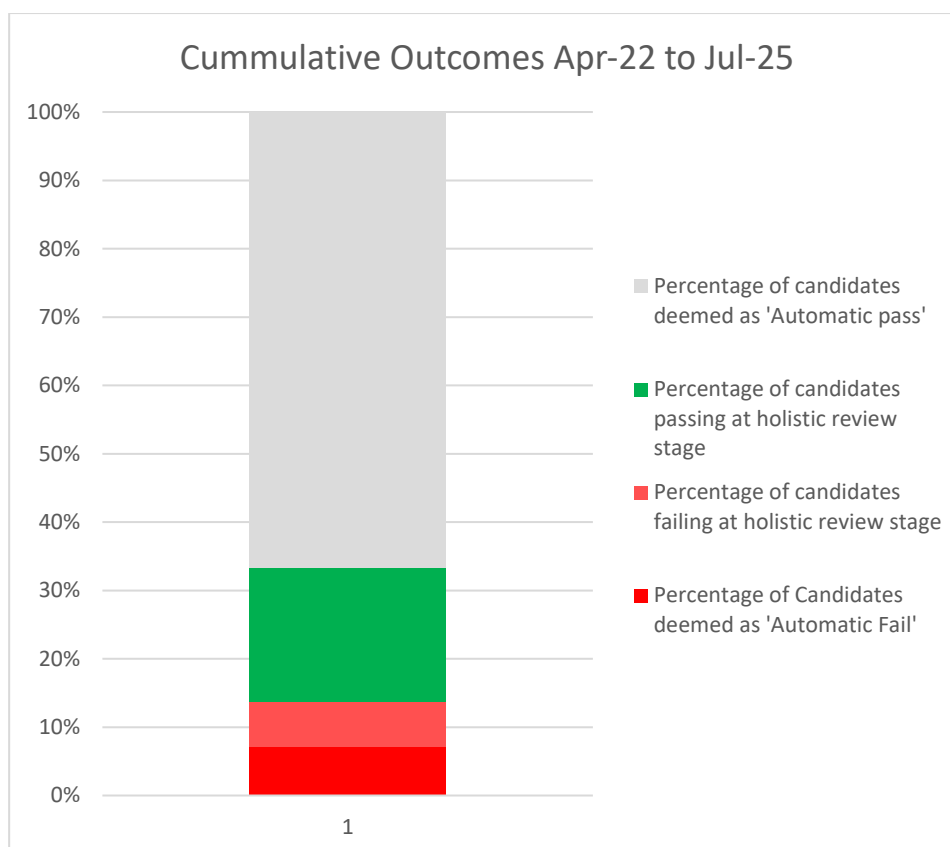
- 6.1.1 Based on the marking protocols relating to candidates automatically graded as 'Competent' and those candidates whose overall examination performance is referred for a holistic review (see further 3.3, above) 58% of July 2025 candidates were deemed to be automatic passes, and a further 21.5% of all candidates were deemed to have passed following a holistic review of their scripts.
- 6.1.2 The following tables provide an analysis of each cohort at each sitting to date by reference to the operation of the rules relating to automatic passes, automatic fails, and holistic review:

Exam Sitting	Apr-22	Jul-22	Oct-22
Total number of candidates	112	25	9
Percentage of candidates subject to holistic review	15.20%	40.00%	44.40%
Percentage of Candidates deemed as 'Automatic Fail'	1.80%	4.00%	22.20%
Percentage of candidates failing at holistic review stage	2.70%	4.00%	0.00%
Percentage of candidates passing at holistic review stage	12.50%	36.00%	44.40%
Percentage of candidates deemed as 'Automatic pass'	83.00%	56.00%	33.30%

Exam Sitting	Jan-23	Apr-23	Jul-23
Total number of candidates	213	59	51
Percentage of candidates subject to holistic review	41.30%	59.30%	15.70%
Percentage of Candidates deemed as 'Automatic Fail'	5.20%	15.30%	3.90%
Percentage of candidates failing at holistic review stage	2.80%	13.60%	5.90%
Percentage of candidates passing at holistic review stage	38.50%	45.80%	9.80%
Percentage of candidates deemed as 'Automatic pass'	53.50%	25.40%	80.40%

Exam Sitting	Jan-24	Apr-24	Jul-24
Total number of candidates	344	115	62
Percentage of candidates subject to holistic review	28.80%	15.70%	11.30%
Percentage of Candidates deemed as 'Automatic Fail'	8.70%	9.60%	3.20%
Percentage of candidates failing at holistic review stage	9.60%	3.50%	6.50%
Percentage of candidates passing at holistic review stage	19.20%	12.20%	4.80%
Percentage of candidates deemed as 'Automatic pass'	62.50%	74.80%	85.50%

Exam Sitting	Jan-25	Apr-25	Jul-25	Cumulative
Total number of candidates	497	115	79	1681
Percentage of candidates subject to holistic review	17.50%	37.40%	30.38%	26.17%
Percentage of Candidates deemed as 'Automatic Fail'	3.80%	20.00%	11.39%	7.20%
Percentage of candidates failing at holistic review stage	6.00%	8.70%	8.86%	6.48%
Percentage of candidates passing at holistic review stage	11.50%	28.70%	21.52%	19.69%
Percentage of candidates deemed as 'Automatic pass'	78.70%	42.60%	58.23%	66.63%



6.1.3 This data must be read in the context of a change to the holistic review policy introduced from the July 2023 sitting onwards. Previously, scripts were referred for holistic review if they contained between five and eight 'Satisfactory' or 'Good' and no more than two 'Unacceptable' answers. Scripts with nine or more 'Satisfactory' or 'Good' and no more than two 'Unacceptable' answers became 'automatic' passes. The holistic review policy has now been refined so that scripts are referred for holistic review if they contain between five and seven 'Satisfactory' or 'Good' and no more than two 'Unacceptable' answers. Scripts with eight or more 'Satisfactory' or 'Good' and no more than two 'Unacceptable' answers are now graded as 'automatic' passes.

6.1.4 The tables below show the breakdown of 'Competent' candidates by reference to the number of answers graded as 'Good' or 'Satisfactory' and the breakdown of 'Not Competent' candidates by reference to the number of answers graded as 'Unacceptable' or 'Poor':

Number of Passing Candidates With	
5 Satisfactory/Good Responses	2
6 Satisfactory/Good Responses	5
7 Satisfactory/Good Responses	10
8 Satisfactory/Good Responses	17
9 Satisfactory/Good Responses	11
10 Satisfactory/Good Responses	10
11 Satisfactory/Good Responses	7
12 Satisfactory/Good Responses	1

Number of Failing Candidates With	
3 Unacceptable/Poor Responses	0
4 Unacceptable/Poor Responses	0
5 Unacceptable/Poor Responses	0
6 Unacceptable/Poor Responses	2
7 Unacceptable/Poor Responses	6
8 Unacceptable/Poor Responses	5
9 Unacceptable/Poor Responses	0
10 Unacceptable/Poor Responses	1
11 Unacceptable/Poor Responses	1
12 Unacceptable/Poor Responses	1

6.1.5 The table below illustrates the operation of the grading and holistic review processes (outlined at 3.3 in Part 1 of the Chair's report) in respect of the July 2025 cohort.

Profiles July 2025 Sitting	Unacceptable	Poor	Satisfactory	Good
Strongest Profile - candidate automatically failing with 3 or more "Unacceptable" gradings	3	4	4	1
Strongest Profile -- candidate automatically failing with 4 or fewer "Good" or "Satisfactory" gradings	1	7	3	1
Strongest profile -- candidate failing following holistic review	0	6	5	1
Weakest profile - candidate passing following holistic review	2	5	4	1

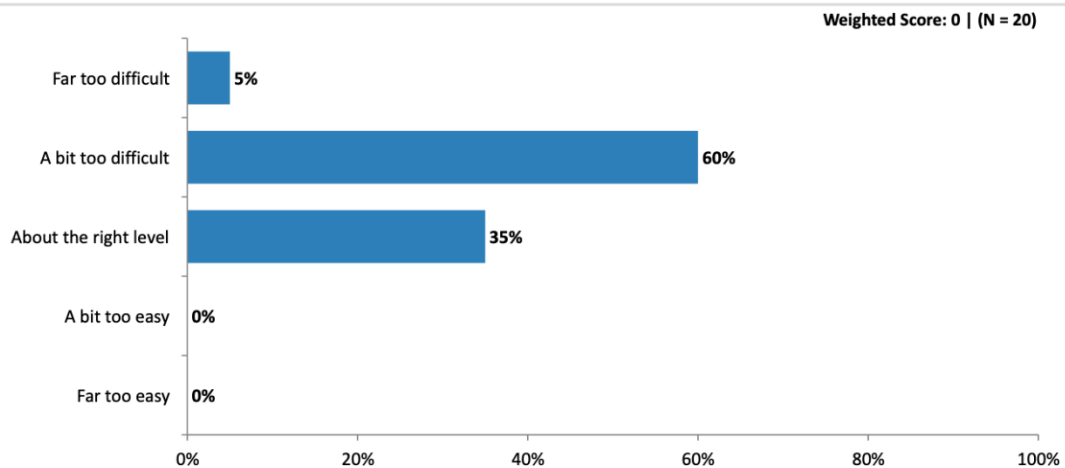
6.1.6 In respect of the candidates being considered in the holistic review process, it should be borne in mind that the determination of a "Competent" or "Not Competent" grading is not driven by a simple mathematical formula but ultimately rests on the overall view of the quality of the script taken by the examiners. Hence, as the above table shows, the weakest candidate passing as a result of the holistic review process only had one answer graded as "Good" but had 4 answers graded as "Satisfactory". By contrast, the strongest candidate failing following holistic review had 3 answers graded as "Good", but only 2 answers graded as "Satisfactory". The passing candidate also had a weaker profile as regards "Unacceptable/Poor" scores. A consideration for reviewers will be the nature and seriousness of the defect contained in an answer, for example whether an answer is graded "Unacceptable" on the grounds of what the candidate has failed to address, or on the basis of what the candidate has (wrongly) asserted to be the correct ethical position.

6.2 Feedback from candidates

6.2.1 The Examinations Manager reported that feedback was solicited from all candidates via a survey immediately following the exam, with reminders sent a week later. Twenty candidates (25%) responded to the feedback survey.

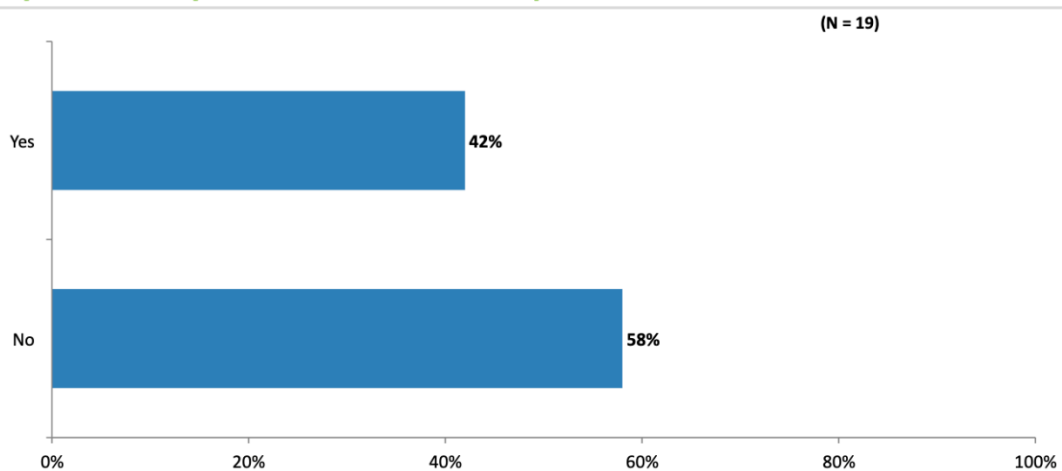
6.2.2 A summary of the general feedback: Level of difficulty

What was your impression of the overall difficulty level of the paper for a barrister at this level of training?



6.2.3 A summary of the general feedback: Sufficiency of time allowed

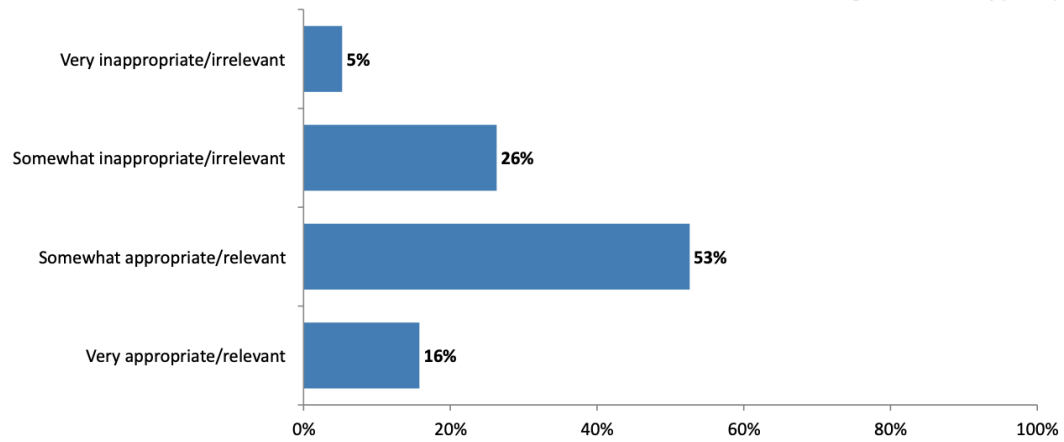
Did you leave any answers blank or incomplete due to insufficient time?



6.2.4 A summary of the general feedback: Relevance of scenarios

How appropriate and relevant did you find the scenarios were to the experience of early years practitioners?

Weighted Score: 3.47 | (N = 19)



6.2.5 Candidate feedback trend analysis

From the July 2022 sitting onwards the BSB has canvassed candidate feedback on the Professional Ethics assessment, focussing in particular on the level of difficulty posed by the questions, the extent to which candidates were unable to complete all items, and the relevance of the scenarios used to early years practitioners.

Inevitably, response levels are quite low and the opportunity to give feedback is more likely to be taken up by those candidates who have more negative feelings regarding the assessment. The summary of responses to date is as follows:

	Apr-22	Jul-22	Oct-22	Jan-23	Apr-23	Jul-23
No. Responding	N/A	3	3	73	12	12
% of candidates responding	N/A	12%	33.33%	34.27%	20.34%	23.53%
% of respondents confirming that the difficulty level of the paper as a whole was appropriate for a barrister at this level of training.	N/A	66%	33%	19%	33%	50%
% of respondents self-reporting as leaving answers blank due to lack of time	N/A	0%	33%	55%	91%	25%
% of respondents confirming that the question scenarios were somewhat appropriate/relevant of very appropriate/relevant to the expertise of early years practitioners	N/A	100%	33%	57%	41%	83%
Passing rate for this sit	95.50%	92%	77.80%	92%	71.20%	90.20%
	Jan-24	Apr-24	Jul-24	Jan-25	Apr-25	Jul-25
No. Responding	88	19	16	110	14	20
% of candidates responding	25.58%	16.52%	25.81%	22.13%	12%	25%
% of respondents confirming that the difficulty level of the paper as a whole was appropriate for a barrister at this level of training.	17%	37%	31%	37%	29%	35%
% of respondents self-reporting as leaving answers blank due to lack of time	45%	50%	31%	36%	69%	42%
% of respondents confirming that the question scenarios were somewhat appropriate/relevant of very appropriate/relevant to the expertise of early years practitioners	64%	69%	84%	70%	43%	69%
Passing rate for this sit	81.70%	87%	90.30%	90.10%	71%	79.7%

Feedback on the July 2025 sitting compared to the average of feedback across all 10 sittings to date indicates that the percentage of July 2025 candidates who:

- (i) perceived the paper to be more difficult than they expected, was very much in line with average response rate across previous cohorts;
- (ii) expressed a level of concern about sufficiency of time to complete the assessment was very much in line with average response rate across previous cohorts; and
- (iii) gave the assessment a higher-than-average approval rating in terms of the relevance of scenarios in the context of the early years of practice was slightly higher than average response rate across previous cohorts

Professor Mike Molan
Chair of the CEB
15 October 2025