

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

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

**Pupillage stage Professional Ethics
January 2026 Sitting**

1. EXECUTIVE SUMMARY

The thirteenth sitting of the pupillage component Professional Ethics examination was held on Tuesday 13 January 2026 at 10am. The summary of results is as follows:

Jan-26	
Total Number of Candidates	536
Number Passing	490
Passing Rate (%)	91.4%

All Exams To-Date				
Average Pass Rate over 13 sits		85.3%		
		Apr-22	Jul-22	Oct-22
Number of Candidates		112	25	9
Number Passing		107	23	7
Passing Rate		95.5%	92.0%	77.8%
		Jan-23	Apr-23	Jul-23
Number of Candidates		213	59	51
Number Passing		196	42	45
Passing Rate		92.0%	71.2%	88.2%
		Jan-24	Apr-24	Jul-24
Number of Candidates		344	115	62
Number Passing		281	100	56
Passing Rate		81.7%	87.0%	90.3%
		Jan-25	Apr-25	Jul-25
Number of Candidates		497	115	79
Number Passing		448	82	63
Passing Rate		90.1%	71.3%	79.7%
		Jan-26	<i>Apr-26</i>	<i>Jul-26</i>
		536		
		490		
		91.4%		

The January 2026 sitting saw 536 candidates attempting the assessment. The passing rate of 91.4% was some way above the average across the pupillage stage

assessments of Professional Ethics since the first sitting in April 2022 (85.3%) and was the fourth highest recorded to date. The outcome for the January 2026 cohort was also the second highest January sitting passing rate since the introduction of the assessment. The data suggests that there is only a weak correlation (+0.29) between larger cohort size and higher cohort passing rates, although there is no obvious causative factor. There were no interventions required in respect of any cohorts of candidates for the January 2026 sitting and no interventions required in respect of the substantive content of any of the assessment questions.

2. THE JANUARY 2026 PROFESSIONAL ETHICS EXAMINATION RESULTS

2.1 Report from the Examinations Manager: candidate numbers

2.1.1 The Examinations Manager confirmed that 545 candidates registered for the examination during the booking period. 536 candidates attempted the exam. 390 candidates (73%) sat online invigilated (OI) exams, and 146 candidates (27%) sat the exam at a test centre. Candidates sitting in test centres were spread across 12 centres in England and Wales, as well as one site in Sri Lanka. In addition to this, one candidate sat their exam in the BSB office.

2.2 Report from the Examinations Manager: operational issues

2.2.1 There were no technological or administrative issues which affected multiple candidates either those sitting OI or those at test centres.

2.3 Report from the Examinations Manager: academic misconduct

2.3.1 A 'Red-Amber-Green' (RAG) report was received from OI proctors containing 24 'red' flags and 14 'amber' flags. All flagged recordings were reviewed by the Senior Examination Officers (SEOs), as were 18 randomly sampled 'green' flag recordings. All 'red' and 'amber' flags were stood down by the SEOs, and there was no behaviour arising from these recordings or the random sample of un-flagged recordings warranting any further investigation under the Examination Misconduct Policy. The test centres supplied six incident reports in total. These were also reviewed by the SEOs, but again there was nothing warranting any further investigation.

2.4 Report from the Examinations Manager: Extenuating Circumstances

2.4.1 The Extenuating Circumstances Panel received 11 applications. All related to individual circumstances. Six applications related to reasons for non-attendance or late cancellation; and five related to candidates who attended the exam. The panel accepted three of the five applications from candidates who sat the assessment; however, all three of these candidates have passed the exam, so there are no results to be set aside.

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.
- 2.6.2 As regards marking, 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

¹ See Appendix 1

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. For this sitting Team Leaders participated in the marking process, as well as undertaking their Team Leader tasks.
- 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 or examining team member if the Team Leader was involved in marking the response in question.
- 2.6.9 Where markers graded a response differently, the response was adjudicated upon shortly thereafter by the Team Leader (or examining team member) who could 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.

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 January 2026 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 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 performing the holistic review task. If there was disagreement between the reviewers as

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.

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"

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 continued to be of a high quality, and that the system of double-blind marking and adjudication had worked effectively, enabling Team Leaders to monitor the marking progress across teams. The introduction of blind double marking had promoted greater consistency amongst markers overall and as a consequence was fairer to candidates.
- 2.9.3 The Chief Examiner noted that for January 2026 sitting, Team Leaders were involved not only in the adjudication processes but also in live marking due to the large number of candidates. Their participation in the marking process led to even more in-depth scrutiny of the operation and application of the mark scheme.

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

SAQ 1									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
0	0%	0	0%	130	24%	109	20%	297	55%

Broad syllabus areas covered: The question required candidates to identify that there had been a breach of confidentiality in leaving the case papers unattended. Candidates needed to appreciate that a general case discussion between a barrister and a third party may be acceptable, but client confidentiality must be maintained. Candidates were expected to identify that the barrister must not answer the partner's questions about the case. Due to the connection between the partner and the claimant, candidates needed to consider whether there may be a conflict or a potential issue with the barrister maintaining her independence. Candidates needed to provide a resolution to the matter in identifying that the breach must be reported to the client/instructing solicitor.

Key observations from Chief Examiner on cohort performance: Most candidates were able to identify the breach of confidentiality and the requirement not to extend that breach through further discussion with the partner. Most candidates realised that there was a potential issue arising out of the fact the partner knew the claimant. Many candidates identified more advanced points such as data protection issues and the likely breach of CD5. Unfortunately, some answers were weakened by candidates failing to understand the need to report what had happened to the instructing solicitor and/or client.

Decision of the exam board in relation to question:

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

SAQ 2									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
1	0%	19	4%	7	1%	343	64%	166	31%

Broad syllabus areas covered: This question focussed on a situation where a barrister was representing a defendant who faced a charge which, it turned out, would attract a mandatory minimum term due to his previous convictions. Candidates needed to identify that the barrister had a duty not to mislead the court, even if that misleading was by omission. Candidates also needed to set out the steps the barrister must take to remediate the circumstances, namely, to seek the client's consent to disclose the relevant previous conviction. Candidates needed to go on to say that, if the client did not consent to this, then the barrister must cease to act.

Key observations from Chief Examiner on cohort performance: Overall, candidates performed well in this question. Most candidates were able to identify the need for the barrister to ensure he did not mislead the court by allowing an unlawful sentence to be passed. Most candidates were able to set out the next steps, but a few weaker candidates failed to recognise that consent was required

in order to disclose the relevant previous conviction. Some candidates provided more in-depth discussion, identifying that the actions to be taken by the barrister would be different if the mandatory sentence provisions did not apply. A few weaker candidates incorrectly concluded that the barrister had breached confidentiality by checking he had the correct prosecution material.

Decision of the exam board in relation to question:

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

SAQ 3									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
3	1%	3	1%	34	6%	243	45%	253	47%

Broad syllabus areas covered: This scenario involved a male barrister co-defending in a case alongside more senior members of chambers. The fact pattern suggested that the female judge was giving the barrister an unfairly difficult time in court. During the lunch adjournment, the more senior female colleague took the barrister aside and made a series of comments, some of which were designed to dissuade him from making an application which, if successful, would have been detrimental to the female colleague’s client. To be graded as ‘Satisfactory’ candidates were required to identify the application of CD2 and/or CD7 in relation to the making of the application. Candidates were also expected to identify and apply CD4 in that the male barrister should not allow himself to be influenced by the views/behaviour of the female barrister or her more senior position in chambers when deciding whether to make the application. Regarding the female barrister, candidates were expected to note that she should not be using her position/seniority to try to influence the male barrister. They were also expected to recognise the basis of the inappropriateness of her behaviour, whether identifying it as discrimination, harassment or bullying. A conclusion needed to be reached that the application must be made if considered to be in the best interests of the client to do so. Regarding subsequent remedial steps, candidates were expected to note the potential for the female barrister’s conduct to be serious misconduct, and if so, the need to report to the BSB. Alternatively, candidates could identify other, sensible steps that the male barrister should take, such as reporting the conduct to his head of chambers or HOLP.

Key observations from Chief Examiner on cohort performance:

This question was answered well overall, with a good number of both ‘Satisfactory’ and ‘Good’ grades. Most candidates correctly identified and applied either CD2 or CD7 in relation to the making of the application itself. Most candidates were also able to identify the inappropriateness of the female barrister’s behaviour, and to provide some explanation as to why the same was inappropriate. In doing so, a large number of candidates made reference to discrimination on the basis of either sex or age. A significant number of candidates also discussed whether the behaviour might amount to harassment. Where candidates did not identify either discrimination and/ or harassment, they were usually able to label the behaviour in

some other way, such as bullying or abuse of position etc., and thereby arrive at the same conclusions.

Where candidates were graded as 'Poor', this tended to be due to either failing to identify the application of CD4 to the scenario or failing to identify any remedial steps that the male barrister should take due to his treatment by the female barrister. As regards the former, a reasonable number of candidates identified the relevant ethical issue/principle in terms of the male barrister not letting himself be influenced by the views/ behaviour of the female barrister but simply failed to couch it in terms of CD4 or independence. These candidates instead often used either rC15.4 or rC20 to support the same points. Where it was felt that the principle was still sufficiently identified and applied, credit was given despite no direct reference to CD4, and these responses were saved from being graded as 'Poor'.

Good candidates tended to identify and apply rC15 and rC20 as independent points to CD4. Other common 'Good' points included suggestions that the male barrister seek guidance from a more senior member of chambers, the application of CD5, the fact that chambers are required to have an anti-harassment policy which should be referred to for details of how to complain, and that the female barrister should apologise for her behaviour. There were a small number of Unacceptable responses. These tended to involve candidates who had in some way suggested that the male barrister should not proceed to make the application regardless of the fact that the same was in the best interests of the client.

Decision of the exam board in relation to question:

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

SAQ 4									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
2	0%	27	5%	136	25%	197	37%	174	32%

Broad syllabus areas covered: Satisfactory candidates were expected to identify the application of CD2 and/or CD7 in relation to the failure to properly prepare the case. They were then expected to identify the two bases upon which the barrister had breached CD1 and/or CD3 in relation to the grounds advanced, namely advancing a ground that was not properly arguable in the skeleton argument, and then knowingly misleading the court during the hearing by deliberating handing up only the excerpt from the case, despite being aware that the same did not accurately represent the judgment as a whole. Regarding remedial steps, candidates were expected to identify that the misleading of the court amounts to serious misconduct which the barrister must report. They were also expected to deal with the immediate remedial action required in terms of ensuring that steps were taken to correct the position with the court.

Key observations from Chief Examiner on cohort performance: Candidates who performed well on this question tended to take a methodical approach to the issues. Those who did identified both the misleading in terms of advancing a ground that was not properly arguable in the skeleton argument, and the

misleading at court by handing up the excerpt only. However, some candidates conflated the issues such that the two incidents were not clearly delineated, and only one or the other thereby identified. Where this occurred, depending on which incident was dealt with, the candidate fell foul of either being graded as Poor (if only the misleading at court was identified) or Unacceptable (if only the issue with the skeleton argument was identified). Most candidates identified the application of CD2 and/or CD7 well, although some did overlook this, instead jumping straight to focus on the CD1/CD3 points. Again, this seemed to be an issue caused by not being methodical enough in terms of working through the issues as they presented themselves in the question.

Some candidates were graded as Poor due to failing to identify the need for the barrister to report himself for serious misconduct. However, the more significant omission arose from candidates either failing to recognise that the barrister was duty bound to correct the position with the court, or making a positive statement that as the hearing had since concluded, the barrister was no longer under any duty to correct the position. Regardless of whether it was an omission or a positive statement, these candidates were graded Unacceptable as per the operation of the mark scheme.

Decision of the exam board in relation to question:

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

SAQ 5									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
6	1%	37	7%	143	27%	306	57%	44	8%

Broad syllabus areas covered: This scenario involved a barrister who was instructed to represent a defendant charged with conspiracy to supply drugs. The facts of the conspiracy centre around the suspected criminal lifestyle of the defendant. Following the initial hearing, the defendant asked the barrister to contact his girlfriend to pass on details about an address at which she could find some funds to help look after herself and their child. The barrister requested further information about the address, but the defendant refused to provide any further details. Candidates were required to identify that the nature of the case with which the defendant was charged was likely to raise the issue of money laundering/proceeds of crime. Candidates needed to recognise that the barrister must not comply with the request as it would likely result in her being implicated in money laundering/POCA offences.

Key observations from Chief Examiner on cohort performance: While the issues in this question were relatively straightforward, they required candidates to think contextually about the scenario, as the issue was not immediately obvious on the face of it. Accordingly, where candidates fell down, it was for failing to identify that the facts raised money laundering/POCA considerations. Generally, candidates recognised the barrister must not pass on the information but fell into the 'Poor' category for failing to identify why. Those that fell into the 'Unacceptable' bracket did so primarily for believing that the facts gave rise to mandatory disclosure under POCA and therefore provided justification for the barrister to

breach confidentiality. There was nothing on the facts at this stage that would have required the barrister to make a disclosure by law, and therefore a breach of confidentiality on this basis would have seriously affected the best interests of the client and thus any answer advising such a course of action was 'Unacceptable'.

Decision of the exam board in relation to question:

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

SAQ 6									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
11	2%	4	1%	75	14%	213	40%	233	43%

Broad syllabus areas covered: This question involved a barrister who wanted to update the chambers website to promote more public access work. He proposed setting up a company to advertise public access services which would then refer the clients to chambers, for a fee for the services provided. Another member of chambers proposed an arrangement whereby the barristers could pay additional fees to the company for more work, as well as charging all public access clients a fixed fee in advance. Candidates were required to identify that it was acceptable for barristers to set up a company to advertise the services of chambers and that a fee could be paid for these services. Candidates needed to recognise that the proposal to pay more fees for additional work would likely amount to a referral fee and therefore would be prohibited by the Handbook. Good candidates were required to recognise that charging public access clients a fixed fee was not prohibited by the Code.

Key observations from Chief Examiner on cohort performance: Overall candidates did well in this question as at its heart was the identification of the impermissible referral fee. Where candidates identified this, they were able to elevate their answer to 'Good' by addressing all the other matters in the question. Many candidates failed to touch on all three points, only dealing with one or two of the points, and therefore remained as 'Satisfactory'.

Decision of the exam board in relation to question:

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

SAQ 7									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
2	0%	2	0%	141	26%	306	57%	85	16%

Broad syllabus areas covered: In this scenario, the barrister was approached by a solicitor with whom he has a good relationship and who instructs him regularly. The solicitor wished to instruct the barrister to deal with a personal matter on a public access basis. The matter involved an area of law in which neither the barrister nor the solicitor practised. The solicitor disclosed personal circumstances which mean she could not afford to instruct a solicitor herself and also indicated that the litigation may become complicated and drawn out. A further issue arises as she asked the barrister to take on the case on a CFA basis. 'Satisfactory' candidates were expected to identify the application of CD7 in relation to the

barrister's competence to take on the instructions. They were also expected to identify the application of CD2 specifically in the context of the best interests of the potential client and whether the same would be best served by the instruction of a solicitor and/or a barrister with more appropriate experience in the relevant area of practice. Given the nature of the relationship between the barrister and the potential client, candidates were also expected to identify that the barrister would need to consider whether he could maintain his independence if he accepted the instructions. Lastly, candidates were expected to reach some sort of reasoned conclusion as to whether the barrister should accept the instructions. There was scope in the mark scheme for candidates to conclude either way here, if their conclusions were clearly justified and took into account the relevant principles. Candidates performed reasonably well in relation to this question, although there were fewer candidates identifying sufficient 'Good' content to elevate their answers from 'Satisfactory'. 'Satisfactory' candidates identified and applied all the relevant Core Duties, albeit in varying degrees of detail. Stronger candidates concluded clearly that in all the circumstances the instructions should not be accepted. Weaker candidates tended to sit on the fence in terms of a conclusion, although those who reasoned both options clearly were usually capable of being marked 'Satisfactory' even if they did not then clearly reach a firm conclusion as to which option was the most appropriate in the circumstances. Of the 'Good' points, the most common that were identified related to the non-applicability of the Cab Rank Rule to this scenario, and the fact that the barrister could agree to the instructions on a CFA basis but did not have to. There were some candidates who fell into the 'Poor' category. The most common failings amongst those graded 'Poor' were the failure to identify and apply CD4 to the scenario (or to recognise the independence point in some way), or the failure to reach any kind of conclusion in relation to the matter of whether the instructions should be accepted. A smaller number of candidates failed to identify and apply both CD2 and CD7, with the most common omission being in relation to CD7. An even smaller number again were 'Poor' due to making a positive statement that the Cab Rank Rule applied to the scenario.

Key observations from Chief Examiner on cohort performance:

Decision of the exam board in relation to question:

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

SAQ 8									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
5	1%	2	0%	86	16%	268	50%	175	33%

Broad syllabus areas covered: This question involved a female barrister who discovered that she was being given significantly fewer higher value cases than her male counterparts. When she raised the issue with the clerk his comments appeared to suggest discriminatory practices in terms of the assignment of work on the grounds of sex.

Key observations from Chief Examiner on cohort performance: Satisfactory candidates were expected to identify and deal with each of the three issues raised on the fact pattern. Specifically, they were expected to identify that the first female barrister was being discriminated against on the grounds of sex, and the second on the grounds of sex and/or maternity. Candidates were required to identify the

duty upon chambers to ensure a fair allocation of work under the Equality Rules, and that the clerk's comments in relation to the same were discriminatory and/or in breach of the principle of fair allocation. They were expected to note that the response by the head of chambers to the mentoring scheme suggestion is further evidence of a breach of CD8 and/or a failure to promote diversity and inclusion within chambers. Lastly, candidates were expected to identify some action required on the barrister's part to challenge the practices within chambers. Candidates were credited for referring to a number of options in this regard, including reference to the fact that a formal complaint could be made under chambers' equality/grievance procedures, or speaking with chambers' equality and diversity officer.

Candidates seemed to struggle with this question in that a significant number failed to take a methodical approach in terms of discussing each of the three issues in turn. This resulted in a number of candidates not in fact addressing all three issues. However, as the mark scheme allowed for some omissions without rendering the answer 'Poor', this did not have a significant impact on the number of 'Poor' grades overall.

Most candidates were able to identify the key issue involving the named barrister in the scenario, namely that she was being discriminated against on the grounds of sex. Some candidates either struggled with precisely defining the nature of the discrimination taking place (e.g. many identified this as gender discrimination), or simply failed to be precise, referring to 'discrimination' only in broad terms. Where it was possible to infer from the answer that the candidate understood that the barrister, as a female, was being treated less favourably than her male counterparts, then the credit was given even if the exact words were not used. A large number of candidates were also able to identify some sensible action that the barrister should take because of the discriminatory practices in chambers. The most common issue giving rise to 'Poor' responses was the failure on the part of candidates to identify the duty upon chambers to ensure a fair allocation of work. Some candidates simply missed the point entirely, whilst others only talked in vague terms about the duty on chambers to have systems in place to avoid discriminatory practices. A smaller number of candidates failed to identify any action required of the barrister to challenge the practices within chambers. Candidates rated 'Good' were those who tended to take a more methodical approach to addressing each of the issues in turn, and who then also went on to make a few of the higher-level points. The most common 'Good' points identified by candidates included identifying the potential need for training for the clerks, the application of CD5, the fact that the absence of an equality and diversity officer can amount to a regulatory breach, and reference to the data monitoring to identify and address any concerns in terms of fair allocation. There were few Unacceptable responses, with most of the failing responses being graded as 'Poor'.

Decision of the exam board in relation to question:

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

SAQ 9									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
2	0%	23	4%	228	43%	104	19%	179	33%

Broad syllabus areas covered: This scenario tested candidates' understanding of the circumstances in which a barrister must maintain independence and not be pressured into misleading or lying to the tribunal or advancing arguments which the barrister knows are not properly arguable. The focus of the question was on the exercise of professional judgment and the giving of advice to a client when it is clear there is no basis / a dishonest basis for advancing a certain position, and the need to cease to act if the client does not heed that advice. The scenario was that of a mediation where the client claimed damages arising from, first, delayed completion of works, and secondly, the poor quality of the works. The second part of the claim was weak: when asked if there was any further evidence, the client instructed the barrister to say that the evidence was lost in an IT crash. When challenged by the barrister that this was the first mention of such material, the client tells the barrister he is paying for her to put his case, and she is to advance the case whether it is true or not. In these circumstances the barrister must act with independence and not be pressured into lying or advancing such a ground which is not properly arguable (CD4, rC20). She must not mislead the mediator as to the truth of the poor quality of work (CD3). She must advise the client of this, explain why she cannot put forward his argument and, if he continues to insist that she do so, she must withdraw and return her instructions (rC21).

Key observations from Chief Examiner on cohort performance: On the whole candidates recognised the relevant issues in the scenario, identifying that "court" is widely defined and the duties as defined in the Code apply to mediation. As a result, the CD1 and CD3 duties were identified. There were then two areas where candidates struggled. The first was how far the barrister could go in properly representing her client and complying with CD2 and CD7, against the responsibility not to advance an unsustainable part of the claim. Some candidates viewed this to be a case of "putting the prosecution to strict proof", failing to recognise that this was civil mediation, and not criminal proceedings. As a result, these candidates suggested it was acceptable to argue the unarguable point to properly represent the client. Where candidates suggested the barrister could follow the client's instructions and risk misleading the mediator by making a statement which she knew to be untrue or was reckless as to its truth, this fell into the 'Unacceptable' category. This was the most prevalent reason for an 'Unacceptable' grade. The most common difficulty centred on the candidates' failure to identify the application of CD4 in the context of client pressure. Although many candidates referenced CD4 elsewhere in their answers, they did not consistently apply it to this aspect of the scenario. It was noted across the responses that rC20 was applied less frequently, with candidates often suggesting that withdrawal was something the barrister might consider rather than recognising it as a mandatory requirement. Often this was linked to the giving of advice rather than the explicit recognition that if the advice is rejected then the barrister must withdraw. There was a generous range of 'Good' criteria for candidates to advance and as a result where answers met the 'Satisfactory' threshold it was often possible to elevate them further to 'Good' grades because of the additional content advanced.

Decision of the exam board in relation to question:

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

SAQ 10									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
4	1%	17	3%	133	25%	211	39%	171	32%

Broad syllabus areas covered: This scenario tested understanding of practice management and the tensions between undertaking non-legal work and legal work where there was a risk of a clash. This question raised three distinct issues for candidates to address. Candidates were expected to identify that the barrister had failed to manage her practice competently. By taking no action when she realised the client was vulnerable and the hearing would take longer than a morning, she should have taken steps to address that when there was sufficient time to do so. The second aspect was the continuing need to manage her practice when at court. The client was vulnerable and while it was acceptable for the barrister to undertake non-legal work she had to ensure when doing so that she did nothing to undermine her ability to manage her practice or to prevent her from complying with her duty to provide a competent standard of work and service and/or her duty to act in the best interests of the client. Finally, candidates had to identify that the client was vulnerable, and the barrister had to continue to represent her client, and thus it was incorrect to apply for an adjournment on the basis that she had a teaching commitment in the afternoon.

Key observations from Chief Examiner on cohort performance: The performance of the candidature in this question was mixed. There was some misunderstanding as to the nature of the non-legal work, leading to a misapplication of the Clash of Hearings guidance, and then the need for an adjournment. When candidates failed to identify the application of CD10 in the context of engaging in non-legal work it was necessary to look beyond the missing explicit reference to CD10. Candidates showed a general awareness of the need to manage one's practice but did not frame this specifically around non-legal work. In other cases, candidates omitted any direct reference to CD10 while still demonstrating an implicit understanding of the need for the barrister to take preventative steps and prioritise her court commitment. As a result, a fairly holistic marking approach was required, and markers were reminded that it was not necessary to articulate CD10 to demonstrate knowledge and understanding of the application and principle. The mark scheme allowed for the enhanced arguments to lead to a 'Good' grade over and above the basic 'Satisfactory' principles. Poorer candidates focused on only one of the two key issues, either client vulnerability or CD10, and failed to address the other, which was particularly unfortunate where the issue that had been addressed was otherwise well handled. However, vulnerability was better addressed than expected overall. Regarding 'Unacceptable' answers, the most common error was where candidates made a positive assertion that the barrister could apply for an adjournment on the basis of her teaching commitments.

Decision of the exam board in relation to question:

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

SAQ 11									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
2	0%	2	0%	211	39%	106	20%	215	40%

Broad syllabus areas covered: This scenario concerned two junior barristers who represented co-defendants jointly charged with criminal damage involving the destruction of a painting valued at over £1 million. Both defendants were acquitted at trial. After the case was concluded, one client gave their barrister a bunch of flowers worth approximately £20 as a gesture of thanks, which was accepted. The other client gave their barrister an envelope containing cash as a “thank you” for securing the acquittal. Later, that barrister told her colleague that the envelope contained £400 and offered to split the money equally because they worked together on the case, whereas the envelope in fact contained £600, but this is deliberately misrepresented in case the colleague insisted the money should be returned. Later that evening, the recipient of the flowers overheard the other barrister telling a friend that she had received £600 from a client following a successful case.

Key observations from Chief Examiner on cohort performance:

Candidates were required to identify the relevant ethical principles and apply them to the issues raised and how they should be resolved. A ‘Satisfactory’ answer needed to recognise that barristers must consider whether accepting gifts from a current or former client could reasonably be seen as undermining their independence. In relation to the flowers, candidates needed to consider the relatively modest value of the gift and the fact that the trial had already concluded. On those facts, it would generally be acceptable to conclude that accepting such a small token of appreciation would not undermine independence, provided appropriate reasoning was given. In contrast, accepting money from a client raises serious ethical concerns. Candidates needed to recognise that accepting cash from a client would breach the relevant core duties, particularly those relating to integrity and independence. The barrister who received the money should therefore not have accepted it in the first place. Candidates also needed to identify that the colleague must refuse the share of the money offered. The correct resolution was that the barrister who accepted the cash must return the full amount to the client. The general impression was that there was a mixed performance by candidates. A good number of candidates were able to identify and apply the relevant provisions relating to gifts, dealing with the flowers aspect appropriately, and to recognise that barristers must not accept money from a lay client, with the better candidates identifying gC18.3 which relates to acceptance of money from a lay client only when it is in payment for professional services or reimbursement of expenses/disbursements made on behalf of the client. There was a considerable number of candidates who approached the money aspect of the question on the basis that the value of cash involved would amount to a disproportionate gift (and thus should not be accepted for that reason, as opposed to the prohibition on accepting client money), which was incorrect, and resulted in a ‘Poor’ grade. The

rare 'Unacceptable' answers attempted to justify retention of the money by the barrister e.g. by suggesting that the money could be kept and used for a chambers party.

Decision of the exam board in relation to question:

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

SAQ 12									
DNA		Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%	#	%
5	1%	1	0%	97	18%	324	60%	109	20%

Broad syllabus areas covered: The scenario concerned a self-employed criminal barrister who had recently been accepted as a Grade 1 prosecutor and wished to move towards a predominantly prosecution-based practice. When he arrived at chambers, he learned that another barrister was ill and could not attend a 10:00 magistrates' court sentencing hearing for criminal damage. The barrister was the only available advocate who could cover the case. The case had attracted public attention because the defendant was a well-known environmental activist who had vandalised a monument to protest a council decision permitting the expansion of a factory which would potentially increase pollution. The defendant had significant local support and members of the public were expected outside court. The barrister's clerk suggested taking on the case might lead to more prosecution work in the future, but the barrister was worried about negative publicity and the reaction of his family, who support environmental causes. Candidates had to identify and apply the relevant ethical principles and provide an appropriate resolution.

Key observations from Chief Examiner on cohort performance: A

'Satisfactory' answer needed to recognise that the barrister is a self-employed practising barrister instructed by a professional client and therefore subject to the cab rank rule, meaning that generally he is required to accept suitable instructions. The case falls within his competence because he is a Grade 1 prosecutor with experience in criminal work. Candidates also needed to address the lack of time to prepare. Although the barrister only has about an hour before the hearing, the rules allow acceptance where limited preparation time still serves the client's best interests, particularly where no other advocate is available. In addition, candidates needed to identify the barrister's duty to maintain professional independence, meaning he must not allow the clerk's suggestion about gaining future work to influence his decision. Finally, candidates needed to recognise that the barrister cannot refuse instructions simply because the case may be controversial or attract negative publicity, as barristers must not decline work because the case is unpopular or objectionable to them or to others. A 'Satisfactory' answer would conclude that the barrister should accept the instructions. The impression regarding candidate performance in this question is that it was answered well generally. Candidates were able to identify that the barrister had to maintain independence and discussed the various issues within the scenario which triggered this and were also able to consider the standard "cab rank rule" factors. A good number of candidates recognised the application of rC28 namely that the barrister could not refuse the work on the grounds that it was objectionable to him and/or a section of the public. Good candidates generally went on to discuss the

barrister’s duty to the court (CD1), and the engagement of CD5 and the likely diminution in public confidence were the barrister to refuse the instructions. The weaker candidates tended to overlook the point that barristers must not decline work because the case is unpopular or objectionable to them or to others and were thus marked ‘Poor’. A small number of responses rated as ‘Poor’ failed to provide a conclusion while others, notwithstanding they had recognised and discussed the relevant provisions namely rC21.9 and gC72, stated that the barrister could refuse to take on the instructions due to the lack of time to prepare. There also appeared to be a very small number of candidates who concluded that the barrister could refuse to accept the instructions with no reasoning other than a reference to the lack of time to prepare; these candidates were graded ‘Unacceptable’.

Decision of the exam board in relation to question:

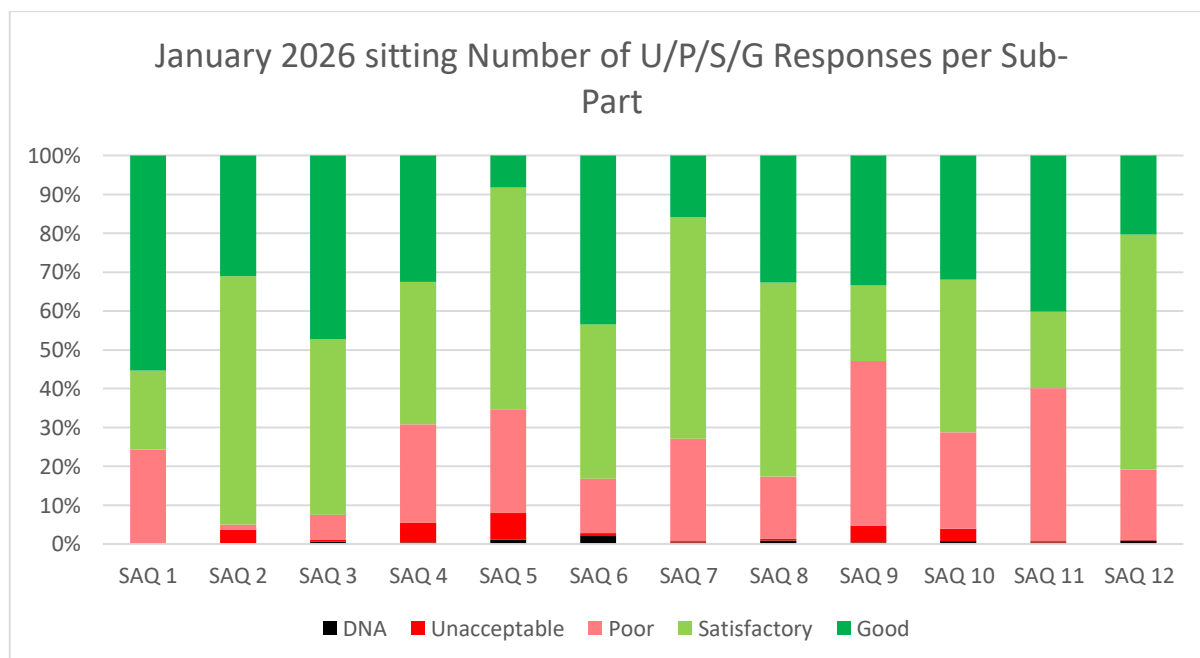
No intervention necessary; results for question confirmed and applied to candidates.

- 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 536 candidates produces 6,432 answers which were graded as follows:

Grading	% of all responses January 2026
Did Not Answer (DNA)	0.67%
Unacceptable	2.13%
Poor	22.09%
Satisfactory	42.44%
Good	32.66%

Across all 12 questions the competency rate (ie percentage of answers rated either ‘Satisfactory’ or ‘Good’) was 64%. The overall candidate passing rate for the January 2026 sitting was 91.4% which is higher than 64%, 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 January 2026 sitting



The graph above shows the distribution of answer categorisations across all 12 questions of the assessment for the January 2026 sitting. Question 9 proved to be the most challenging in terms of the percentage (47%) of responses graded as either ‘Unacceptable’ or ‘Poor’. By contrast, 95% of the responses to question 2 were graded “Good” or “Satisfactory”.

3.5 Assuming candidates attempted the questions in sequence, the data does suggest a falling-off in candidate performance when comparing grades awarded for the first four questions, with those awarded for the last four questions. The average competency rate (ie answers rated either ‘Satisfactory’ or ‘Good’) for questions 1 to 4 was 83%, compared with 76% for questions 5 to 8, and 66% for questions 9 to 12.

3.6 The word count for the January 2026 assessment paper (3,556) was significantly lower than the average for the preceding 12 sittings (3,908) 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 January 2026 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, the Director of Strategy and Policy, confirmed that he 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	Jan-26
Single-Assessment Candidate Profiles and Outcomes													
Candidates First Sitting ¹	112	21	7	212	44	34	340	58	43	492	76	53	521
Candidates Resitting	N/A	4	2	1	15	17	4	57	19	5	39	26	15
Total Number of Candidates Sitting	112	25	9	213	59	51	344	115	62	497	115	79	536
First Sit Candidates Deemed 'Competent'	107	19	5	196	33	30	277	49	38	445	56	43	479
Resit Candidates Deemed 'Competent'	N/A	4	2	0	9	15	4	51	18	2	26	20	11
First Sit Candidates Deemed 'Not Competent'	4	2	1	16	10	3	62	9	5	44	11	10	42
Resit Candidates Deemed 'Not Competent'	0	0	0	1	6	2	0	6	1	0	5	6	4
Results Set Aside or Voided ²	1	0	1	0	1	1	1	0	0	6	17	0	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%	91.4%
Cumulative Outcomes													
Total Number of Unique Candidates to-date	112	132	139	351	394	427	767	824	867	1359	1434	1477	1998
Cumulative Total of Unique Candidates Deemed 'Competent'	107	130	137	333	375	420	701	801	857	1304	1386	1449	1939
Cumulative Total of Candidates Not Yet Deemed 'Competent' ³	5	2	2	18	19	7	66	23	10	55	48	28	59
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%	97.0%
<p>(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.</p> <p>(2) Results may be set aside or voided due to extenuating circumstances or examination misconduct.</p> <p>(3) Not all candidates previously deemed "Not Competent" will continue to attempt the assessment.</p>													

5.2 Candidate success rate by reference to number of attempts

	#	%
Unique Candidates	1998	100%
<i>Of which have been deemed competent</i>	1939	97%
<i>Of which remain not yet competent</i>	59	3%
Of candidates who have been deemed 'Competent', those who		
<i>Passed on their first valid attempt</i>	1777	92%
<i>Passed on their second valid attempt</i>	142	7%
<i>Passed on their third valid attempt</i>	18	1%
<i>Passed on their fourth valid attempt</i>	2	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>	52	88%
<i>Have made two valid attempts</i>	4	7%
<i>Have made three valid attempts</i>	3	5%
<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>	6	1
<i>Apr-25</i>	2	2
<i>Jul-25</i>	3	3

The two tables on the previous page show that, across the thirteen sittings to date, 1,998 unique candidates have attempted this exam at least once. 1,939 of these candidates have been deemed 'Competent' with regard to this assessment, giving an overall cumulative passing rate of 97%.

Of the 1,998 candidates who have sat this exam, 1,777 have achieved a 'Competent' grading result on their first valid attempt, giving a cumulative first valid sit passing rate of 92%.

169 candidates have made at least one resit attempt, of which 162 have ultimately achieved a 'Competent' result following one or more previous valid attempts, giving a cumulative resit passing rate of 95.6%.

1,919 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 two valid attempts of 97.1%

There remain 59 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 59 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

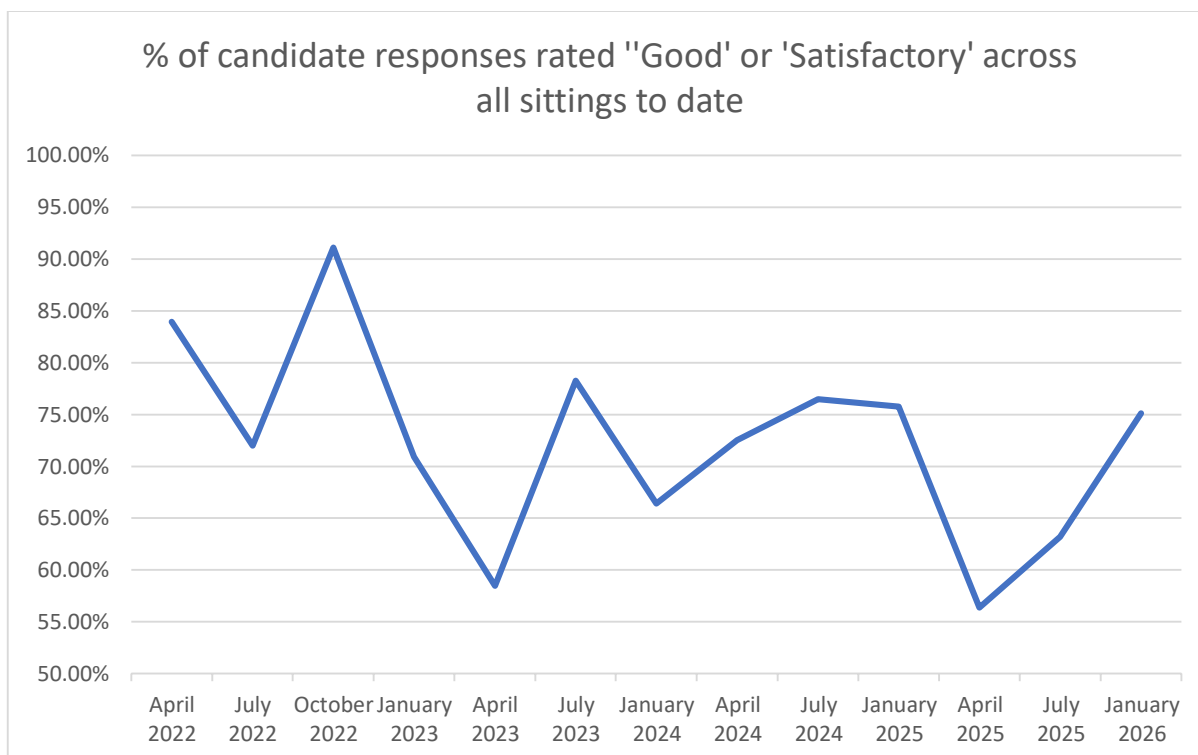
Sitting	Number of Attempts	Number of 'Competent' Results	% of Attempts Deemed 'Competent'
Apr-22	112	107	95.5%
Jul-22	25	23	92.0%
Oct-22	9	7	77.8%
Jan-23	213	196	92.0%
Apr-23	59	42	71.2%
Jul-23	51	45	88.2%
Jan-24	344	281	81.7%
Apr-24	115	100	87.0%
Jul-24	62	56	90.3%
Jan-25	497	447	89.9%
Apr-25	115	82	71.3%
Jul-25	79	63	79.7%
Jan-26	536	490	91.4%
Cumulative Total to Date	2217	1939	87.46%
Average Single-Assessment Pass Rate			85.24%

It should be noted that the 'candidate journey' table at 5.2 (above) counts 1,998 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, 97% of candidates have passed the Professional Ethics pupillage stage assessment to date (table at 5.2 above), and 85.24% 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	
Number of SAQ Responses	5964	1380	948	
% DNA	1.01%	7.25%	1.05%	
% Unacceptable	1.56%	2.61%	4.64%	
% Poor	21.66%	33.77%	31.12%	
% Satisfactory	43.83%	39.57%	39.87%	
% Good	31.94%	16.81%	23.31%	
Sitting	Jan-26	<i>Apr-26</i>	<i>Jul-26</i>	Cumulative
Number of SAQ Responses	6432			26604
% DNA	0.67%			1.20%
% Unacceptable	2.13%			3.08%
% Poor	22.09%			23.71%
% Satisfactory	42.44%			44.78%
% Good	32.66%			27.24%



Of the 26,586 individual responses submitted across all sittings to date, the proportion of answers rated either 'Satisfactory' or 'Good' is 72.1%. 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) on 56.4%.

6. COHORT AND CANDIDATE PERFORMANCE JANUARY 2026 SITTING

Results for the January 2026 sitting of the pupillage stage Professional Ethics examination are as follows.

Jan-26	
Total Number of Candidates	536
Number Passing	490
Passing Rate (%)	91.4%

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 Chair's report Part 1) 81% of January 2026 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:

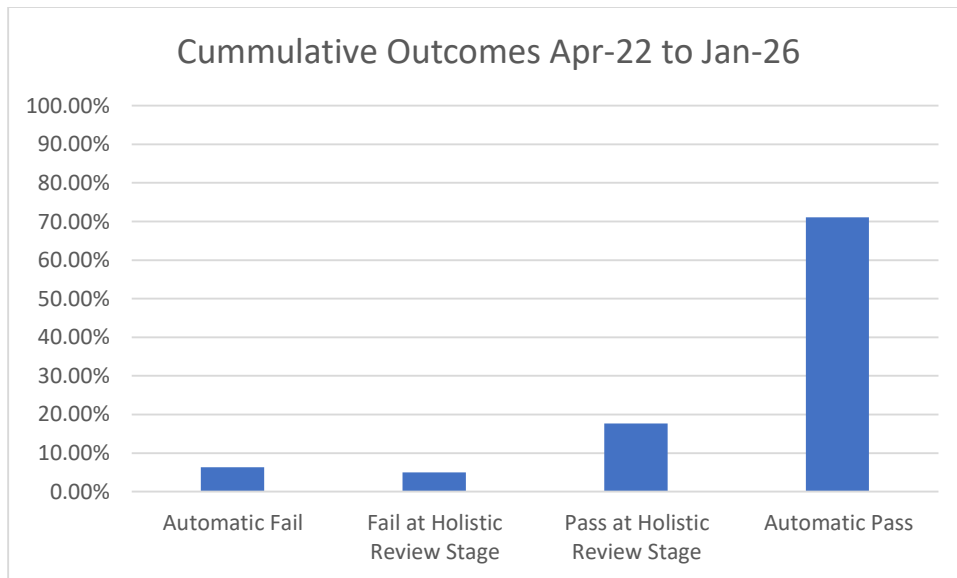
Exam Sitting	Apr-22	Jul-22	Oct-22
Total number of candidates	112	25	9
Percentage of candidates subject to holistic review	15.20%	40.00%	44.40%
Percentage of Candidates deemed as 'Automatic Fail'	1.80%	4.00%	22.20%
Percentage of candidates failing at holistic review stage	2.70%	4.00%	0.00%
Percentage 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
Total number of candidates	497	115	79
Percentage of candidates subject to holistic review	17.5%	37.4%	30.4%
Percentage of Candidates deemed as 'Automatic Fail'	3.8%	20.0%	11.4%
Percentage of candidates failing at holistic review stage	6.0%	8.7%	8.9%
Percentage of candidates passing at holistic review stage	11.5%	28.7%	21.5%
Percentage of candidates deemed as 'Automatic pass'	78.7%	42.6%	58.2%

Exam Sitting	Jan-26	<i>Apr-26</i>	Cumulative
Total number of candidates	536		2,217
Percentage of candidates subject to holistic review	15.7%		23.64%
Percentage of Candidates deemed as 'Automatic Fail'	3.2%		6.2%
Percentage of candidates failing at holistic review stage	8.6%		12.4%
Percentage of candidates passing at holistic review stage	10.3%		17.4%
Percentage of candidates deemed as 'Automatic pass'	81.2%		70.1%



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	1
6 Satisfactory/Good Responses	17
7 Satisfactory/Good Responses	37
8 Satisfactory/Good Responses	80
9 Satisfactory/Good Responses	102
10 Satisfactory/Good Responses	139
11 Satisfactory/Good Responses	77
12 Satisfactory/Good Responses	37

Number of Failing Candidates With	
3 Unacceptable/Poor Responses	0
4 Unacceptable/Poor Responses	0
5 Unacceptable/Poor Responses	3
6 Unacceptable/Poor Responses	11
7 Unacceptable/Poor Responses	19
8 Unacceptable/Poor Responses	8
9 Unacceptable/Poor Responses	3
10 Unacceptable/Poor Responses	1
11 Unacceptable/Poor Responses	1
12 Unacceptable/Poor Responses	0

9.1.5 The table below illustrates the operation of the grading and holistic review processes (outlined at 3.3 Chair's report Part 1) in respect of the January 2026 cohort.

Profiles January 2026 Sitting	Unacceptable	Poor	Satisfactory	Good
Strongest Profile - candidate automatically failing with 3 or more "Unacceptable" gradings	3	3	4	2
Strongest Profile -- candidate automatically failing with 4 or fewer "Good" or "Satisfactory" gradings				
Strongest profile -- candidate failing following holistic review	0	5	6	1
Weakest profile - candidate passing following holistic review	1	6	5	0

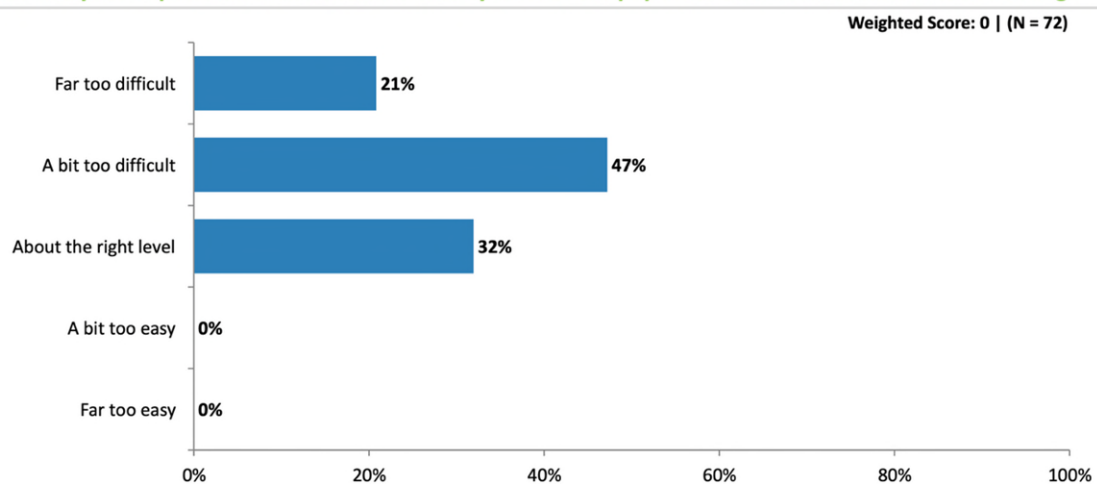
6.1.6 In respect of the candidates being considered in the holistic review process, it should be borne in mind that the determination of a “Competent” or “Not Competent” grading is not driven by a simple mathematical formula but ultimately rests on the overall view of the quality of the script taken by the examiners. Hence, as the above table shows, the weakest candidate passing as a result of the holistic review process had no answers graded as “Good” but had five answers graded as “Satisfactory”. By contrast, the strongest candidate failing following holistic review had one answer graded as “Good”, and six answers graded as “Satisfactory”. The passing candidate also had a weaker profile as regards “Unacceptable/Poor” scores. A consideration for reviewers was the nature and seriousness of the defect contained in an answer, for example whether an answer was graded “Unacceptable” on the grounds of what the candidate has failed to address, or on the basis of what the candidate had (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. 72 candidates (13%) responded to the feedback survey.

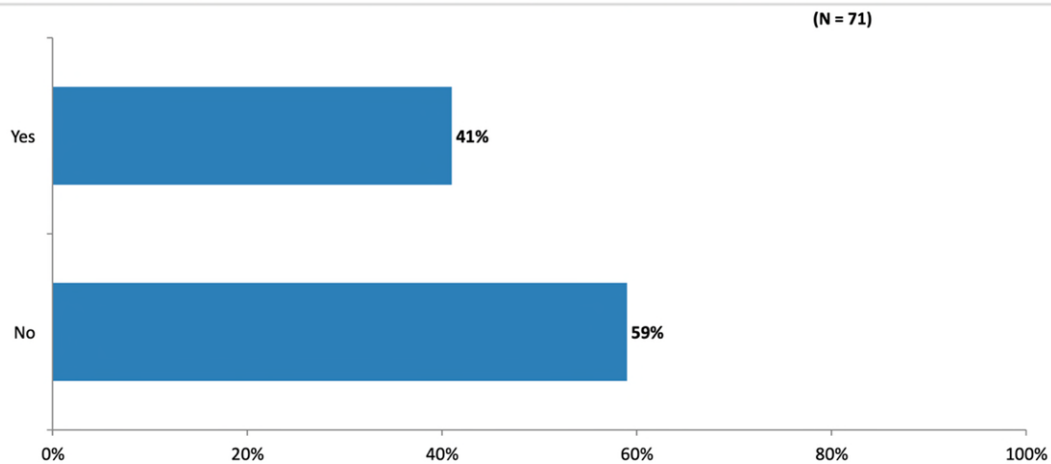
6.2.2 A summary of the general feedback: Level of difficulty

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



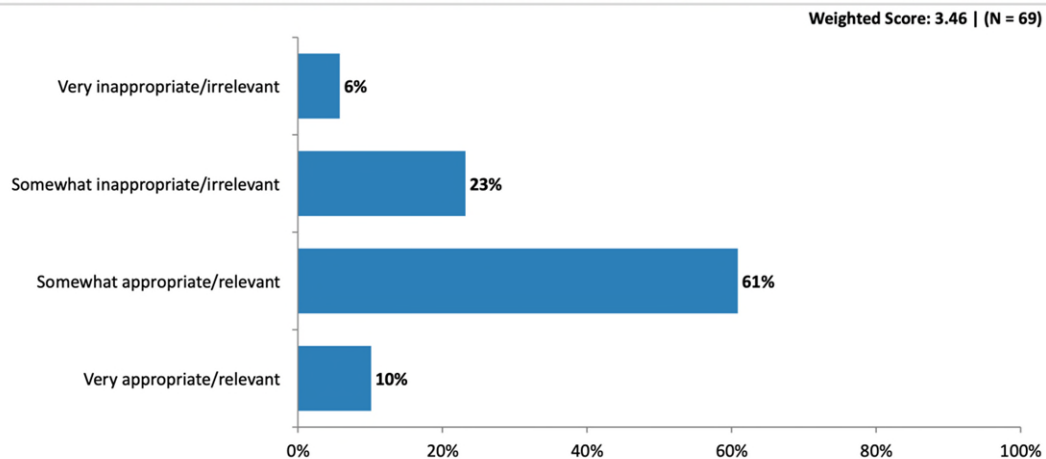
6.2.3 A summary of the general feedback: Sufficiency of time allowed

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?



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	Jan-24
No. Responding	N/A	3	3	73	12	12	88
% of candidates responding	N/A	12%	33.33%	34.27%	20.34%	23.53%	25.58%
% 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%	17%
% of respondents self-reporting as leaving answers blank or incomplete due to lack of time	N/A	0%	33%	55%	91%	25%	45%
% 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%	64%
Passing rate for this sit	95.50%	92%	77.80%	92%	71.20%	90.20%	81.70%
	Apr-24	Jul-24	Jan-25	Apr-25	Jul-25	Jan-26	Apr-26
No. Responding	19	16	110	14	20	72	N/A
% of candidates responding	16.52%	25.81%	22.13%	12%	25%	13%	N/A
% of respondents confirming that the difficulty level of the paper as a whole was appropriate for a barrister at this level of training.	37%	31%	37%	29%	35%	32%	N/A
% of respondents self-reporting as leaving answers blank or incomplete due to lack of time	50%	31%	36%	69%	42%	41%	N/A
% of respondents confirming that the question scenarios were somewhat appropriate/relevant of very appropriate/relevant to the expertise of early years practitioners	69%	84%	70%	43%	69%	71%	N/A
Passing rate for this sit	87%	90.30%	90.10%	71%	79.7%	91.4%	N/A

Comparing the responses of the January 2026 respondents with the average of responses across previous sittings shows the following variations:

	Average across previous 11 sittings	January 2026 respondents	Variance
% of respondents confirming that the difficulty level of the paper as a whole was appropriate for a barrister at this level of training.	35%	32%	-3%
% of respondents self-reporting as leaving answers blank or incomplete due to lack of time	44%	41%	-3%
% of respondents confirming that the question scenarios were somewhat appropriate/relevant of very appropriate/relevant to the expertise of early years practitioners	65%	71%	6%

Professor Mike Molan
 Chair of the CEB
 30 March 2026

Appendix 1

General Descriptors

Grade	Descriptor
Good = “More than Competent”	Content exceeds the criteria for a Satisfactory answer ie, “more than Satisfactory”
Satisfactory = Competent	<p>A competent answer demonstrating satisfactory understanding of the key issues, but with some inaccuracies and/or omissions. Such inaccuracies and/or omissions do not materially affect the integrity of the answer.</p> <p>Analysis and/or evaluation is present but may not be highly developed</p> <p>Evidence of insight, but it may be limited.</p> <p>Use of appropriate information and principles drawn from syllabus materials.</p> <p>Shows an awareness of the key issues and comes to appropriate conclusions.</p>
Poor = Not yet Competent	<p>Poor understanding of the key issues with significant omissions and/or inaccuracies.</p> <p>Limited or completely lacking in evidence of understanding.</p> <p>Interpretation, analysis and/or evaluation is shallow and poorly substantiated.</p> <p>Little or no evidence of insight.</p> <p>Limited use of information and principles.</p> <p>Not evident that syllabus materials were understood and/or incorporated into answer.</p> <p>Shows a very limited awareness of the key issues and fails to come to appropriate conclusions.</p>
Unacceptable = Not yet competent	<p>The answer contains material which, in the view of the examiners, is so <i>clearly incorrect</i> that, if it were to be replicated in practice, it could significantly affect the client's interests or the administration of justice (such acts or omissions would include behaviour which would require reporting to the BSB) and/or place the barrister at risk of a finding of serious misconduct.</p> <p>An answer which, in the view of the examiners, fails to make a genuine attempt to engage with the subject-matter of the question (eg, the candidate's response amounts only to “<i>I do not know the answer to this question, but I would telephone my supervisor for assistance</i>”) will fall into the “clearly incorrect” category of answers.</p> <p>A failure by a candidate to provide any answer will be treated in the same manner as a candidate who provides a “clearly incorrect” answer.</p>