

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

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

**Pupillage stage Professional Ethics
April 2025 Sitting**

1. THE ASSESSMENT OF PROFESSIONAL ETHICS

1.1 Bar Training

In 2020, following on from the Future Bar Training reforms, the Bar Professional Training Course (BPTC) was replaced as the vocational stage of training by a range of permitted pathways that could be used to deliver Bar Training. Authorised Education and Training Organisations (AETOs) providing a Bar Training course are required to provide tuition in, and assessment of, professional ethics to a foundation level. The Centralised Examinations Board (CEB) is not involved in the assessment of professional ethics in the Bar Training courses delivered by AETOs.

1.2 Professional Ethics assessment during pupillage

Following a transition period, passing the Professional Ethics assessment during pupillage is now¹ a requirement for all pupils unless they have a specific exemption authorised by the BSB. Pupils cannot obtain a full practising certificate until they have demonstrated their competence in ethics by passing the pupillage Professional Ethics assessment. The setting and marking of the pupillage component Professional Ethics assessment is overseen by the CEB, on behalf of the Bar Standards Board (BSB). The first sitting of the pupillage component assessment was in April 2022. To be eligible to attempt the assessment, candidates must have completed three months of pupillage by the date of their first attempt at the examination (unless granted a reduction in pupillage). Examinations are normally offered three times per year and there is no limit on the number of attempts by candidates.

For more information on the background to the introduction of the pupillage component Professional Ethics assessment, see the BSB paper published in April 2020 available here: <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/intro-of-professional-ethics-assessment.html>

¹ From the July 2024 Ethics assessment onwards

2. THE PUPILLAGE COMPONENT PROFESSIONAL ETHICS EXAMINATION

2.1 What is assessed – Syllabus

A Professional Ethics syllabus team, comprising academics and practitioners advises the CEB regarding the syllabus for the Professional Ethics assessment and a final update, for all 2025 sittings, was provided to candidates in October 2024, see: <https://www.barstandardsboard.org.uk/static/7282d8d0-06a4-4a3a-a0cef6c929aaebd2/Professional-Ethics-Pupillage-Assessment-Syllabus-2025.pdf>

2.2 How is Professional Ethics assessed during the pupillage component?

The Professional Ethics assessment is an exam comprising 12 questions. All questions are equally weighted. Consecutive questions may or may not be connected. The exam is three hours long and candidates have access to the BSB Handbook in electronic format for the duration of the exam. The questions posed consist of scenarios set within professional practice, each of which requires the candidate to engage with one or more issues, applying ethical principles in order to identify, critically analyse and address the matters raised, and to reach an appropriate resolution of those issues. Candidates are required to provide responses in the form of narrative prose or short answer and to apply their knowledge of ethical principles and, using the provisions of the BSB Handbook, guidance, and other syllabus materials, provide comprehensive analysis and sound reasoning in their answers.

2.3 What constitutes competency in the examination?

The pupillage component examination in Professional Ethics is designed to assess whether or not candidates have achieved the threshold standard expected of barristers on their first day of practice as defined in the Professional Statement; see: <https://www.barstandardsboard.org.uk/uploads/assets/0279b209-dab6-40c9-a554af54994e2566/bsbprofessionalstatementandcompetences2016.pdf>

2.3.1 In terms of notification of results, candidates will be awarded one of two grades in respect of their overall performance. Those achieving the required standard overall will be graded as 'Competent', and those not achieving the required standard overall will be graded as 'Not Competent'. As part of the internal marking process a candidate's answer to any given question is allocated to one of four categories:

- Good (Competent)
- Satisfactory (Competent)
- Poor (Not Competent)
- Unacceptable (Not Competent)

See **Appendix 1** for a more detailed definition of the key characteristics of an answer deemed to fall within any of these four categories.

- 2.3.2 In order to be awarded an overall grading of 'Competent', a candidate would normally be expected to have achieved a grading of at least 'Satisfactory' in respect of 8 out of 12 questions. For details of scripts that are treated as automatic passes, scripts that are subject to holistic review to determine whether the candidate has passed or not, and those scripts resulting in automatic fails, see further sections 4.3.3 to 4.3.6 (below).
- 2.3.3 Notwithstanding 3.3.2 (above), where a candidate has three or more answers graded as 'Unacceptable' the candidate will be graded 'Not Competent' in respect of the overall assessment, regardless of the grades awarded in respect of answers for other questions.

2.4 How candidates prepare for the examination

The BSB does not prescribe any programme of prior study by way of preparation for the examination. A practice assessment that candidates can use for developmental purposes is provided on the BSB website, along with an example mark scheme, and guidance on the grading system. Information about all BSB and external support materials can be found here: <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/intro-of-professional-ethics-assessment.html>

2.5 How the assessment is administered

The assessment is a computer-based test. Candidates are required to register their intention to take the examination with the BSB and to book either a remotely proctored online assessment, or computer-based assessment at one of the designated test centres – full details are available here: <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/intro-of-professional-ethics-assessment/professional-ethics-exam-candidate-guide/part-1-about-your-professional-ethics-assessment.html>

Reasonable adjustments, including the provision of a pen and paper-based assessment, are available for candidates who notify the BSB of their needs within the timelines set out in the BSB's Adjustments and Other Arrangements Policy, found here: <https://www.barstandardsboard.org.uk/static/fc606779-c7ba-4d48-b9258bc52c2ce000/Professional-Ethics-Adjustments-and-other-arrangements-policy.pdf>

3. QUALITY ASSURANCE

3.1 Pre exam: paper drafting and confirmation process

The bank of material used for compiling the pupillage stage Professional Ethics assessment is comprised of questions written by legal practitioners and professional legal academics who have received training from the Professional Ethics Examining Team. The question writers are allocated topics from the syllabus by the Chief Examiner, and all submitted questions, along with suggested mark schemes and indicative content (suggested answers), are reviewed by the Examining Team (which has a strong practitioner representation). The Examining Team compiles a draft examination paper, ensuring that it complies with core assessment principles including level of difficulty, fairness to candidates and syllabus coverage. Each draft paper and accompanying draft mark scheme and indicative content statement is considered at a paper confirmation meeting, convened by the Chair of the CEB. The purpose of the paper confirmation meeting is to ensure that the assessment is suitably rigorous, fair to the candidates, and that the content is both sufficiently plausible and comprehensible. In addition, the mark scheme for each question is reviewed to ensure that it is accurate, appropriate, and proportionate. Following the paper confirmation meeting, the paper, mark scheme and indicative content statement will undergo a syllabus check by the syllabus officer before being reviewed by a Pilot Tester (Paper Scrutiniser) and Proof-reader. The Chief Examiner responds to comments and suggestions arising from these further checks, incorporating changes to the paper where necessary. Once these processes have been completed the examination paper is uploaded to the online system by the BSB Exams Team ready for use in the next scheduled examination.

3.2 Post exam: standard setting and mark scheme development

- 3.2.1 Standard setting takes place following the sitting of the examination. Standard setting is the process of differentiating between the levels of candidate performance and, in this context, whether a level of candidate performance is to be deemed 'Competent' or 'Not Competent'. This process ensures that a consistent pass standard can be maintained notwithstanding that the level of challenge offered by one examination paper may vary compared to another due to the nature of the questions set. The standard setting team is comprised of legal practitioners and academics, supervised by the Examining Team.
- 3.2.2 The standard setting exercise requires standard setters to identify the pass standard for each of the 12 questions. In effect this requires standard setters to identify what should appear in the answers of a candidate displaying the threshold level of competence in Professional Ethics as referenced in the Professional Statement as well as the definition of the classifications of Competent and Not Competent respectively, details of which have been published on the BSB website (see above). Standard setters do not expect candidate responses to be of the quality that might be expected from a KC or leading junior, but of an individual who has completed three months of pupillage and who, on the basis of their answers, can be regarded as "comfortably safe".

3.2.3 Standard setters also bear in mind the context in which the assessment is sat namely that:

- (i) candidates have had exposure to professional practice for a minimum of three months (unless granted a reduction in pupillage), having successfully completed the vocational element of training, including foundation level Professional Ethics;
- (ii) the assessment is a three hour long open book exam; and
- (iii) the objective of the assessment is to test candidates' application of knowledge.

3.2.4 For the first part of the standard setting process, standard setters are asked to identify (independently of each other), the content for each question they consider the notional 'minimally competent candidate' should be able to provide by way of a response for each question. The standard setters are provided with copies of the draft mark scheme and indicative content statement produced by the Examining Team and confirmed as part of the paper confirmation process and are also provided with a sample of candidate answers for each question. During this period, members of the Examining Team review a wider sample of candidate answers, collecting additional material or content for discussion. Responses from the standard setters regarding expected content for each question are collated by the Examining Team (along with the additional content) and circulated for discussion at a plenary meeting attended by all standard setters, the Examining Team, and BSB Exams Team. The submitted content is discussed at the plenary standard setters' meeting and the pass standard for each question is agreed, along with the content of the mark scheme to be provided to markers, detailing the criteria for four possible gradings: 'Good'; 'Satisfactory' (both 'Competent'); 'Poor'; and 'Unacceptable' (both 'Not Competent'). The Independent Observer attends the plenary standard setters' meeting and comments on the process where necessary.

3.2.5 Following the standard setting meetings the Examining Team applies the final mark scheme to a further sample of responses (that have not been seen by standard setters) to test the amended mark scheme before it is shared with markers. The change is helpful in ensuring that markers understand how to apply the final mark scheme and in resolving any remaining issues during the marking stage.

3.3 Post exam: markers' meetings and the marking process

- 3.3.1 Before any 'live' marking is undertaken, a markers' meeting is convened to give markers the opportunity to discuss the operation of the mark scheme. Prior to the meeting, markers are provided with a number of sample scripts (drawn from the candidate cohort) which they mark independently. Markers submit the marks and the feedback to be given to the candidate before the meeting. "Think-aloud marking" takes place using the sample scripts along with further samples so that all markers within the team understand the application of the scheme. Following this meeting, the mark scheme may be further amended to include instructions to markers in respect of specific content of the scheme for particular questions.
- 3.3.2 Markers are allocated two specific questions to mark. Marking teams are supervised by a team leader (an experienced marker) who also marks scripts and moderates the marking of their team. Team Leaders meet with the Examining Team in advance of the markers' meeting and are given guidance on how to perform their role. Feedback is given to all markers during the moderation/calibration process which takes place following the markers' meeting. The marking by Team Leaders is first moderated by the Examining Team, and then (once the Examining Team is satisfied) Team Leaders go on to moderate their marking teams. The Examining Team also continues to carry out dip sampling during the live first marking period. All scripts are blind double marked, and where the two markers disagree a further review process ("adjudication") is instituted to resolve differences. Markers are instructed to escalate scripts to their Team Leader where guidance or clarification is required, and Team Leaders escalate to the Examining Team, if necessary. Clarification and/or guidance is provided by the Examining Team to all relevant markers when required during the process. Where an answer is graded 'Unacceptable' by two markers, this is escalated either to the Team Leader to approve or, where the Team Leader grades a script 'Unacceptable' during the adjudication process (the script not having previously been graded as such by *both* markers), to the Examining Team either to approve the Unacceptable grade or otherwise.
- 3.3.3 Once marking and moderation is completed, scripts that have eight or more 'Satisfactory' or 'Good' and no more than two 'Unacceptable' answers ("automatic passes") are removed from further review processes. All such scripts are graded overall 'Competent'. Scripts with four or fewer 'Satisfactory' or 'Good' answers ("automatic fails") are also removed from further review processes. All such scripts are graded overall 'Not Competent.'
- 3.3.4 Scripts with three or more answers graded 'Unacceptable' are reviewed again by a member of the Examining Team. Confirmation that a script contains three or more answers graded 'Unacceptable' will result in the script being removed from further review processes. All such scripts are graded overall 'Not Competent.' If a script is found, as a result of this process, to contain two or fewer answers graded 'Unacceptable' it will be allocated for holistic review.

3.3.5 Scripts containing between five and seven ‘Satisfactory’ or ‘Good’ answers (and no more than two ‘Unacceptable’ answers) will be subject to a final holistic review. This review involves a “read through” of a complete script to enable the reviewers to judge whether or not the candidate has 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’ is that, on the basis of the candidate’s performance across the paper as a whole, there is no reasonable doubt that s/he had displayed an awareness of Professional Ethics issues commensurate with the granting of a full practising certificate. The *rebuttable* presumptions are:

- (i) that those scripts containing seven ‘Satisfactory’ or ‘Good’ answers will meet the threshold for competence;
- (ii) and that those scripts containing five answers graded ‘Satisfactory’ or ‘Good’ will not.

Scripts with six answers graded ‘Satisfactory’ or ‘Good’ will be carefully scrutinised, using the same principles, reviewers being mindful that that this category contains scripts which are very much on the competence threshold. Each script is reviewed independently by two reviewers, and an overall judgment is made on the quality of the script with a particular focus on the nature and gravity of the errors made by the candidate where answers have been graded ‘Poor’ and ‘Unacceptable’. If there is disagreement between the reviewers as to whether a candidate’s script meets the threshold for competence, a final review will be undertaken by the Chief Examiner.

3.3.6 Finally, a further check of scripts graded overall as ‘Not Competent’ at the holistic review stage is undertaken, along with a sampling of those scripts graded overall ‘Competent’ at the holistic review stage (particularly those deemed to be just on the borderline of competence).

3.4 The role of the exam board – psychometrician and independent observer, and board members

The Professional Ethics Examination Board comprises the Chair of the CEB, the Chief and Assistant Chief Examiners for Professional Ethics, the Psychometrician, the Independent Observer, either the BSB Director General, or the BSB Director of Regulatory Standards. Also in attendance will be the BSB’s Examinations Manager, Senior Examinations Officers and the Head of Examinations. The Board meets to receive reports on the conduct of the examination, the performance of the assessment questions, and to confirm which candidates have been deemed ‘Competent’ for the purposes of the assessment. The Board does not determine issues relating to extenuating circumstances or academic misconduct.

3.5 Extenuating circumstances

The BSB policy on extenuating circumstances in respect of the pupillage stage Professional Ethics examination can be accessed here:

<https://www.barstandardsboard.org.uk/uploads/assets/ddb1ca65-63b8-447e-99993ef80aca5e93/Professional-Ethics-extenuating-circumstances-policy.pdf>

3.6 Examination misconduct

The BSB Examination Misconduct Policy respect of the pupillage stage Professional Ethics examination can be accessed here:

<https://www.barstandardsboard.org.uk/uploads/assets/62449065-f1f2-4b52-a84f1a5712cc81b8/Professional-Ethics-Misconduct-Policy.pdf>

3.7 Reviews

Challenges against the academic judgement of examiners are not permitted. Under the candidate review process, examination answers are not re-marked but candidates may request:

- (i) an enhanced clerical error check which involves the BSB checking that the results have been captured and processed correctly; and/or
- (ii) a review, on the grounds that the CEB, in confirming individual and cohort results for the centralised assessment in Professional Ethics, has acted irrationally and/or in breach of natural justice. Candidates may submit joint applications if they believe that the CEB has acted irrationally and/or in breach of natural justice in respect of cohort results (ie a decision taken regarding whether to make an intervention relating to a cohort as a whole).

See further: <https://www.barstandardsboard.org.uk/uploads/assets/1ec417a2-c574-4105-a5f36d40416d26f1/c8af002b-0266-41d0-a3980d5f73fcd07a/Professional-Ethics-regulations-governing-candidate-review-paper-based-applications.pdf>

3.8 Release of Results and Feedback to Failing Candidates

Results are issued using MyBar - the online self-service portal for Barristers and Bar Training Students. Following the Exam Board, results are uploaded to candidates' MyBar Training Records and candidates are notified that they can view them by logging into their MyBar account. Candidates may also share their result with the Pupil Supervisor or others, using their unique Training Record ID.

Candidates who have failed the exam receive feedback on each of the questions which were scored 'Poor' or 'Unacceptable'. Candidates who have failed the exam three times are also provided with more holistic feedback covering all three attempts they have made at the exam. Failing candidates can access the commentary on the operation of the assessment (5.6.1 below) in conjunction with the individualised feedback provided.

4. EXECUTIVE SUMMARY

The eleventh sitting of the pupillage component Professional Ethics examination was held on Tuesday 29 April 2025 at 2pm. The summary of results is as follows:

April 2025	
Number of Candidates	115
Number Passing	82
Passing Rate (%)	71.3%

All Exams To-Date			
Average Pass Rate over 11 sits		86.8%	
	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	46
Passing Rate	92.0%	71.2%	90.2%
	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	
Number of Candidates	497	115	
Number Passing	448	82	
Passing Rate	90.1%	71.3%	

The April 2025 sitting saw 115 candidates attempting the assessment. The passing rate of 71.3% was some way below the average across the pupillage stage assessments of Professional Ethics since the first sitting in April 2022 and was the second lowest recorded to date. The lower passing rate was to some extent the result of operational difficulties in the delivery of the assessment to 17 candidates, 16 of whom were unable to start or complete the assessment successfully (see note at 5.2, below). Excluding the candidates impacted by these operational difficulties produces a passing rate of 82.7%, only marginally lower than the average passing rate to date. There were no interventions required in respect of any cohorts of candidates for the April 2025 sitting and no interventions required in respect of the substantive content of any of the assessment questions.

5. THE APRIL 2025 PROFESSIONAL ETHICS EXAMINATION RESULTS

5.1 Report from the Examinations Manager: candidate numbers

- 5.1.1 The Examinations Manager confirmed that 124 pupils registered for the examination during the booking period. 115 candidates attempted the exam. 88 candidates (77%) sat remotely proctored (OI) exams, and 27 candidates (23%) sat the exam at a test centre. Candidates sitting in test centres were spread across five centres in four cities.
- 5.1.2 There were seven absentees, four due to sit in test centres and three due to sit OI exams. There were two further registered candidates, who did attend on the day, but did not enter any responses to be marked. These two candidates were affected by the issues outlined at section 5.2 (below). Two candidates sat the exam over the course of two days as part of their reasonable adjustments. Although some candidates had access to physical copies of the exam materials during their exam, no candidates submitted their responses on paper.

5.2 Report from the Examinations Manager: operational issues

- 5.2.1 The BSB Exams Team became aware before the examination that the link to the Handbook did not appear at the end of every SAQ. A message was sent to all registered candidates as well as to test centre invigilators and OI proctors notifying them of this and suggesting that candidates open the Handbook whilst on the first SAQ and leave the webpage open throughout their exam.
- 5.2.2 Candidates at two test centres reported early on in their exam that they were unable to do this, and that when they navigated the exam to the second SAQ, the Handbook would close. This meant that they could only access the Handbook while on SAQs which had the link (*ie* they could not access the Handbook for half of the questions).
- 5.2.3 The BSB Exams Team worked with Surpass to try to find a solution; unfortunately, by the time a new working test form was prepared to be delivered to candidates, the candidates had already been waiting a few hours, and the test centres were not able to stay open for much longer in the evening. At one of the two affected centres, candidates had much earlier asked test centre staff to 'un-pause' their exams and they continued despite lacking access to the Handbook.
- 5.2.4 One candidate was due to sit an adjusted test form (with a different font and using assistive technology) at one of the affected test centres. This candidate's exam did not start on time due to test centre staff being unaware of how his exam should be delivered. The confusion caused by the wider technological issue meant that this candidate also did not get to sit their exam, although in theory they should not have been affected by the issue.

- 5.2.5 One further candidate in a third test centre experienced this issue, but other candidates at that centre did not. In total, 17 pupils were affected (including the pupil mentioned at 5.2.4). Two of these submitted no responses; eight were able to respond to all 12 SAQs; one responded to eight SAQs; and the others responded to between three and five SAQs.

5.3 Report from the Examinations Manager: academic misconduct

- 5.3.1 The 'Red-Amber-Green' (RAG) Report received from OI proctors contained two 'red flags' and one 'amber flag.' These, alongside a random sample of 12 'Green flags' were reviewed by the Senior Examinations Officers (SEOs). The SEOs stood down all red and amber flags and found nothing arising from their sampling of green flags.
- 5.3.2 All test centres submitted invigilation reports and three submitted incident reports. Two of the incident reports related to the technical issue above at section 5.2. The other related to minor issues which were resolved by test centre staff. None of the documents received from test centres indicated any examination misconduct.

5.4 Report from the Examinations Manager: Extenuating Circumstances

- 5.4.1 To mitigate the impact of the operation issues detailed at 5.2 (above) the 17 affected candidates were invited to apply for consideration of extenuating circumstances and were considered by the panel as a single "case", without the need for the candidates to submit any further evidence. The panel accepted this case. One affected candidate had in fact passed the assessment and been graded "Competent;" A further 14 candidates had their "Not Competent" gradings set aside, and the remaining two candidates had their non-submissions disregarded.
- 5.4.2 In addition to the above case; the extenuating circumstances panel received eight cases all relating to personal circumstances which either led to an absence or affected the candidate's performance. The panel declined three applications; accepted three applications; with two further applications remaining pending until receipt of further evidence (one relating to an absentee).
- 5.4.3 In total there were 17 "Not Competent" gradings to be set aside.

5.5 Report from the Chief Examiner on the standard setting process

- 5.5.1 Following the sitting, a sample of scripts was selected for the purposes of standard setting. Ten candidate responses were chosen per question.

- 5.5.2 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.²
- 5.5.3 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.

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

- 5.6.1 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.
- 5.6.2 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 See Appendix 1

- 5.6.3 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.
- 5.6.4 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.
- 5.6.5 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.
- 5.6.6 Live blind double marking then took place i.e. each response was blind marked by two markers and written feedback was provided.
- 5.6.7 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.
- 5.6.8 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.

- 5.6.9 Where markers graded a response differently, the response was adjudicated upon shortly thereafter by the Team Leader 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. 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.
- 5.6.10 Following marking and adjudication, all results were collated according to the number of Good, Satisfactory, Poor and Unacceptable answers achieved.

5.7 Automatic passes and fails, and forensic reviews

- 5.7.1 Scripts which had *eight* or more Satisfactory or Good responses (and no more than two Unacceptable responses)³ (“automatic passes”) were removed from further review processes. All such scripts were recorded as Competent.
- 5.7.2 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.
- 5.7.3 For the April 2025 sitting, there were a 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.

³ 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.

5.8 Holistic reviews

- 5.8.1 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.
- 5.8.2 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.⁴ 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.
- 5.8.3 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.

⁴ 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”

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

- 6.1 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							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
1	1%	31	27%	62	54%	21	18%

Broad syllabus areas covered: This scenario tested the candidates' understanding and application of the cab rank rule and the duty to act in the best interests of each client/provide a competent standard of work and service to each client (CD2/CD7).

Candidates were further required to identify issues relating to independence (CD4) and the need to act with honesty and with integrity (CD3). In particular, candidates were required to demonstrate that they were able to correctly reconcile a scenario whereby a barrister was instructed to represent a client (the second client) in circumstances whereby there was a conflicting professional commitment relating to an existing client (the first client).

A satisfactory answer expected candidates to identify that due to the application of CD2 and/or CD7 and/or the cab rank rule, the barrister could not return the instructions relating to the first client or accept the instructions relating to the second client. In discussing the issues engaged, candidates were also expected to note that in deciding the correct course of action, the barrister could not allow himself to be influenced by either his clerk or chambers' interests or his own interests in terms of the nature of the instructions relating to the second client being more beneficial to his career progression.

Lastly, candidates were expected to identify that the comments made by the clerk in terms of 'engineering' a clash of hearings to enable the barrister to accept the instructions of the second client over those of the first client were inappropriate and would amount to a breach of CD3 if the barrister were to go along with the same.

Key observations from Chief Examiner on cohort performance: This question was answered well overall. Although a significant number of candidates did not expressly refer to the cab rank rule when answering the question, most identified that the barrister, having accepted the instructions in relation to the first client, could not accept the instructions in relation to the second client and the reasons for this by reference to CD2 and/or CD7.

Candidates were also able to identify that there was no proper basis upon which the instructions in the first case could be returned. Most candidates were also able to identify and apply CD4 in at least one of the two ways envisaged by the question, and many in fact identified both ways in which CD4 was engaged.

Similarly, a large number of candidates were able to identify that the action suggested by the clerk was not appropriate. Most, but not all who did so, linked this to CD3 on the basis that such action would be dishonest/lack integrity. The engagement of CD3 was missed by a number of candidates, but this was not fatal to the answer so long as the candidate had clearly identified that the clerk's suggestion was inappropriate and could not be countenanced by the barrister. The better candidates were able to elevate their responses by engaging with the specific factors relating to the first client that were applicable in terms of the application of CD2 and/or CD7, such as the client's age and the seriousness of the offence, the proximity of the hearing date, and the length of time the barrister had been instructed.

The additional engagement of CD5 was also identified by a number of the 'good' candidates, as was practical consideration of the steps/enquiries the barrister might undertake in relation to the second client and the possibility that the instructions could be accepted on the basis that the barrister was not available for the conference or plea hearing (due to the prior commitment for the first client).

Candidates who fell into difficulty with this question tended to do so either because they failed to identify the application of CD4 at all to the scenario, or because they failed to identify and deal with the suggestion of the clerk in relation to the engineering of the clash of hearings. Either of these omissions was sufficient to render the answer poor.

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	
#	%	#	%	#	%	#	%
13	11%	57	50%	36	31%	9	8%

Broad syllabus areas covered: In this scenario candidates were required to address a situation in which the interests of the barrister's two clients, who were husband and wife, had come into conflict. The question also involved a second principal issue, namely the action that the barrister should take having become aware of documents in the clients' possession that should have been disclosed in the proceedings but had not been.

To be graded as satisfactory, candidates were required to identify the existence of the conflict of interests and the application of CD2 (that the barrister must act in the interests of each client). Candidates needed to then go on to conclude that because of the nature of the conflict the barrister would not be able to continue acting for both clients. With regard to the disclosure issue, candidates were expected to discuss that while the barrister could not mislead the court, neither could she disclose the documents to the other side and the court without the consent of both clients (CD6).

Finally, candidates needed to identify that the absence of consent from both clients enabling her to disclose the documents gave rise to a further basis upon which the barrister would be required to withdraw in this scenario.

Key observations from Chief Examiner on cohort performance: This question appeared to present a challenge to candidates and there were a number of 'poor' outcomes as a result. In particular, there was a failure on the part of a significant proportion of candidates to appropriately deal with the issues relating to CD6/disclosure in this scenario.

These issues principally manifested themselves in one of two ways. First, there were candidates who simply failed to engage with or address the CD6/disclosure point at all, in that they appeared to overlook the need to disclose the documents, and the requirement for the barrister to obtain consent of both clients in order to do so. Secondly, there were candidates who did identify the need to disclose the documents, but in discussing the same, only referred to the need to obtain the consent of one or other of the clients, rather than both clients. It appeared to the team that candidates falling into the former category often did so as a result of concluding early in their answer that the barrister would need to cease acting for both clients as a result of the conflict of interest, and having reached this conclusion, seemingly did not feel the need to go on to address the disclosure issue. Some allowance was made in that where candidates had in these circumstances at least referred to the ongoing duty of confidentiality owed to both former clients under CD6, the answer was saved from being poor.

A smaller number of candidates were marked as poor as a result of making a positive statement that the barrister could continue to act for one of the clients without identifying that in order to do so the informed consent of the other client was required.

There were also a number of 'unacceptable' responses to this question. These principally related to a failure on the part of the candidate to identify that a conflict of interests had arisen between the clients (either explicitly or by clear implication in the answer given). A smaller number of 'unacceptable' responses related to the candidate making a statement that the undisclosed documents did not need to be disclosed to the other side if the barrister continued to act for one of the clients.

Despite the above, there were a number of candidates that answered this question to a 'satisfactory' level, having discussed and resolved both the conflict and confidentiality/ disclosure points well. A smaller number of candidates expanded beyond the 'satisfactory' content to be graded as 'good'. Those that did tended to do so on the basis of having expanded their discussion of the application of CD2 and/or CD7, and having identified and discussed the application of CD5, and rC27 in the context of ceasing to act.

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	
#	%	#	%	#	%	#	%
3	3%	71	62%	34	30%	7	6%

Broad syllabus areas covered: This scenario involved a barrister who has been offered two additional jobs, which she was considering in order to make some additional, much needed, money. One job was in hospitality and involved the barrister working a regular day a week, but in a place which held events which may be quite shocking to some members of the public. Another job was connected to legal services, providing ad hoc training events. One of the barrister's instructing solicitors was keen for her to provide the training events and use them to promote his firm in exchange for sending her some work.

This question required candidates to acknowledge that, when taking on additional roles, barristers must be mindful of their core duties to ensure their clients were not disadvantaged, namely that they must prioritise their work at the bar and ensure they still provide a competent standard of work and service (CD7). The candidates also needed to acknowledge that the hospitality job could potentially have an impact on the trust and confidence the public places in the profession (CD5). Finally, a candidate needed to identify that the arrangement proposed by the solicitor was a referral fee or otherwise illegal fee arrangement and therefore must not be accepted.

Key observations from Chief Examiner on cohort performance: Overall, candidates performed quite well. Most candidates identified the application of CD5 in this scenario. Some candidates were able to identify the additional concern that the barrister must maintain their independence (CD4) and not enter arrangements which called this into question. The weaker candidates focussed on the referral fee issue and failed to address the duties the barrister owed to their clients.

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	
#	%	#	%	#	%	#	%
6	5%	32	28%	36	31%	41	36%
<p>Broad syllabus areas covered: This scenario involved inadvertent disclosure. A barrister had accidentally handed a confidential report to their opposing barrister when assisting them with providing some paperwork. The barrister who received the report begins to read it and realises it is not helpful to the other side, which in turn meant it may assist his case. A satisfactory answer needed to identify that the barrister should take some action by stopping reading the document and handing it back to the opposing barrister. The candidate also needed to identify that the barrister could not reveal the contents of the report to his client or instructing solicitor at that stage.</p>							
<p>Key observations from Chief Examiner on cohort performance: Most candidates identified these points. Some candidates discussed the considerations for the barrister when thinking about ceasing to act in this situation. Better candidates were able to discuss the relevant case law associated with inadvertent disclosure and also discussed the next steps to be taken by the barrister in the best interests of their client. The weaker candidates did not address the need for the barrister not to disclose the report to their client and instructing solicitor.</p>							
<p>Decision of the exam board in relation to question:</p> <p>No intervention necessary; results for question confirmed and applied to candidates.</p>							

SAQ 5							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
7	6%	34	30%	58	50%	16	14%

Broad syllabus areas covered: This question involves a barrister who was instructed to represent a high-profile client. The barrister discusses particular details of the case, including the client's identity, with a fellow barrister in chambers. The fellow barrister then relays that information to a journalist friend of his. The following day, the details that had been shared appear in the national press, leaving the client's case severely compromised. Candidates were required to identify the ethical implications for both barristers in this scenario and to suggest appropriate remediation.

Key observations from Chief Examiner on cohort performance: Overall candidates were confident in dealing with the ethical implications for the instructed barrister, correctly identifying that he had breached his duties of confidentiality towards his client (CD6) in discussing the case with another barrister so that the client's identity was compromised and that he needed to be honest with the lay client as to what had occurred (CD3).

Where candidates struggled was to identify the ethical principles in relation to the fellow barrister. Some candidates ignored the fellow barrister entirely, while others were unable to articulate how he had breached the Code or what remedial action he should take to mitigate the breach of the Code. It was important to recognise that even though the fellow barrister was not instructed in the case, he still owed a duty to act with integrity (CD3) and not to undermine public trust and confidence (CD5) by discussing information which he knew was confidential.

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	
#	%	#	%	#	%	#	%
9	8%	7	6%	71	62%	28	24%
<p>Broad syllabus areas covered: This question involved a senior and junior barrister who were instructed in a lengthy drugs and money laundering trial, who managed to secure an acquittal for their client. At the conclusion of the case, their client invites them to a party to celebrate their success. At the party, the client offers to fly both barristers in his private jet for a month-long holiday at his holiday villa. He agrees to cover all their expenses with the promise of additional gifts, as a thank you for their work on the case. The senior barrister accepts the offer. Candidates were required to consider what ethical issues arose for the junior barrister in this scenario and to suggest a resolution.</p>							
<p>Key observations from Chief Examiner on cohort performance: Candidates answered this question very well, recognising that the offer must be refused as it would breach the barrister's duties of independence (CD4), integrity (CD3) and would diminish trust and confidence in the profession (CD5). Many candidates were able to identify that it was acceptable for the barristers to attend the party and were able to distinguish the two offers. Good candidates were also able to identify that the junior barrister should speak to the senior barrister to advise him to also reject the offer of the holiday.</p>							
<p>Decision of the exam board in relation to question:</p> <p>No intervention necessary; results for question confirmed and applied to candidates.</p>							

SAQ 7							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
9	8%	14	12%	62	54%	30	26%

Broad syllabus areas covered: In this scenario a barrister with several years of experience is instructed to represent the defendant in a personal injury case that is approaching trial. The claimant has made a settlement offer. The instructing solicitor believes the offer should be accepted and has already advised the client accordingly. However, on reviewing the case papers, the barrister forms a different view, suspecting the claim has been exaggerated. There is a reference in the barrister's papers to a former employee who could provide key evidence supporting this view, but the solicitor failed to follow up with the witness due to workload pressures. The deadline for witness statements has long passed. The solicitor insists on accepting the offer and puts pressure on the barrister to support her advice to the client, warning of reputational consequences if they disagree. Moreover, the barrister's clerk comments that the solicitor is a major source of work. The question required candidates to identify the ethical issues, apply the relevant ethical principles and provide an appropriate resolution.

To achieve a satisfactory answer, candidates needed to demonstrate an understanding that the barrister must act in the best interests of the client (CD2), using their own independent professional judgment regardless of any pressure from the solicitor or concern about future work (CD4). It was necessary to explain that the barrister must advise the client honestly on the strength of the case, the implications of accepting or rejecting the offer, and whether the missing witness could have affected the outcome. The answer also needed to show awareness that allowing external influence to affect professional conduct could breach core duties, particularly those relating to honesty, integrity (CD3), and independence (CD4).

Key observations from Chief Examiner on cohort performance: The question appeared to be relatively straightforward for candidates with most performing well. Most candidates identified that the barrister must maintain independence and act in the best interests of the client and/or provide a competent standard of work and service. A good number of candidates thought of the practical step of seeking an adjournment and this, along with the need to be honest about the reasons, was a very common 'good' point made.

That said, candidates who struggled with the issues posed tended to advise either that the barrister should withdraw or, most commonly, did not address the need to advise the lay client directly. As such, this was the most common reason for the relatively small number of 'poor' answers. The other 'poor' descriptors were very rarely encountered. As regards 'unacceptable' answers, the general perception was that candidates fell into this category as a result of failing to make a genuine attempt to engage with the subject matter of the question as distinct from providing clearly incorrect answers.

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	
#	%	#	%	#	%	#	%
14	12%	41	36%	50	43%	10	9%

Broad syllabus areas covered: The question presented candidates with a scenario in which a pupil barrister behaves inappropriately at a chambers' summer party after drinking heavily. While at the event, the pupil interacts with a solicitor in an unprofessional manner, becomes loud and indiscreet, and discloses confidential information about a vulnerable client in that public setting. The situation escalates when the pupil leaves a takeaway without paying for his food, which may amount to a criminal offence. Candidates were asked to identify the issues and relevant ethical principles, apply them to the facts, and explain how the issues should be resolved.

To achieve a satisfactory grade, candidates needed to demonstrate that they understood that the BSB Handbook applies to pupils and that the pupil's behaviour likely breached several Core Duties, including diminishing public confidence in the profession (CD5), breaching client confidentiality (CD6), and potentially acting dishonestly or committing a criminal offence (CD3 and/or CD5). Candidates also needed to recognise that the conduct may amount to serious misconduct, triggering a duty to self-report under the Handbook. A satisfactory answer needed to identify these issues, apply the relevant guidance (such as gC25, gC46, gC94, and rC65.7), and recommend appropriate remedial action, such as self-reporting and making amends for the unpaid food.

Key observations from Chief Examiner on cohort performance: Candidate performance for this question appeared to be mixed. Candidates generally addressed well the ethical issues relating to the barrister's conduct at the party, identifying the engagement of CD5 when addressing the barrister's drunken behaviour, and CD6 when tackling the loud discussion of the client's case. The most commonly encountered error was the failure to recognise that the behaviour at the takeaway amounted to serious misconduct on the basis that it amounted to dishonesty/a criminal offence, resulting in a poor grade. As regards this aspect, having identified that the barrister may have committed serious misconduct, some candidates failed to go on to state that he needed to report himself to the BSB. Alternatively, candidates suggested that the barrister needed to report himself only in the event that he was charged with an indictable offence (pursuant to rC65). When candidates referred to this provision but also suggested that the barrister had been dishonest and needed to self-report, the response was saved from being marked unacceptable. In the team's view, candidates appeared to treat the behaviour of the barrister at the takeaway in a limited way by reference to criminal conduct alone rather than approaching it from the perspective of professional ethics and the engagement of the provisions of the Handbook.

The Board noted that there were 10 candidates whose responses were classified as 'DNA' (Did Not Attempt). This level of DNA classifications should be considered in the context of the operational difficulties experienced by 17 candidates, as outlined at 5.2 (above).

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	
#	%	#	%	#	%	#	%
16	14%	54	47%	33	29%	12	10%

Broad syllabus areas covered: The question involved a scenario in which a barrister is instructed to defend a client charged with grievous bodily harm following a violent city centre altercation. During a conference with the client and the instructing solicitor, the client expresses deeply offensive and discriminatory views towards the LGBTQ+ community and claims the alleged assault was committed in self-defence. The barrister, who identifies as non-binary and has professional ties to the LGBTQ+ community, is personally repulsed by the client's comments. After the conference, they express their disgust to their instructing solicitor and question why they were given the case, stating that the client deserves to be convicted. Candidates were required to identify the relevant ethical principles and apply them to the facts to explain what ethical issues arose and how they should be resolved.

The scenario required candidates to recognise that instructions had been accepted and under rC25/rC26, there were no substantial reasons for withdrawing. The factual set up meant there was no conflict of interest, or a real risk of conflict of interest, between the barrister's own personal interests and the interests of the prospective client in respect of the matter as envisaged in rC26.8. Thus, candidates needed to identify that the barrister must not withhold their services or permit them to be withheld on the grounds that the conduct, opinions or beliefs of the client are unacceptable to them (rC28; gC88). They must then act in the best interests of the client and provide a competent standard of work and service (CD2 and/or CD7). This would entail advising on the strength of the case including any possible defence and sentence. Candidates also needed to identify that the comments to the instructing solicitor should not have been made and engaged CD5, and the barrister must apologise for the remarks.

Key observations from Chief Examiner on cohort performance: On the whole this question was answered competently. However, there was often a misinterpretation of the facts with candidates not recognising that the barrister had already been instructed and the issue to explore was whether they could withdraw. This led to some irrelevant discussion in whether the barrister could refuse instructions to act having not recognised that they were already acting. The unacceptable grades were applied to responses which positively asserted that the instructions could be returned on the basis of the client's unpleasant views. A number of candidates appeared to believe that the breach related to discrimination and that the client's opinions were a "protected characteristic" under the Equality Act. Most poor grades were due to a failure to address the comments made to the instructing solicitor after conference and to identify that these were wrong/inappropriate. Some responses were graded poor as a result of a failure to suggest a remedy e.g. for the barrister to make an apology.

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	
#	%	#	%	#	%	#	%
18	16%	32	28%	32	28%	33	29%

Broad syllabus areas covered: This scenario required candidates to consider the ethical duties of barristers and those who work with and for them, and how they manage their practice. The scenario related to a civil barrister with 12 years' experience, specialising in contract and property law. His newly appointed fees clerk, employed for six months, has been handling billing during a particularly busy period. The barrister trusts her and does not monitor her closely. For a major client involved in a high-value property dispute, he agreed to an hourly rate and submitted monthly timesheets. However, the fees clerk deliberately inflated billed hours to impress chambers' director. Although the barrister noticed minor inconsistencies, he chose not to investigate or challenge them. After eight months, the client conducts a review, disputes all invoices, and threatens to report the matter to the Bar Standards Board. Upon further examination, the barrister suspects other clients may have been similarly affected. The question required candidates to identify the ethical issues, discuss and apply the relevant ethical principles and suggest how they should be addressed.

Satisfactory responses needed to identify that the barrister must act with honesty and integrity (CD3). In failing to investigate when he first became aware of the discrepancies with his fees, he had breached this core duty. He must provide a competent standard of work and service to his clients, and this duty includes being responsible for the services provided by others in chambers, such as his clerk, in their dealings with his clients (CD7; rC20; gC66). His failure to supervise and review may amount to a breach of CD7. The resolution must be to correct and reissue new, accurate invoices, refunding the overcharged amounts, and providing a full explanation of what occurred. This applies to both the client and the invoices relating to other clients (CD10; gC2). Finally, the barrister should ensure that the client is aware of chambers complaints procedures and comply with any requirements in this regard and/or he should apologise immediately and/or he must ensure that he is open and cooperative with his regulator if he is contacted by the BSB (CD9).

Key observations from Chief Examiner on cohort performance: On the whole candidates answered the question well. Almost all identified that the responsibility lay with the barrister to manage his practice properly and to review and supervise the fees clerk. Many took the view that his omission to act according to the Handbook and with reference to the core duties at an early stage meant he may well have been acting in such a way that required self-reporting to the BSB. This was well argued. Poor outcomes related to the listing of CD3 but failing to apply it to the facts. While most candidates recognised the billing issue, some failed to identify any remedial actions. It was noted that often candidates did not work through the scenario chronologically, and thus they sometimes did not provide a resolution due to this failure to adopt a systematic approach

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	
#	%	#	%	#	%	#	%
12	10%	41	36%	55	48%	7	6%

Broad syllabus areas covered: This question involved a barrister who received poor service at a spa. The barrister complains and requests a refund but the manager of the spa refuses. The barrister sends an email of complaint to the spa from her chambers email address, referring to her status as a barrister and her knowledge of the law. The barrister also posts a public comment on social media criticising the spa and refers to her status as a barrister. Candidates were required to identify what ethical issues arose for this barrister and how should they be resolved.

Key observations from Chief Examiner on cohort performance: On the whole candidates were able to identify that the barrister in this question had abused her professional position by sending a complaint email from her chambers email account, referring to her status as a barrister and her knowledge of the law. Candidates also needed to identify that the barrister should not have posted her complaint publicly on social media, and again, should not have referred to her status as a barrister. There were some candidates who did not address both aspects of the barrister's conduct, either addressing only the email or only the social media post. Some candidates also struggled to identify any remedial action for the barrister, in terms of apologising, removing the post or considering a report for serious misconduct.

Decision of the exam board in relation to question:
No intervention necessary; results for question confirmed and applied to candidates. The Board noted that there were 11 candidates whose responses were classified as 'DNA' (Did Not Attempt). This level of DNA classifications should be considered in the context of the operational difficulties experienced by 17 candidates, as outlined at 5.2 (above).

SAQ 12							
Unacceptable		Poor		Satisfactory		Good	
#	%	#	%	#	%	#	%
28	24%	52	45%	17	15%	18	16%

Broad syllabus areas covered: This question involved a barrister who was representing a vulnerable client, who tells the barrister that he had tried to commit suicide the previous evening. The case is called on and the barrister requests an adjournment to speak to her client further in light of what he has told her. The judge has mistaken the barrister for someone else and criticises the barrister for being unprepared and incompetent once again. The barrister does not persist with the application, and she allows the case to continue. In her haste, the barrister then forgets to put a key part of the case to one of the witnesses. Candidates needed to identify what ethical issues arose for the barrister in this question and how they should be resolved.

Key observations from Chief Examiner on cohort performance: This question proved problematic to many candidates as there were quite a few aspects which had to be dealt with. The primary issue which candidates struggled with was recognising that the instructions given by the client about his suicide attempt were confidential and should not be disclosed without consent. There were some candidates who were graded unacceptable because they stated that this should be disclosed to the court, without any regard to the duty of confidentiality owed. Candidates also needed to address the client's vulnerability and the need to apply for an adjournment in the client's best interests. Candidates also needed to recognise that the barrister must recall the witness in order to put her client's case fully.

Decision of the exam board in relation to question:

No intervention necessary; results for question confirmed and applied to candidates. The Board noted that there were 18 candidates whose responses were classified as 'DNA' (Did Not Attempt). This level of DNA classifications should be considered in the context of the operational difficulties experienced by 17 candidates, as outlined at 5.2 (above).

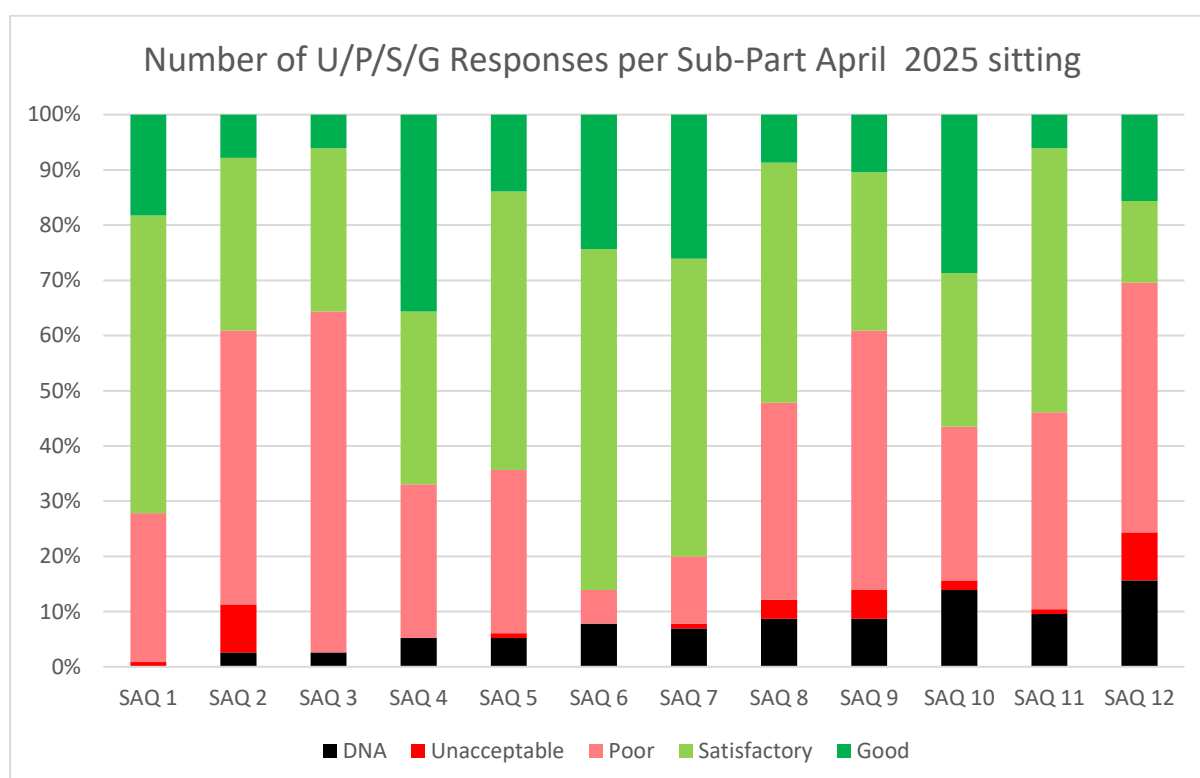
- 6.2 The Exam Board: (i) confirmed that no interventions were required in respect of any of the assessment questions, or cohort results; (ii) that all questions would be included in the assessment for the purposes of compiling candidate results; and (iii) noting that it was a change in the candidates' favour, that Chair's Action could be taken to approve the outcome of the review of scripts following the decision to amend the marking scheme for question 4 (see above).

- 6.3 Taking the 12 question responses across 115 candidates produces 1,380 answers which were graded as follows:

Grading	% of all responses April 2025
Did Not Answer (DNA)	7.2%
Unacceptable	2.6%
Poor	33.8%
Satisfactory	39.6%
Good	16.8%

Across all 12 questions the competency rate (ie percentage of answers rated either 'Satisfactory' or 'Good') was 56%. The overall candidate passing rate for the April 2025 sitting was 71.3% which is higher than 56%, 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.

6.4 Distribution of categorisations across questions April 2025 sitting



The graph above shows the distribution of answer categorisations across all 12 questions of the assessment for the April 2025 sitting. Question 12 proved to be the most challenging in terms of the percentage (78%) of responses graded as either ‘DNA’, ‘Unacceptable’ or ‘Poor’. Much of this was, however, driven by the high level of responses graded ‘DNA’, largely as a result of the operational issues faced by 17 candidates (see section 5.2, above). It is perhaps more instructive to focus instead on the questions that generated the highest proportion of either “Unacceptable” or “poor” gradings. In this regard, question 3, with nearly 62% of responses being graded as “poor” stands out. By contrast, questions 6 and 7 both produced 80% or more of responses graded “Good” or “Satisfactory”.

- 6.5 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, 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 53%, compared with 71% for questions 5 to 8, and 45% for questions 9 to 12. Again, the likely cause for this was the failure of candidates, impacted by the operational issues outlined at section 5.2 (above), to be able to complete the assessment.
- 6.6 The word count for the April 2025 assessment paper (3,390) was significantly lower than the average for the preceding 10 sittings (3,988) 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.

7. APPROVAL OF EXAM BOARD OUTCOMES

- 7.1 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 April 2025 Professional Ethics Assessment.
- 7.2 The Independent Psychometrician endorsed the decisions taken by the Exam Board and felt that the outcomes were reassuring.
- 7.3 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.
- 7.4 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.

8. TREND DATA

8.1 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
Single-Assessment Candidate Profiles and Outcomes											
Candidates First Sitting ⁵	112	21	7	212	44	34	340	58	43	492	76
Candidates Resitting	N/A	4	2	1	15	17	4	57	19	5	39
Total Number of Candidates Sitting	112	25	9	213	59	51	344	115	62	497	115
First Sit Candidates Deemed 'Competent'	107	19	5	196	33	30	277	49	38	445	56
Resit Candidates Deemed 'Competent'	N/A	4	2	0	9	15	4	51	18	2	26
First Sit Candidates Deemed 'Not Competent'	4	2	1	16	10	3	62	9	5	44	11
Resit Candidates Deemed 'Not Competent'	0	0	0	1	6	2	0	6	1	0	5
Results Set Aside or Voided ⁶	1	0	1	0	1	1	1	0	0	6	17
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%
Cumulative Outcomes											
Total Number of Unique Candidates to-date	112	132	139	351	394	427	767	824	867	1359	1434
Cumulative Total of Unique Candidates Deemed 'Competent'	107	130	137	333	375	420	701	801	857	1304	1386
Cumulative Total of Candidates Not Yet Deemed 'Competent' ⁷	5	2	2	18	19	7	66	23	10	55	48
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%

⁵ A Candidate may be recorded as a first sitter more than once, if their earlier attempts were deemed invalid, eg due to extenuating circumstances.

⁶ Results may be set aside or voided due to extenuating circumstances or examination misconduct.

⁷ Not all candidates previously deemed "Not Competent" will continue to attempt the assessment.

8.2 Candidate success rate by reference to number of attempts

	#	%
Unique Candidates	1434	100%
<i>Of which have been deemed competent</i>	1386	97%
<i>Of which remain not yet competent</i>	48	3%
Of candidates who have been deemed 'Competent', those who		
<i>Passed on their first valid attempt</i>	1255	91%
<i>Passed on their second valid attempt</i>	119	9%
<i>Passed on their third valid attempt</i>	11	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>	30	63%
<i>Have made two valid attempts</i>	7	15%
<i>Have made three valid attempts</i>	1	2%
<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.</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>	1	0
<i>Jul-24</i>	3	1
<i>Jan-25</i>	20	3
<i>Apr-25</i>	20	23
<i>Jul-25</i>		

The two tables on the previous page shows that, across the ten sittings to date, 1,434 unique candidates have attempted this exam at least once. 1,386 of these candidates have been deemed 'Competent' with regard to this assessment, giving an overall cumulative passing rate of 96.7%.

Of the 1,434 candidates who have sat this exam, 1,386 have achieved a 'Competent' grading result on their first valid attempt, giving a cumulative first valid sit passing rate of 88%.

132 candidates have made at least one resit attempt, of which 105 have ultimately achieved a 'Competent' result following one or more previous valid attempts, giving a cumulative resit passing rate of 79.5%.

1318 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 91.9%

There remain 48 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 48 candidates do not yet have a record of having made a valid attempt at the assessment.

8.3 Trends in Single-Assessment Marks and Results

Sitting	Number of Attempts	Number of 'Competent' Results	% of Attempts Deemed 'Competent'
Apr-22	112	107	96%
Jul-22	25	23	92%
Oct-22	9	7	78%
Jan-23	213	196	92%
Apr-23	59	42	71%
Jul-23	51	45	88%
Jan-24	344	281	82%
Apr-24	115	100	87%
Jul-24	62	56	90%
Jan-25	497	447	90%
Apr-25	115	82	71%
Cumulative Total to Date	1602	1386	87%
Average Single-Assessment Pass Rate			85.2%

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	Cumulative
Number of SAQ Responses	5964	1380	19224
% DNA	1.01%	7.25%	1.38%
% Unacceptable	1.56%	2.61%	3.32%
% Poor	21.66%	33.77%	23.88%
% Satisfactory	43.83%	39.57%	45.80%
% Good	31.94%	16.81%	25.62%

Of the 19,224 individual responses submitted across all sittings to date, the cumulative 'competency rate' (ie proportion of answers rated either 'Satisfactory' or 'Good') is 71.4%. The April 2022 cohort was arguably the strongest so far, achieving a competency rate of 84%, compared to 56.4% for the April 2025 cohort, arguably the weakest so far (with the second highest percentage of answers graded 'poor' to date).

9. COHORT AND CANDIDATE PERFORMANCE APRIL 2025 SITTING

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

April 2025	
Number of Candidates	115
Number Passing	82
Passing Rate (%)	71.3%

9.1 Analysis of cohort performance

9.1.1 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) 42.6% of April 2025 candidates were deemed to be automatic passes, and a further 28.7% of all candidates were deemed to have passed following a holistic review of their scripts.

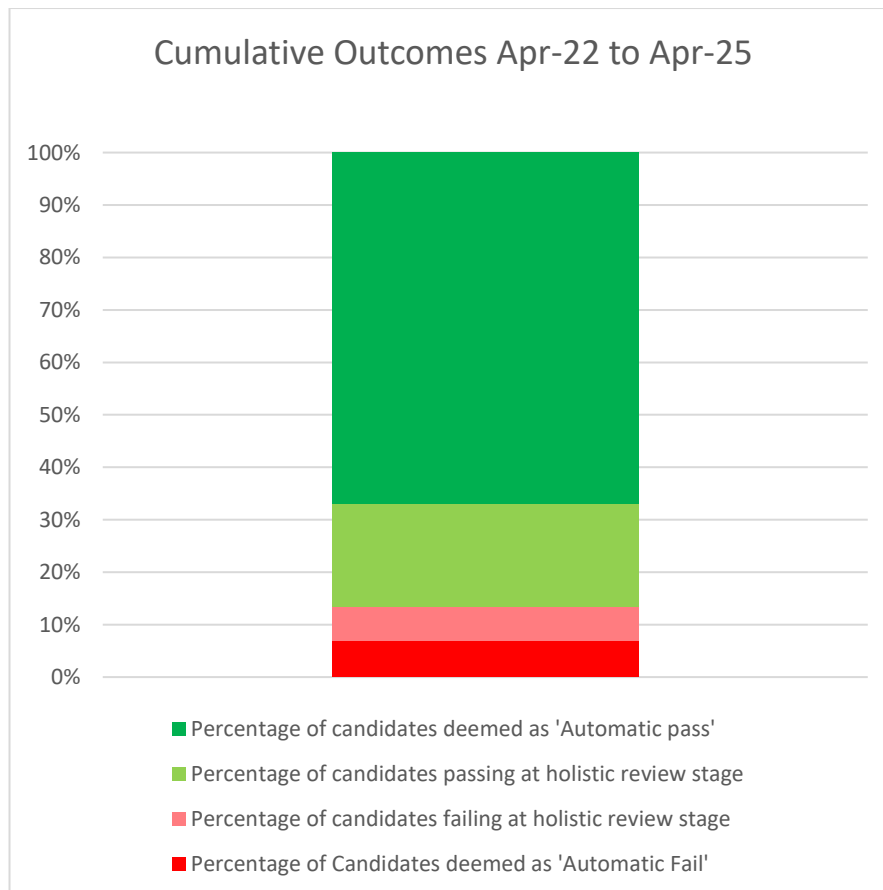
9.1.2 The following tables provide an analysis of each cohort at each sitting to date by reference to the operation of the rules relating to automatic passes, automatic fails, and holistic review:

Exam Sitting	Apr-22	Jul-22	Oct-22
Total number of candidates	112	25	9
Percentage of candidates subject to holistic review	15.2%	40.0%	44.4%
Percentage of Candidates deemed as 'Automatic Fail'	1.8%	4.0%	22.2%
Percentage of candidates failing at holistic review	2.7%	4.0%	0.0%
Percentage of candidates passing at holistic review stage	12.5%	36.0%	44.4%
Percentage of candidates deemed as 'Automatic pass'	83.0%	56.0%	33.3%

Exam Sitting	Jan-23	Apr-23	Jul-23
Total number of candidates	213	59	51
Percentage of candidates subject to holistic review	41.3%	59.3%	15.7%
Percentage of Candidates deemed as 'Automatic Fail'	5.2%	15.3%	3.9%
Percentage of candidates failing at holistic review	2.8%	13.6%	5.9%
Percentage of candidates passing at holistic review stage	38.5%	45.8%	9.8%
Percentage of candidates deemed as 'Automatic pass'	53.5%	25.4%	80.4%

Exam Sitting	Jan-24	Apr-24	Jul-24
Total number of candidates	344	115	62
Percentage of candidates subject to holistic review	28.8%	15.7%	11.3%
Percentage of Candidates deemed as 'Automatic Fail'	8.7%	9.6%	3.2%
Percentage of candidates failing at holistic review	9.6%	3.5%	6.5%
Percentage of candidates passing at holistic review stage	19.2%	12.2%	4.8%
Percentage of candidates deemed as 'Automatic pass'	62.5%	74.8%	85.5%

Exam Sitting	Jan-25	Apr-25	Cumulative
Total number of candidates	497	115	1602
Percentage of candidates subject to holistic review	17.5%	37.4%	26.0%
Percentage of Candidates deemed as 'Automatic Fail'	3.8%	20.0%	7.0%
Percentage of candidates failing at holistic review	6.0%	8.7%	6.4%
Percentage of candidates passing at holistic review stage	11.5%	28.7%	19.6%
Percentage of candidates deemed as 'Automatic pass'	78.7%	42.6%	67.0%



- 9.1.3 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.
- 9.1.4 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	5
6 Satisfactory/Good Responses	11
7 Satisfactory/Good Responses	17
8 Satisfactory/Good Responses	19
9 Satisfactory/Good Responses	16
10 Satisfactory/Good Responses	9
11 Satisfactory/Good Responses	5
12 Satisfactory/Good Responses	0

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

9.1.5 The table below illustrates the operation of the grading and holistic review processes (outlined at 3.3 above) in respect of the April 2025 cohort.

Profiles April 2025 Sitting	Unacceptable	Poor	Satisfactory	Good
Strongest Profile - candidate automatically failing with 3 or more "Unacceptable" gradings	4	1	4	3
Strongest Profile -- candidate automatically failing with 4 or fewer "Good" or "Satisfactory" gradings	0	9	3	0
Strongest profile -- candidate failing following holistic review	0	7	2	3
Weakest profile - candidate passing following holistic review	1	6	4	1

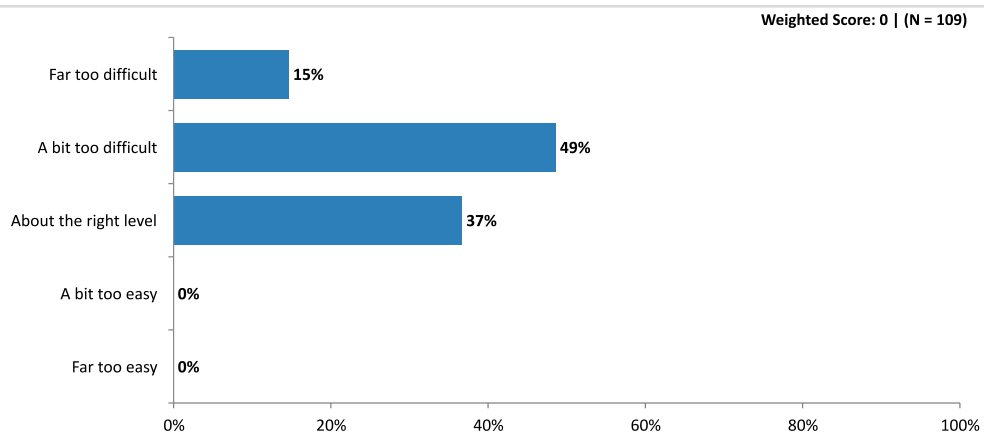
9.1.6 In respect of the candidates being considered in the holistic review process, it should be borne in mind that the determination of a “Competent” or “Not Competent” grading is not driven by a simple mathematical formula but ultimately rests on the overall view of the quality of the script taken 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.

9.2 Feedback from candidates

9.2.1 The Examinations Manager reported that feedback was solicited from all candidates via a survey immediately following the exam, with reminders sent a week later. 14 candidates (12%) responded to the feedback survey.

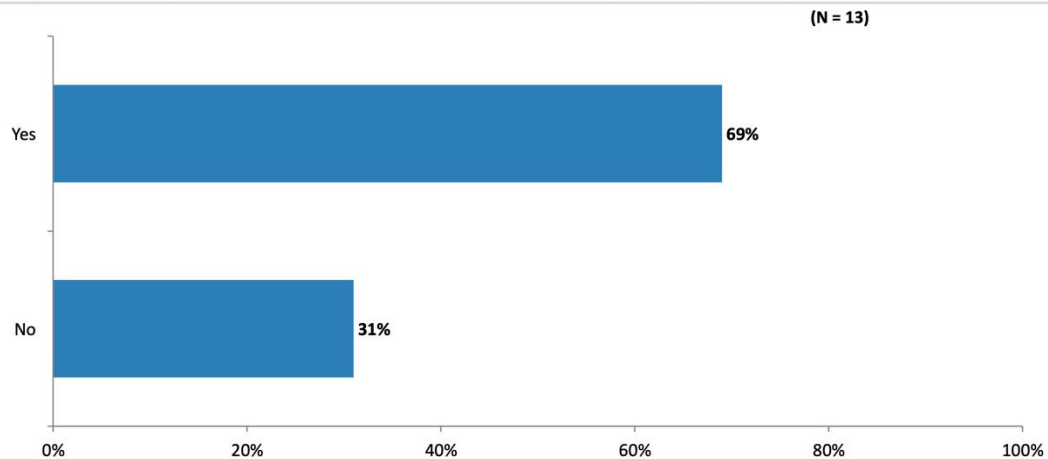
9.2.2 A summary of the general feedback: Level of difficulty

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



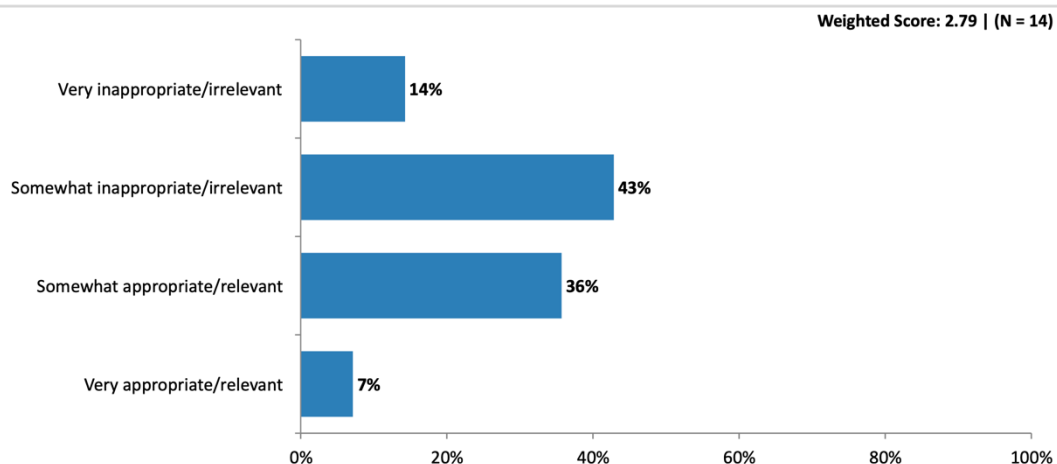
9.2.3 A summary of the general feedback: Sufficiency of time allowed

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



9.2.4 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?



9.2.5 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	N/A
% of candidates responding	88	19	16	110	14	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.	25.58%	16.52%	25.81%	22.13%	12%	N/A
% of respondents self-reporting as leaving answers blank due to lack of time	17%	37%	31%	37%	29%	N/A
% of respondents confirming that the question scenarios were somewhat appropriate/relevant of very appropriate/relevant to the expertise of early years practitioners	45%	50%	31%	36%	69%	N/A
Passing rate for this sit	64%	69%	84%	70%	43%	N/A
	81.70%	87%	90.30%	90.1%	71%	N/A

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

- (i) perceived the paper to be more difficult than they expected, compared to the average response rate across previous cohorts;
- (ii) expressed a level of concern about sufficiency of time to complete the assessment very much in line with previous sittings; 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

Professor Mike Molan
Chair of the CEB
15 July 2025

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>