**THE INTRODUCTION OF A PROFESSIONAL ETHICS ASSESSMENT DURING PUPILLAGE/WORK-BASED LEARNING**

**Executive summary**

From September 2020, as a necessary consequence of the Bar Standards Board’s Future Bar Training (FBT) programme, the assessment of Professional Ethics will be split between the vocational component of training, and the pupillage/work-based learning (WBL) stage. Vocational Authorised Education and Training Organisations (AETOs) will be required to provide tuition in, and assessment of, Professional Ethics to a Foundation level. The pupillage/WBL stage examination in Professional Ethics will assess specified learning outcomes at the threshold standard (the standard described in the [Professional Statement](https://www.barstandardsboard.org.uk/media/1787559/bsb_professional_statement_and_competences_2016.pdf) as required on “day one” of practice). The assessment of Professional Ethics during pupillage/WBL will be an examination that is set and marked centrally by the BSB. We have determined that an open book examination comprised of six short-answer questions (SAQs) will be a valid and reliable assessment. The BSB will not be prescribing any programme of prior study by way of preparation for the examination, but will develop a mock examination that candidates can use for developmental purposes. The decision to adopt this format of assessment for the first tranche of examinations in January 2022, does not preclude further developments and refinements to the assessment process as the system of pupillage/work- WBL assessment evolves.

**The issues: what decisions we have taken**

1. The reforms to Bar training that have resulted from the Bar Standards Board’s Future Bar Training (FBT) programme include significant changes relating to the vocational and pupillage/WBL learning components. These are set out in the [[Curriculum and Assessment Strategy](https://www.barstandardsboard.org.uk/media/1984218/curriculum_and_assessment_strategy_1_april_2019.pdf)](https://www.barstandardsboard.org.uk/media/1984218/curriculum_and_assessment_strategy_1_april_2019.pdf). Changes relating to the vocational component have all been finalised. The high-level principles of the reforms relating to pupillage/WBL have been settled and are outlined in the Strategy; the finer details for implementation are in the process of being determined. The redesign of the vocational component (to deliver on the key principles of flexibility, affordability, accessibility, and high standards) has necessitated the removal of much of the more detailed Professional Ethics assessment to the pupillage/WBL stage of qualification. This paper specifically relates to the introduction of a centralised Professional Ethics assessment during pupillage/WBL and how we have come to the decision about the form that this should take. Details of the remaining compulsory elements of Bar training to be completed during pupillage will be finalised during 2020 and are outside the scope of this paper. A revised version of the Curriculum and Assessment Strategy will be published when all elements are settled.

1. After a period of consultative engagement with a range of stakeholders, we have decided that the assessment for Professional Ethics during pupillage/WBL will have a short answer question (SAQ) format; the assessments will be marked centrally and will be taken in three hours. The SAQ format will allow pupils to demonstrate their application of knowledge. Therefore, the assessment will be open book to allow access to core materials; this, rather than a closed book assessment, better reflects the real-life environment in which ethical questions are dealt with in practice. The possibility of further developments may be considered over time and in light of continuous improvement.

**Background**

1. As part of the Future Bar Training (FBT) programme, the Board, on the recommendation of the Education and Training Committee, made a number of policy decisions which were informed by recommendations made by the Curriculum and Assessments Review (CAR) group. These included changes relating to both the vocational and pupillage components of training, for example:
   * Removing grade boundaries relating to the vocational component of training (ie the Competent/Very Competent/Outstanding gradings currently used on the Bar Professional Training Course (BPTC)) and thus shifting the focus to whether students have met the minimum threshold standard required;
   * Adding an additional open book paper to the assessment of Civil Litigation and incorporating aspects of alternative dispute resolution to the Civil Litigation syllabus and assessment.
   * Setting learning outcomes for the compulsory course in Advocacy taken during pupillage/WBL, based on the Professional Statement;
   * Introducing a new compulsory course in Negotiation during pupillage/WBL, which will also have learning outcomes set by the BSB which are based on the [Professional Statement](https://www.barstandardsboard.org.uk/media/1787559/bsb_professional_statement_and_competences_2016.pdf).
2. In this context, one of the main areas of change relates to the assessment of Professional Ethics. The Board decided that:

* Professional Ethics will initially be assessed during the vocational component of training. This examination will be set, marked and administered locally by Authorised Education and Training Organisations (AETOs) using common assessment criteria prescribed by the BSB;
* an assessment in Professional Ethics set, marked and administered by the BSB will be undertaken during pupillage/WBL.

1. Both Professional Ethics assessments will be aligned to the Professional Statement. We have outlined which of the Professional Statement competences relating to Professional Ethics will be covered during the vocational stage in our [Curriculum and Assessment Strategy](https://www.barstandardsboard.org.uk/media/1984218/curriculum_and_assessment_strategy_1_april_2019.pdf). The competences will be covered to a Foundation level, which we have defined as follows: “*Successful completion at this stage will allow the student to demonstrate sufficient knowledge and understanding of this competence to be considered satisfactory and competent in terms of fitness to progress to the pupillage/work-based learning component of training*.” Therefore, while successful completion of the vocational component of training means that an individual has sufficient knowledge and understanding of Professional Ethics to be called to the Bar and commence pupillage/WBL, they will require further coverage of Professional Ethics to reach the threshold standard. This is the standard described in the [Professional Statement](https://www.barstandardsboard.org.uk/media/1787559/bsb_professional_statement_and_competences_2016.pdf) as required on “day one” of practice (ie having received a Full Practising Certificate), in order to ensure the protection of consumers and the public. We note that, whilst it might be preferable to expect pupils to have completed these requirements during their first six, this is not feasible, nor is it required from a regulatory perspective as pupil supervisors retain responsibility during the second six.
2. The centralised assessment in Professional Ethics and the compulsory courses in Advocacy and Negotiation will build upon the skills and knowledge acquired during the vocational component and during day-to-day work in pupillage/WBL. All three of these elements, along with demonstration of all the competences outlined in the [Professional Statement](https://www.barstandardsboard.org.uk/media/1787559/bsb_professional_statement_and_competences_2016.pdf), must be successfully completed before a pupil can be awarded the Full Practising Certificate.
3. This paper does not address the format of the Professional Ethics assessment taken during the vocational component of training; that is not a centralised, BSB controlled examination. While we set high-level outcomes for that assessment, we give AETOs the freedom to devise their own assessment, including integrating it with other assessments, provided that it has its own discrete assessment element which is graded as either “Competent” or “Not competent.” In addition to setting high-level outcomes, we retain oversight of Professional Ethics during the vocational component by means of a robust external examining system. BSB appointed external examiners approve AETO set assessments and represent the BSB at AETO examination boards.
4. Our [May 2018 policy statement](https://www.barstandardsboard.org.uk/media/1935316/fbt_pupillage_af_and_car_policy_statement_-_may18.pdf) explained that we would be taking steps towards “improving our regulatory oversight of pupillage and other forms of work-based learning (practical learning under the supervision of trained and experienced supervisors) and taking steps to ensure the consistency of the outcomes at the end of this phase of training – to give the public confidence that, wherever and however a barrister has trained, the same minimum standard as set out in the Professional Statement has been achieved.”
5. We remain committed to the original principles of the centralised assessment system: that we are assured that pupils will be assessed properly, and only those who have achieved the required level of competence can progress and be awarded a Full Practising Certificate, and that a consistent minimum standard is achieved by each pupil regardless of where and the manner in which their pupillage was undertaken

**What we needed to consider and explore**

1. The research published in 2016 by UCL’s Centre for Ethics and Law[[1]](#footnote-1) on the ethical knowledge and skills acquired by new advocates gives a compelling argument for our continued scrutiny of ethics. The report stated that “the reinforcement of [the foundation in Professional Ethics laid during the BPTC/LPC] during pupillage/training contracts and post-qualification training is insufficiently robust or frequent to enable confident ethical practice amongst new advocates.”
2. Retaining BSB control of a centralised assessment in Professional Ethics supports the principle of sustaining high standards in that we, and the public, will be assured that pupils have demonstrated their knowledge of black letter law by having passed an Ethics examination during the vocational stage, and then have gone on to further demonstrate their application of knowledge and understanding by having passed the pupillage/WBL Professional Ethics assessment. As there may be up to five years between a pupil having passed the vocational assessment and starting pupillage/WBL, it is incumbent on us as a regulator to ensure that pupils can demonstrate their *up-to-date* understanding of Professional Ethics at the threshold standard.
3. We have taken the opportunity to reconsider what might be the most appropriate way to test the competence of pupil barristers in Professional Ethics and to rethink the format of the centralised assessment, taking into account models of best examining practice. Our appraisal has been underpinned by the overarching purpose of the assessment, and the following parameters: validity, reliability, the syllabus, the timeline for producing assessments, having up to three assessment points per year, and the cost.
4. We have also based our thinking on the fact that we will not prescribe a programme of formal teaching during the pupillage/WBL component, and we will not expect pupil supervisors to act as tutors, though we expect them to be active and engaged. The duties imposed on pupil supervisors are set out in the [Bar Qualification Manual](https://www.barstandardsboard.org.uk/media/1983675/bqm_part_2c_-_c2_responsibilities_of_aetos.pdf) which states that the pupil supervisor’s role is to provide pupils with a suitable training programme which enables them to meet the competences in the Professional Statement to threshold standard, in accordance with the Curriculum and Assessment Strategy. Teaching and assessment of Professional Ethics at foundation level will have taken place during the vocational component. Individuals who are of the calibre to obtain pupillage will already have demonstrated ability at that level and can reasonably be expected to be able to apply that foundation knowledge in the workplace. The context of an environment in which real life scenarios can be discussed with pupil supervisors and other members of Chambers is the appropriate environment for a developing professional to demonstrate application of knowledge.
5. Although we will not prescribe a programme of formal teaching, it is likely that organisations may wish to develop training courses and approaches to developing pupils’ ethical competences. We believe that further dialogue with the Inns, Chambers and circuits will be required to develop appropriate support fully and we welcome that.
6. Developing an ability to be self-directed and reflective is consistent with the approach we have taken to reform of the Continuing Professional Development (CPD) obligations for barristers. The new CPD scheme, introduced in 2017, asks barristers to plan their development activities for the year based on learning objectives which they have identified for themselves. They must then reflect on the activities they have done throughout the year and to what extent those activities have allowed them to meet their learning objectives. Self-reflection is a key aspect of the scheme and it has an integral role in allowing barristers to continue to learn and improve their practice.

**Purpose of assessment**

1. The purpose of the Professional Ethics pupillage/WBL assessment is to:
   * distinguish between pupils who are ready to receive their Full Practising Certificate and those who are not yet ready;
   * safeguard the public by ensuring that those who are authorised to practise (by having received their Full Practising Certificates) have fulfilled the ethical requirements set out in the Professional Statement;
   * ensure a strong, ethical profession.

**Assessment parameters**

*Validity*

1. We need to ensure that our assessments are of the highest standard and fair to all candidates. At the centre of everything we do to achieve this is validity. Validity is about making sure an exam assesses what it is actually designed to assess, which in turn enables us to measure achievement and encourage learning in the right things. So, when candidates take our examinations, they can be assured that the papers will allow them to demonstrate the knowledge, understanding and skills they need to have acquired, and they will be given the award that accurately reflects their level of attainment.

*Reliability*

1. The reliability of assessments is a measure of the consistency with which the test produces the same results under different but comparable conditions. Reliability is important as stakeholders need to be reassured that assessments used to ensure that future barristers are competent would reach the same conclusions if it were possible to administer the same test again on the same candidate in the same circumstances.

*Fairness*

1. Ensuring fairness in assessments includes making sure that they cover the expected content, that marking is completed on time and is of high quality, and that passing standards fairly reflect the demands of the assessment. It also means designing assessments so that they are fair to the wide variety of candidates, and that candidates who need them have access to reasonable adjustments. We need to make certain that everything we do focuses on making the assessment system fair to candidates so that all candidates are able to compete on a level playing field. We must balance different aspects of fairness so that pupils, Chambers and other stakeholders can be confident in results.
2. It would not be fair to use the same pass mark for all examination sittings as it is inevitable that assessments will have slightly varying levels of difficulty due to the use of different questions in each paper. To ensure parity between cohorts and therefore fairness to all candidates (by making sure that an assessment has the same level of difficulty over different sittings), we undertake a process called standard setting[[2]](#footnote-2) – this means that for each assessment the pass mark may differ. This means that, whilst the standard required for a pass remains consistent from one assessment to another, the actual pass mark may go up or down depending on how challenging the standard setters believe an examination paper to be. We currently standard set all centralised assessments and will continue to do so for pupillage/WBL Professional Ethics.
3. Our robust marking and moderation processes, which have been refined over six sittings of the current Professional Ethics SAQ assessment, ensure fairness, as grading is consistent and impartial. Fairness will be facilitated by our being very clear about expectations in candidate performance and transparency in the processes and criteria used to mark assessments. A mock assessment will be provided.

**Timeline**

1. Students who graduate from the new vocational component of training (having enrolled for the academic year 2020/21), are called to the Bar in summer 2021, and commence pupillage in autumn 2021 will be the first cohort to take the first pupillage/WBL Professional Ethics assessment in January 2022. As such, we will therefore need to make a mock assessment available from September 2021.
2. This may appear to be a long lead-in time, but we start work on an examination paper at least one year before it is to be taken. This is in order to allow time for all the quality assurance processes required (commissioning new questions, evaluating them against the syllabus and examination blueprint, compiling a complete paper and considering it in the round).We had to consider this factor alongside all other factors when making our choice of assessment format: we needed to choose an assessment which could be delivered in time for September 2021. As a result, we feel that it is better to continue with a tried and tested method of assessment, but with the addition of the open book element to better reflect practice. This will provide a secure basis from which we can continue to develop and refine the format of the assessment to reflect best practice and the needs of stakeholders.

*Costs*

1. Assessment during pupillage/WBL also allows us to improve upon affordability as, due to the human input required to mark Professional Ethics assessments, it is the most expensive of the current centralised examinations. This is partly to do with the numbers of candidates at the vocational stage; moving the assessment to pupillage/WBL will cut the numbers of candidates from circa 1,800 per sitting (first sit; numbers of candidates re-sitting are lower) to around 500 per year (based on the number of pupillages available annually). Had the centralised Professional Ethics examination continued to be run during the vocational component, the BSB fees levied would have needed to be higher.
2. It has been agreed that the cost of the WBL Professional Ethics assessment will be shared across the entirety of the profession, through their Practising Certificate Fees (PCF). [The fees and charges consultation](https://www.barstandardsboard.org.uk/media/1969810/fees_consultation_-_aetos.pdf) (December 2018) was based on indicative costs and was predicated on the assessment format remaining as the status quo (six SAQs, manually marked). Our [analysis of the responses and the Board decision](https://www.barstandardsboard.org.uk/media/1995029/analysis_of_consultation_responses_and_decisions_of_the_board_in_march_2019.pdf) indicated that the cost will be covered in full by the PCF (this includes a first sit and a single re-sit for all pupils). Additional re-sits, however, will be charged[[3]](#footnote-3) at an indicative cost of £800-£900 per re-sit (based on the current format of assessment). The final costs have yet to be set by the Board.

*Number of assessment points per year*

1. Three assessment points per year will allow pupils at least two attempts during a 12-month pupillage. We have fixed the first sitting in January as this allows for most pupils to have completed at least three months of pupillage before undertaking the assessment. We have aligned the other assessment points with those at the vocational component (in April and August), but will consult further on whether other dates would be more accessible for pupils. An assessment date in April would allow for pupils who have been unsuccessful in January to receive their results, and feedback, and to register for the next sit.

**Consultative engagement: Options considered**

1. Over the course of several months in spring and summer 2019, we held a series of consultative engagement meetings with various stakeholders, including members of the Centralised Examination Board (CEB), BPTC Providers, and the Inns of Court College of Advocacy (ICCA). We also held a round table event with members of the profession including the Bar Council, the Council of the Inns of Court (COIC), the Young Barristers’ Committee, the Institute of Barristers’ Clerks (IBC) and the Inns’ Heads of Education. We attended a seminar run by Inner Temple at UCL to demonstrate the approach to ethics training and assessment they are now using for pupils and new practitioners so that we could learn from that model as well.
2. The options considered were:
3. To take no action and leave the assessments during the vocational component as they currently are. This option was discounted as the Board had endorsed an assessment set, marked and administered by the BSB taken during pupillage/WBL. AETOs have now been authorised to provide a vocational component reflecting the much-reduced coverage of Professional Ethics at that stage and therefore we must ensure a centralised assessment during the pupillage/WBL stage of training.
4. To employ Single Best Answer questions (as per the Civil and Criminal Litigation assessments) for Professional Ethics. This option does not necessarily address the complexities of assessing candidates’ understanding of ethical dilemmas as there is, necessarily, a correct, or best, answer to be chosen and no reasoning is demonstrated. There would also be challenges with developing this type of assessment in the timeframe: we would need to develop an extensive question bank because to meet accepted reliability levels for high stakes assessments we would need a paper with a minimum of 75 questions. We will also deliver three assessments a year, each sitting requires a contingency paper, therefore we would need a minimum of 300 questions; we believe that we do not have the lead time for this, and it would not be economical to overcome that.
5. To assess Professional Ethics during pupillage/WBL solely by SAQs and for the examinations to be centrally marked. This is the option we will be taking forward and is explored in more detail below. Higher order cognitive skills, such as analysis and application can be assessed by well written SAQs. SAQs can be used to assess a knowledge base but are *particularly* useful in assessing the reasoning that lies behind a decision-making process. They can be used to expose the steps which lead to a particular ethical decision. We think an approach which allows pupils to investigate dilemmas, relate their features to the Handbook and suggest a course of action in a written answer is the most appropriate. We will be ensuring that, through the influence of assessment on learning, we are promoting an in-depth engagement with ethical principles that results in retention of knowledge and therefore should impact on barristers’ future conduct.
6. To assess Professional Ethics by asking pupils to give a written response to filmed scenarios. This option was suggested during the engagement phase. While we think that there may be some, albeit very limited, added value in filmed scenarios compared to a written scenario the very significant investment required for this would not be proportionate or justifiable.
7. To assess Professional Ethics by vivas (oral assessment). While this option appeared attractive initially, it was discounted during consultation as we felt that it would not work as the logistics and huge cost of running this format of assessment would be problematic. There would also be serious issues for: (i) validity as the majority of the syllabus could not be covered; (ii) reliability as there is a risk of inconsistency; (iii) fairness as pupils would necessarily be tested on different parts of the syllabus; (iv) as regards subjectivity as pupils would necessarily need to be examined by panels of only two or three assessors; and (v) for parity across the cohort, as individuals would be examined by different panels.
8. To assess Professional Ethics by Objective Structured Clinical Examinations (OSCEs). This type of assessment is very common in the medical profession and is designed to test clinical skill performances and competence in skills such as communication (with patients and with senior doctors), decision making regarding diagnoses, and in interpretation and analysis. OSCEs usually comprise a circuit of “stations”, in which candidates are examined on a one-to-one basis with two assessors and a patient (or role player) at each station. (The Solicitors Regulation Authority had considered assessing some of stage two of their new Solicitors’ Qualifying Examination (SQE) by OSCEs; however, the assessment specification published for their pilot SQE2 exam does not include them but does include a role-play element for one of the assessments (client interviewing).) Again, this option appeared attractive initially but was discounted due to the logistics and huge cost of running assessments with up to ten assessment “stations,” with two assessors at each station.
9. To assess Professional Ethics by means of an assessment portfolio. While we could see the benefits such as allowing pupils to reflect on their learning over time, recognising their ethical development and the element of authenticity in this method of assessment, we noted that marking would involve a high degree of subjectivity. Although we have seen how portfolio assessment works well for other professions (such as medicine where trainees have several supervisors), we are less convinced that it would work as well with input only from a single supervisor for each pupil. We think that these challenges might be overcome, but not in the timeframe we have available as we would need to train up to 400 pupil supervisors to ensure consistency and parity of standards, and to also select and train the trainers. The cost of this would be considerable.
10. To allow the Inns to deliver an assessment in Professional Ethics to take place during their Advocacy training weekends. While we were receptive to this suggestion made by Inner Temple (with University College London), the fundamental flaws in their proposal were the lack of regulatory control and parity of standards – both of which can only be achieved by the BSB retaining control of this assessment. We would be happy to work with the Inns in developing their training to prepare pupils for our assessments, but we were not convinced as to the consistency, reliability, validity and scalability of their proposal. No psychometric evaluation had been made regarding the reliability of the proposal and we saw no evidence that the assessments would be able to produce the same results each time. It is difficult to comment on the validity of the proposed assessment as no validity evidence was given to us (such evidence could include: (i) content validity (does the content of the assessment match the syllabus?); (ii) a report detailing the establishment of defensible pass marks (as per our standard setting processes); (iii) analysis of individual question performance (as presented at our examinations boards) so anomalies can be investigated and resolved before issuing results). So far, Inner Temple has been able to accommodate two cohorts of around forty new practitioners in a year; this would necessarily need to be scaled up to accommodate 400 pupils each year (some of whom may need to take more than one assessment). To do so, the Inns would need to hold assessment weekends every month – we did not believe that this would be possible. Inner Temple stated that the nature of assessment must be aligned to the skill being assessed, however, we did not see how the type of training they offer necessarily demonstrates application of knowledge as it focussed on using voting software to answer multiple choice questions. We thought that the discussion and debate provoked by the anonymous answers was of greater benefit, and that those benefits could be harnessed in further developing the good work that Inner Temple has started.

**Equality and diversity implications**

1. We have consulted with colleagues in the Equality and Access to Justice team and will complete an equality impact assessment. Equality and diversity implications have been considered in making the decision as to the format. The current Professional Ethics assessment which uses SAQs meets with our equality and diversity criteria; we see no reason why the pupillage/WBL assessment will not continue to do so. We will monitor pupils’ results for each examination sitting so that we can continue to be assured that groups with protected characteristics are not adversely affected.
2. We think that any assessment whereby pupils are assessed face to face, (such as vivas or OSCEs) or by a single assessor (such as an assessment portfolio) may have equality and diversity implications as there may be issues of unconscious bias.

**Risk mitigation**

1. Using a format and marking system with which we are already familiar, having undertaken six sittings at the vocational stage, means that we already have well developed quality assurance mechanisms in place. Our moderation processes have evolved and been refined over time; we think that with lower numbers of candidates and better technological enhancement, we can further improve these processes. Continuing with our current assessment methodology will mitigate the risk of failing to meet the implementation deadline. It also mitigates the risk of using an assessment format which is not scalable; we have experience of assessing a far greater number of candidates than will take the pupillage/WBL assessment (which we expect to be circa 400 per annum, as compared to almost 1,900 candidates in one sit). We therefore have all the necessary processes in place as well as a large pool of experienced markers to draw upon.
2. We think that there is value in continuing to use a format which is already well known and understood by the profession. The current SAQ format has proved itself to be a valid and reliable assessment, as such this mitigates the risk of failing to address the high standards principle of FBT.
3. The examination will consist of six SAQs. We know from the psychometric reports on our current assessments that an examination of this length meets the accepted reliability levels for high stakes tests. This information has been detailed in the Chair’s reports we publish on our website[[4]](#footnote-4).
4. While we will not prescribe a programme of formal teaching in order to prepare pupils for the Professional Ethics assessment, we believe that providers may wish to offer preparatory courses alongside the compulsory pupillage/WBL courses in Advocacy and Negotiation.

**Next steps**

1. On the basis that the BSB will be responsible for delivering the first pupillage/WBL Professional Ethics assessment in January 2022, the next steps are:

* Finalise the syllabus for the pupillage/WBL Professional Ethics assessment. We expect to have a final draft by June 2020.
* Finalise the learning outcomes for the pupillage/WBL Professional Ethics assessment. We expect to do this by autumn 2020.
* Confirm the permitted materials; whether they are to be supplied by the BSB or whether candidates are to use their own copies; whether candidates’ copies can be annotated, the use of post-it notes, and any prohibition on other loose-leaf materials. We expect to confirm these details by the end of 2020.
* Confirm the timescale for release of a mock examination and channels for distribution, whether supporting mark schemes and sample answers will be available for the mock examination. We expect to release the mock examination by September 2021.
* Design an online registration process for the pupillage/WBL Professional Ethics assessment, including a process for assessing and agreeing reasonable adjustments. We expect the online registration process to be in place by September 2021.
* Explore the options for delivery of the examinations, including paper-based testing and computer-based testing. We expect to make a decision by the end of 2020.
* Develop a calendar for sitting dates and notification of results. As mentioned previously, we would like to consult the profession as to sitting dates. We expect to make a decision by the end of 2020.
* Confirm the processes for candidates to request a clerical error check of results and make applications for a review of results. We will confirm these processes before September 2021.

**Annex**

Sample SAQs used in Professional Ethics BPTC examinations, along with their respective mark schemes. Please note that these questions were designed for a closed book assessment. Please also note this mark scheme does not replicate the type of mark scheme we plan to use for the pupillage/WBL Professional Ethics assessment. We are still in discussions as to the most suitable mark scheme and will release details of this in due course.

1. [The Ethical Capabilities of New Advocates](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2849698) [↑](#footnote-ref-1)
2. Further information on our standard setting methodologies is available on our website:

   <https://www.barstandardsboard.org.uk/media/1995071/20171005_standard_setting_centralised_assessments.pdf> [↑](#footnote-ref-2)
3. Whether the AETO or the pupil pays the fee for a third or subsequent attempt would be a matter between them, and we suggest that this is included in agreements between the two parties. [↑](#footnote-ref-3)
4. Chair’s report for summer 2019 sit ([link](https://www.barstandardsboard.org.uk/uploads/assets/dfbba71d-fa8f-4a2a-9556f279ce972c45/32532e36-1672-4618-ae5d187d5845c46d/2019-Summer-CEB-Chairs-Report.pdf)). See paragraph 3.3.3 [↑](#footnote-ref-4)