THE BAR STANDARDS BOARD
CENTRAL EXAMINATIONS BOARD
CHAIR'S REPORT

BPTC & BTT
Spring 2021 Sitting

EXECUTIVE SUMMARY

The Central Examination Board ('CEB') has now completed its tenth cycle of overseeing assessments in the three knowledge areas of the Bar Professional Training Course ('BPTC'). The confirmed post-intervention outcomes of the Spring 2021centralised assessments following review of the BPTC cohort performance by the CEB are as follows:

	Spring 2021	Summer 2020 (December Sitting)	Summer 2019	Summer 2018
Professional Ethics				
Number of Candidates	252	345	406	469
Passing SAQ	68.7%	77.1%	69.7%	57.8%
Civil Litigation, Evidence, and Sentencing				
Number of Candidates	493	580	610	528
Passing MCQ	57.4%	52.6%	46.9%	51.3%
Criminal Litigation, Evidence, and Sentencing				
Number of Candidates	478	516	638	357
Passing MCQ	35.1%	43.0%	45.4%	58.8%

Previous Summer sittings are provided as the points of comparison as the Spring 2021 cohort was predominantly comprised of candidates retaking the assessment (the last intake to the BPTC having been September 2019). The Summer 2020 sitting was deferred to December 2020 because of the impact of the pandemic, the Spring 2020 sit having been held in two stages in August and October 2020).

1. BACKGROUND AND CONTEXT

1.1 Why the Central Examinations Board was established

The 2010/11 academic year saw the first round of assessments under the BPTC regime (replacing the BVC) in the wake of the Wood Report (July 2008). For 2010/11, all AETOs were required to assess candidates in Professional Ethics, Civil Litigation, Remedies[1] & Evidence ('Civil Litigation'), and Criminal Litigation, Evidence & Sentencing ('Criminal Litigation') (often referred to as the 'knowledge areas') by means of multiple-choice questions (MCQs) and short answer questions (SAQs). Together these three subjects represent 25% of the BPTC (i.e., 30 credits out of 120). For 2010/11, the knowledge area assessments were set and marked by the higher education institutions offering the BPTC, formerly known as "Providers" now referred to as Authorised Education and Training Organisations ("AETOs."), the term

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[1] NB Remedies was later removed from the syllabus

adopted for the purposes of this report. Centralising these assessments was a key recommendation of the Wood Report, and the CEB was established to oversee this change on behalf of the Bar Standards Board ('BSB'). 2011/12 was the first year of operation for the system of centralised examinations for the knowledge areas on the BPTC. No changes were made to the format of assessment, but the setting of the assessments was undertaken independently of the AETOs by a team of CEB examiners appointed by the BSB.

1.2 The 2011/12 to 2015/16 assessment formats

From the 2011/12 academic year, up to and including the 2015/16 academic year, candidates in each of the three centrally assessed subjects were required to attempt an MCQ test, and a SAQ test. The Civil and Criminal Litigation assessments each comprised a paper requiring candidates to attempt 40 MCQs and five SAQs in three hours. The Professional Ethics assessment required candidates to attempt 20 MCQs and three SAQs in two hours. All questions in all papers were compulsory and the pass mark in each part of each paper was fixed at 60%. All MCQ papers were marked electronically using Speedwell scanning technology. All SAQ papers were marked by teaching staff at the relevant AETO, with marks being remitted to the CEB for processing. The marks for the MCQ and SAQ elements of each of the papers were aggregated to provide each candidate with a combined mark for each subject. Candidates were required to achieve the pass mark of 60% in both elements of each assessment, there being no scope for the aggregation of marks below 60% between MCQ and SAQ scores to achieve the minimum 60% pass mark overall.

1.3 The assessment formats from Spring 2017 onwards

Acting on the recommendations of the BSB's Education and Training Committee, from the Spring 2017 sitting, the CEB introduced significant changes to the format and marking processes for the centralised assessments on the BPTC. Both the Civil Litigation and Criminal Litigation assessments were modified to become three-hour papers comprising 75 MCQ and Single Best Answer (SBA) questions. This change meant that the answers for the entire paper in each subject could be marked electronically using Speedwell scanning technology. The assessment in Professional Ethics became a two-hour paper (increased to two hours and thirty minutes from the Spring 2018 sit) comprised of six SAQs, the marking being undertaken by a team of independent markers appointed by the BSB.

1.3.1   2017 was also the first year in which Bar Transfer Test (BTT) candidates had to take centralised assessments in the three knowledge areas rather than assessments set by BPP University, the institution appointed by the BSB to provide BTT training. For the Spring 2017 sitting, BTT candidates thus sat the same Civil Litigation and Criminal Litigation papers as the BPTC cohort on the same dates, and (for logistical reasons relating to the Spring 2017 assessment) a separate Professional Ethics paper. For the Spring 2018 sit, BTT candidates attempted the same Professional Ethics assessment as the BPTC candidates (see section 6 for BTT results). Unless otherwise specified, cohort performance data analysed in this report, and any assessment reliability analysis is based on the results achieved by BPTC candidates only.

1.4 Table of AETO centres and active dates

AETO	Centre	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21
					Table of AETO Centres and Active Dates						
BPP University	London	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
BPP University	Leeds	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
BPP University	Manchester	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES
BPP University	Birmingham	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
BPP University	Bristol	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
Cardiff University	Cardiff	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
City University	London	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
University of Law ('ULaw')	Birmingham	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
University of Law ('ULaw')	London	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
University of Law ('ULaw')	Leeds	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
University of the West of England ('UWE')	Bristol	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
University of Nothumbria ('UNN')	Newcastle	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Manchester Metropolitan University ('MMU')	Manchester	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Nottingham Trent University ('NTU')	Nottingham	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Kaplan Law School	London	YES	YES	YES	Referrals Only	NO	NO	NO	NO	NO	NO

1.4.1 As indicated above, BPP started to deliver the BPTC in Manchester in the 2013/14 academic year, in Birmingham in the 2015/16 academic year, and in Bristol, for the first time, in the 2017/18 academic year. The University of Law Leeds centre had examination candidates for the first time in Spring 2017. Kaplan Law School recruited its last intake in the 2013/14 academic year (although it had a very small number of referred and deferred candidates in the Spring 2015 cohort and a handful of candidates finishing in the 2015/16 academic year).

1.4.2 The BPTC Spring 2021 sit is the last iteration of the BPTC Professional Ethics examination. Any candidates who need to complete their qualification in this aspect of the BPTC will have to do so by attempting a transitional AETO assessment. From 2022 Bar Training Course students who secure pupillage will be required to attempt the work-based learning Professional Ethics examination administered by the CEB for the BSB. BPTC candidates needing to attempt the Civil litigation assessment will have two more opportunities in Summer 2021 and Spring 2022. The Criminal Litigation assessment for BPTC candidates is the same as that attempted by Bar training candidates and BPTC candidates will have their final opportunity to attempt the Criminal Litigation examination as part of the BPTC in Spring 2022; see further: https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/transitional-arrangements.html

1.5 Terms used in this report
- "All-AETO" refers to the aggregated data bringing together cohort performance across all AETOs centres
- "By AETO" refers to data comparing the performance of each of the AETOs relative to each other
- ""Spring sit" refers to the March/April/May exam cycle (this was deferred to August and October 2020 for the Spring 2020 sit – see above). Note that some candidates undertaking these examinations may be doing so on a referred or deferred basis.
- "Summer sit" refers to the August exam cycle (this was deferred to December 2020 for the Summer 2020 sit – see above). Some candidates undertaking these examinations may be doing so on a deferred basis (i.e., for the first time).
- "Combined" refers to the pre-Spring 2017 assessment format where the result for a centrally assessed knowledge area was arrived at by aggregating a candidate's MCQ and SAQ scores.

2. THE ASSESSMENT PROCESS SPRING 2017 ONWARDS

The assessment process is overseen by the CEB, whose members are appointed by the BSB. The CEB comprises a Chair, teams of examiners (a Chief Examiner and a number of Assistant Examiners for each subject), an Independent Observer, an Independent Psychometrician, and senior staff from the BSB. The Chair and the examiners contribute a mix of both academic and practitioner experience.

2.1 How examination papers are devised and approved

2.1.1 The bank of material used for compiling the centralised assessments is derived from a number of sources including: questions devised by specialist question writers commissioned by the BSB (some of whom are based at AETO institutions), questions devised by members of the central examining teams, and some questions adapted from material originally submitted by AETO institutions at the request of the BSB.

2.1.2 Draft assessment papers are compiled by the relevant CEB examiner teams, under the guidance of the Chief Examiner for each centrally assessed knowledge area. A series of paper confirmation meetings are held, attended by the relevant examiner team, the Chair of the CEB, and key BSB support staff. These meetings consider the suitability of each question and the proposed answer, with particular emphasis on balance of subject matter, syllabus coverage, currency of material, clarity and coherence of material, and level of challenge. If a question has been used previously, consideration is also given to the statistics regarding the question's prior performance. In addition, the draft papers are reviewed by the BSB's syllabus team to ensure that all questions comply with the current curriculum. Any recommendations made during this process by the BSB's syllabus team are passed on to the Chief Examiner who will determine any changes to be made to the draft paper. The draft paper is then stress tested under the equivalent of exam conditions, and the outcomes used to inform further review by the relevant Chief Examiner. The outcome of this process is fed back to the Chief Examiner who makes the final decision on whether to alter any of the questions as a result. Finally, a proof-reader checks each exam paper for compliance with house style, grammatical accuracy, typographical errors, and ease of reading.

2.2 Standard setting: Civil Litigation & Evidence, and Criminal Litigation, Evidence & Sentencing

2.2.1 Before candidates attempt the examinations for Civil Litigation and Criminal Litigation the papers are subjected to a standard setting process to determine a passing standard which will be recommended to the Final Examination Board. The method used for these two subjects is known as the Angoff Method, and it helps ensure that the standard required to achieve a pass mark is consistent from one sitting of the assessment to the next. Using standard setting, the number of MCQs a candidate needs to answer correctly in order to pass the assessment may go up or down from one sitting to the next depending on the level of challenge presented by the exam paper as determined by the standard setters. For a more detailed explanation of this process see:
https://www.barstandardsboard.org.uk/uploads/assets/dde209b7-529d-4354-bbbfd992577685f9/20201117-Standard-setting.pdf

2.2.2 Standard setting for the Professional Ethics paper takes place after the examination in that subject as explained below at 2.5.

2.3 How the exams are conducted

2.3.1   Candidates across all AETO centres normally attempt the centralised assessments in each of the knowledge areas on the same dates. In any case where a AETO identifies candidates as having special assessment arrangements necessitating a start time earlier than that of the main cohort, the relevant candidates are not allowed to leave their assessment area until the commencement of the main cohort assessment. Secure delivery and collection arrangements are put in place for all examination materials.

2.3.2   Candidates are allowed to attempt the assessments at locations overseas. The onus is placed on the candidates' AETO to ensure that a secure assessment centre is available, and the BSB normally requires the start time of the examination at the overseas centre to be the same as the UK start time (an earlier/later start time may be permitted provided there is an overlap and candidates are quarantined). To ensure the complete security of the examination papers the BSB dispatches all examinations to the overseas contacts directly.

2.3.3   AETOs are given guidance on examination arrangements by the BSB. Exam invigilation reports are submitted by AETOs, detailing any issues they believe may have had a material bearing on the conduct of the examination itself at their assessment centres (for example, public transport strikes, bomb alerts, fire alarms, building noise), and these reports will be considered at the CEB Subject and Final Exam Boards.

2.3.4   Each AETO oversees its own "fit to sit" policy. Some AETOs require candidates to complete a "fit to sit" form at the time of an exam. Other AETOs will complete this process at enrolment, candidates confirming that if they are present at the time of the exam, they are fit to sit the exam. Spring 2021 exam dates were as follows:

BPTC and BTT Professional Ethics Wednesday 31st March 2021 at 2pm
BPTC and BTT Civil Litigation   Thursday 22nd April 2021 at 2pm
BPTC and BTT Criminal Litigation   Friday 16th April 2021at 2pm

2.4 Marking

2.4.1 Over 80% of BPTC candidates for the Spring 2021 sit (and 100% of BTT candidates) attempted the examination papers using a computer-based testing ('CBT') platform. Their answers were submitted to the BSB in excel format. Correct answers were credited using formulae and checks were conducted to ensure formulas were working correctly. Where interventions were agreed by the Final Board, these were applied to the mark scheme, which was reflected in the candidates' marking, and checks were conducted to ensure they were applied correctly. Answers from candidates sitting pen and paper exams were captured via the scanning software but processed with those from CBT candidates.

2.4.2   For Professional Ethics, candidates write their answers to the SAQs in the answer booklets supplied by the BSB. These are scanned and uploaded to Objective Connect by the AETOs, each candidate having a unique candidate number.

2.4.3   Once Professional Ethics scripts are uploaded, the BSB staff compare the scripts received with the exam attendance lists supplied by AETOs to ensure all the expected scripts have been received. A more comprehensive check takes place which checks that each script is completely anonymised of AETO centre information, all pages are accounted for, and all SAQs have been attempted. This is used in a later check of any marks reported as Did Not Attempt ("DNA").

2.4.4   Markers are divided into teams - there are always six teams, but the number of markers per team depends on the number of markers available and the number of Professional Ethics scripts to be marked. Teams consist of Bar Professional Training Course AETO staff and practitioners. Care is taken to ensure AETO-based markers are not marking their own candidates' scripts. The marking arrangement means that each marking team marks one SAQ only, i.e., one team marks SAQ1, another only marks SAQ2 and so on. The advantage of this approach is that a candidate's script is marked by six different examiners (who are within different marking teams), thus helping to even out the impact of markers who are "hawks" (harsher markers) and "doves" (more generous markers). It also removes the 'halo' and 'horn' effects whereby a good or poor answer to a particular SAQ influences the marks awarded to other answers.

2.4.5   The Chief Examiner selects a range of sample SAQ scripts and each member of the Professional Ethics examining team is assigned one or two SAQs to review the sample scripts and mark them so that their marks can be used for calibration during the markers' meeting exercise (creating what is referred to as 'version 1' of the mark scheme). The marking for each SAQ is then allocated to a team of markers and each member of the marking team marks the same sample as the member of the examining team. A team leader is allocated to each SAQ marking team and acts as a liaison between the markers and the examining team. Prior to the markers' meeting, a meeting between the BSB exams team, the Ethics examining team, and the Team Leaders takes place to ensure that the Team Leaders receive clarity and support for their role. Immediately following this, each member of the examining team has a one-to-one discussion with the Team Leaders for each SAQ for the purposes of addressing any general marking queries and seeking clarification from the examining team on feedback obtained from the sample marking for their teams. This helps to focus the discussions which follow with all markers during the markers' meeting. Markers are invited to a markers' meeting where, at the plenary session, matters of general application are discussed. Following this, markers meet in groups based on the SAQ they have been allocated and this generates a discussion of the sample marking and the application of the mark scheme that also influences and feeds into a revised mark scheme ('version 2').

2.4.6   Markers are given access to specialist marking software to enable them to mark candidate scripts. The software is pre-loaded with all the candidate scripts and version 2 of the mark scheme (along with the question). Each marker is assigned a "stack" of scripts to mark. They view each script in turn alongside the list of all the bullet points available for the SAQ, enabling a full breakdown of how candidates achieved their final marks. The software is locked to only accept the marks accepted in the mark scheme (i.e. – if a point in an SAQ marking scheme is worth up to 1 mark, the only possible marks are 0, 0.5, and 1). This minimises the risk of allocating too few or too many marks to a candidate. The system also does not allow a marker to continue onto the next script until a mark has been input for all the criteria on the mark scheme which further minimises the risk of any marks potentially being missed. Where a candidate achieves an overall mark of 0, markers are required to confirm if a candidate did so because their answer did not attract any marks or because the question was not attempted. Markers also report if they deem an SAQ/script to be illegible. Once marking is complete in the software, the BSB exams team exports the marks to a spreadsheet. The marks are then processed, and further clerical checks and missing mark checks are completed. The specialist marking software permits real time analysis of the way in which all markers approached a particular question and allows comparison of marker group performance and individual marker performance. Markers are encouraged to raise queries with the Team Leader as their marking progresses. Team Leaders in turn direct any material queries to the Chief Examiner.

2.4.7   Markers are instructed that they may award a candidate a mark of 0 for a part of an answer if what the candidate has written is incoherent prose (bullet-point answers are acceptable). Similarly, where the salient points can only be identified by the marker making an extensive search for points throughout unconnected parts of the examination script, they are instructed that they may award a mark of 0 rather than joining together unconnected points from across the candidate's script. Any decision by a marker that a script falls below these thresholds is subject to review and moderation to ensure fairness and consistency in the application of these threshold requirements. Similarly, where a marker is having difficulty with the legibility of a candidate's script the marker will, in the first instance, print the relevant pages to see if that assists and, if difficulties persist, escalate the matter to the marking Team Leader to resolve. Where necessary, issues of legibility can be referred to the CEB examining team for further assistance and a final decision on whether a script is legible or not. Where part of an answer is confirmed as being illegible, the candidate can still be awarded marks for that part of the answer that is legible.

2.4.8   In the initial stages of the marking process, each marker normally marks 20 of their allocated scripts and cannot proceed further without the Team Leader moderating their marking and providing feedback. In the event that marking is satisfactory, markers proceed with the remainder of the allocated stack. Where, however, a Team Leader has concerns about a marker (in that their marking deviates from the norm), a second round of moderation is conducted, and the marker will not continue unless the Team Leader is satisfied with the marking in this second calibration. In some instances where a second

moderation has taken place and marking has been deemed satisfactory, the marker will proceed with marking, but will be subject to dip sampling of the remaining scripts. If necessary, markers of concern can be removed from the marking process and scripts reallocated for marking. The same process applies to Team Leaders, whose marking is moderated by the Examining Team. Each Marking Team Leader produces a report at the end of first marking indicating any areas for concern. The reports are considered by the CEB examining team.

2.4.9 Once standard setting has taken place (see 2.5 below), scripts which have been scored at a certain point below the passing standard as determined by the Psychometrician are second marked. Second marking is undertaken 'blind' (i.e., second markers do not know the marks awarded by the first markers) and by SAQ, rather than by script (i.e., those markers who first marked SAQ1 will second mark SAQ1). Care is taken to ensure the second markers do not mark scripts from their own institution. Second marks are submitted to the BSB who will compare the first marking with the second marking. Where a first and second marker award different marks for a question sub-part, the higher of the two marks is awarded to the candidate.

2.4.10 Once all the marks are agreed, the BSB will compare all records of DNA submitted by the markers with those recorded on the first check conducted by the BSB. It is assumed that marks awarded by the marker for a DNA recorded by the BSB checking staff are for the benefit of the candidate and no further action is taken (as the BSB staff are not qualified to make an academic judgement about whether the question has been answered but wrongly identified). Where the marker awarded DNA, but the BSB has not identified it as such, a query is raised with the marker.

2.4.11 For all three centrally assessed knowledge areas, once the marking is completed, statistical data is generated (based on candidates' marks) and presented at a series of Examination Boards.

2.5 Standard setting for the Professional Ethics assessment

In Professional Ethics, standard setting uses the Contrasting Groups Method. Candidate scripts are marked (as explained at 2.5, above) and a group of standard setters (who are not aware of the marks awarded) review a sample of scripts in order to allocate them to one of three groupings: "pass", "fail", or "borderline". Once this process is complete, the data is analysed to identify the correlation between the marks awarded and the "borderline" performance, and in turn the recommended passing standard for the assessment. A more detailed explanation of this process can be found at: https://www.barstandardsboard.org.uk/uploads/assets/dde209b7-529d-4354-bbbfd992577685f9/20201117-Standard-setting.pdf

2.6 Examination Boards

2.6.1 The CEB operates a two-tier Examination Board process. A first-tier Subject Board is convened for each of the knowledge areas attended by all members of the examining team, the Independent Psychometrician and Independent

Observer. The recommendations from each of these first-tier Boards are then fed into an over-arching Final Examination Board where the recommendations are considered and a final decision on cohort performance in each of the centralised assessment knowledge areas is arrived at.

2.6.2 The Subject Board is advised by the Independent Psychometrician in respect of the outcome of the standard setting process and whether there are any grounds to question the reliability of the assessment, or whether there are any other factors that might lead the Subject Board to recommend a different passing standard. Once the Subject Board agrees what its recommendation to the Final Board will be in respect of the passing standard to be applied, the Subject Board reviews the raw data on cohort performance in relation to the assessment as a whole (overall pass rate and AETO centre cohort pass rates) and the results for each component question (or part-question) making up the assessment. The key data presented to the Subject Board (reflecting the recommended passing standard) will also include:

- overall pre-and post-intervention pass rates and AETO centre pass rates for the current and previous two cycles of assessment.
- data showing the pass rate for each MCQ (for Civil and Criminal Litigation) and each component of each Ethics SAQ, achieved at each of the AETO centres cross-referenced to the representations made in the assessment pro-formas returned by the AETOs – thus flagging up any correlation of AETO criticisms and concerns with systemic poor performance by candidates.
- 'Manhattan diagrams' (pentile histograms) which rank candidates (for Civil and Criminal Litigation) into 20% bands based on their performance in an exam. For each exam question, the first bar of the Manhattan diagram shows the top 20% of candidates and the proportion who answered the question correctly. A decrease in correct answers going down through the bands indicates a good discrimination between strong and weak candidates.
- statistical analysis by the Psychometrician.
- the Chief Examiner's commentary on the assessment process.
- Invigilator reports detailing evidence of issues that may have impacted on the conduct of the examination itself at any AETO centre.

2.6.3 On the basis of the above evidence, and as advised by the Independent Psychometrician, the Subject Boards have the discretion to intervene where there is evidence that a particular element of an assessment has not operated effectively. Options typically include:

- crediting more than one answer to an MCQ as correct.
- disregarding an MCQ or part of an SAQ entirely if deemed defective or inappropriate (e.g., no correct answer) – no candidate is credited, and the maximum score is recalculated.
- crediting all candidates with the correct answer if an MCQ or part of an SAQ is deemed defective or inappropriate.
- scaling overall marks for an assessment, or for a sub-cohort due to local assessment issues (provided the sub-cohort constitutes a statistically reliable sample for scaling purposes).

- (in respect of the Professional Ethics SAQ results) scaling the marks awarded by a marker, second marker, or marking team.

2.6.4 In confirming marks for cohorts of candidates the CEB is concerned to ensure that a consistent measure of achievement has been applied across all AETOs, and that proper account has been taken of any relevant factors that may have had a bearing on the performance of a cohort of candidates. As a result, the CEB has the discretion to scale cohort marks (upwards or downwards) if it feels there are issues relating to all candidates, or a statistically relevant sub-cohort of candidates, that justify such intervention. The CEB will not use this discretion to intervene in respect of issues arising from the delivery of the course at an AETO or matters related to the conduct of the assessment that can be dealt with through an AETO's extenuation processes.

2.6.5 The Final Examination Board considers the recommendations of the Subject Boards in respect of the AETO cohort performances in the three knowledge areas. The meeting is attended by the CEB Chair, the relevant Chief Examiners, key BSB staff, an Independent Psychometrician, and an Independent Observer. The function of the Final Examination Board is to test the recommendations of the Subject Boards, and to confirm the MCQ/SAQ cohort marks subject to any outstanding quality assurance issues. Prior to confirmation of results by the Final Board, the expression 'pass rates' should be understood as being used in a qualified sense. Candidates cannot be categorically referred to as 'passing' or 'failing' until the Final Board has agreed the passing standard to be applied in respect of an assessment and any proposed interventions, whether in respect of individual items or generic scaling. Once cohort marks are confirmed by the CEB they cannot subsequently be altered by AETOs. The process for challenging marks confirmed by the CEB is outlined on the BSB website: https://www.barstandardsboard.org.uk/uploads/assets/336cf93a-9ff4-4571-965a91e757d5ab4d/b151a369-e120-436f-9d7340798fda3092/centralisedassessments-policygoverningstudentreview.pdf.

2.7 Reporting results to AETOs

2.7.1   Once the CEB has confirmed the centralised assessment marks for each cohort of candidates at each AETO centre, the marks are distributed to the AETOs where they feed into the individual BPTC or BTT candidate profiles considered at the AETO Award and Progression Examination Boards. The actual scores achieved by candidates need to be aligned with a 60% pass mark in order to best fit with the AETOs' systems. Hence if, for example, the passing standard for Criminal Litigation is 43/75 (in effect 57%), a candidate achieving 43/75 will be reported as having a score of 60% (the pass mark). All other candidate scores will be translated accordingly depending on the passing standard adopted.

2.7.2   It is at the AETO BPTC examination boards that issues relating to individual candidates such as extenuating circumstances or academic misconduct are considered.

2.8 Grade boundary allocations

2.8.1   In addition to receiving a % score for each of the centrally assessed subjects, BPTC candidates are also allocated to one of four grade groups (Outstanding, Very Competent, Competent, and Not Competent) depending on their performance in each assessment. The CEB does not exercise any discretion in respect of these gradings – they are a product of the score achieved by the candidate. Prior to the introduction of standard setting to determine the passing standard for centralised assessments, the 60% to 100% range used for the awarding of passing grades was apportioned as follows:
- 10% of the 60 to 100 range (60-69%) for "Competent" (i.e., 25% of the available range from 60% to 100%).
- 15% of the 60 to 100 range (70-84%) for "Very Competent" (i.e., 37.5% of the available range from 60% to 100%); and
- 15% of the 60 to 100 range (85-100%) for "Outstanding" (i.e., 37.5% of the available range from 60% to 100%),

     This was effectively a 2:3:3 allocation ratio across the three passing grades.

2.8.2   At its June 2017 meeting, the CEB Final Examination Board reviewed the options in respect of the approach to be adopted to the allocation of grade boundaries in the light of the introduction of standard setting (where the mark equating to the passing standard can vary from one assessment to the next). Two options were considered: the "2:3:3" ratio methodology and a norm-referencing approach. Norm-referencing takes data from previous cycles as an indication of what a typical cohort performance might be expected to look like.

2.8.3 On the basis of the four Spring assessment cycles from 2012/13 to 2015/16 the averages for each of the centrally assessed subjects were:

Professional Ethics	Outstanding	Very Competent	Competent	Not Competent
2012/13	20.2	54.5	11.6	13.7
2013/14	8.2	34.9	18.6	40.3
2014/15	8.8	35.4	12.5	43.3
2015/16	16.3	47	6.9	29.8
Average 4 cycles	13.1	43.0	12.2	31.8

Criminal Litigation	Outstanding	Very Competent	Competent	Not Competent
2012/13	14.0	42.8	11.3	31.8
2013/14	16.8	39.2	16.8	28.2
2014/15	18.5	33.6	11.5	38.5
2015/16	20.7	36.1	13.3	29.7
Average 4 cycles	18.3	38.9	13.2	31.6

Civil Litigation	Outstanding	Very Competent	Competent	Not Competent
2012/13	8.4	31.8	18.0	43.8
2013/14	8.6	32.8	18.6	42.6
2014/15	13.0	31.6	13.4	42.0
2015/16	16.1	31.3	14.8	38.8
Average 4 cycles	11.0	31.9	15.7	41.6

2.8.4 Taking Professional Ethics as the example, on average over those four assessment cycles,13% of candidates achieved "Outstanding", 43% "Very Competent", and 12% "Competent", the remainder being "Not Competent". Taking those that passed as a group the ratio of the three passing grades was roughly 23:59:18. Using the same methodology, the ratios were approximately 26:55:19 for Criminal Litigation and approximately 19:54:27 for Civil Litigation.

2.8.5 Applying the "2:3:3" ratio methodology, if the standard setting process produced passing standards of 45/75 (60%) for both the Civil and Criminal Litigation papers the grade boundary points would be as follows (applying the 25%; 37.5%, and 37.5% proportions above):

Mark Thresholds			
	Raw	Scaled	Scale factor
Competent	45	60	1.33
Very Competent	53	70	1.32
Outstanding	64	85	1.33
Max mark	75	100	1.33

2.8.6 Similarly, for Professional Ethics (where a score of 36/60 would be 60%) the grade boundary points would be:

Mark Thresholds			
	Raw	Scaled	Scale factor
Competent	36	60	1.67
Very Competent	42	70	1.67
Outstanding	51	85	1.67
Max mark	60	100	1.67

2.8.7 Where, however, the standard setting process recommends a passing standard that deviates from 45/75 or 36/60 the grade boundaries need to be recalibrated to maintain the 2:3:3 ratio (as explained at above at 2.8.3). For example, if the Civil Litigation passing standard was determined to be 50/75 (reflecting a view by the standard setters that the paper was less challenging) the grade boundaries (using the methodology outlined above) would be as follows:

Mark Thresholds			
	Raw	Scaled	Scale factor
Competent	50	60	1.20
Very Competent	56	70	1.24
Outstanding	66	85	1.30
Max mark	75	100	1.33

Hence, with a passing standard of 50/75, a candidate would have to correctly answer at least 66/75 MCQs to be classified as "Outstanding" instead of 64/75 if the passing standard had been 45/75.

2.8.8 Similarly, if, for example, in Professional Ethics the standard setting process produced a passing standard of 24/60 the grade boundaries (using the methodology outlined above) would be as follows:

Mark Thresholds			
	Raw	Scaled	Scale factor
Competent	24	60	2.50
Very Competent	33	70	2.12
Outstanding	47	85	1.83
Max mark	60	100	1.67

Hence, a candidate would only have to achieve 47/75 to be classified as "Outstanding" instead of 51/75 if the passing standard had been 36/60.

2.8.9 The Spring 2017 Final Examination Board was unanimous in its view that the "2:3:3" ratio methodology was to be preferred as a more objective approach to allocating candidates to the grade boundary framework on the basis that it was neither transparent nor best practice to adopt a quota-based approach to grade boundaries, and such an approach was not reflected in any other aspect of the CEB's work. The CEB has always taken the view that the percentage of candidates falling within any particular grade boundary was a product of the examination process and not something that was in any way engineered by the CEB as a desirable or acceptable outcome.

2.8.10 Note that where a candidate's standard setting adjusted % score falls between two whole numbers a rounding up methodology is applied, hence a candidate with a post standard setting score of 69.5% is reported as "Very Competent" as the 69.5% is treated, for the purposes of grade boundary allocation, as 70%.

3. SPRING 2021 RESULTS IN PROFESSIONAL ETHICS

3.1 Professional Ethics pre-intervention pass rates – all AETOs Summer 2018 to Spring 2021

Professional Ethics All Provider Pre-Intervention	Spring 2021	Summer 2020 (December Sitting)	Summer 2019	Summer 2018
SAQ Passing Rate	68.7%	77.1%	69.7%	57.8%

The table above shows a Spring 2021 pre-intervention passing rate of 68.7%, a significant drop from the Summer 2020 figure of 77.1% but it should be noted that the December cohort may have contained a higher proportion of first attempt candidate who had deferred their attempts from August and October 2020. The Spring 2021 pre-intervention passing rate is largely in line with that recorded for Summer 2019 and a significant improvement on that recorded for the Summer 2018 sit. Data from cycles prior to Spring 2017 have been excluded as the form of assessment was different pre-2017 (an MCQ paper comprising twenty questions, and an SAQ paper comprising three questions – both elements having a fixed pass mark of 60%).

3.2 Details of Final Examination Board discussions

3.2.1 The Board noted that the Professional Ethics examination was taken by both BPTC and BTT candidates. The total number of BPTC candidates sitting was 252 and 101 for the BTT cohort.

3.2.2 The Psychometrician's reported that the KR-20 co-efficient for the Spring 2021 sit was 0.83, hence there were no issues with the reliability of the assessment. The Final Board was advised that the standard setting process had been concluded without any issues being raised and that the marking process had proceeded smoothly.

3.2.3 The passing standard determined though the standard setting process and reported at the Subject Board was 31/60. There were no interventions recommended following the Subject board. The Final board agreed to accept a passing standard of 31/60.

3.3 Detailed statistical analysis of each SAQ sub-part

SAQ						
SAQ 1(a)	Marks	Mean (as 5-mark)	Std Dev[1]	Corr. with other Qs[2]	Cont. to total variance[3]	Expected cont.[4]

---

[1] Standard deviation
[2] Correlation with other questions
[3] Contribution to total variance
[4] Expected contribution to total variance

SAQ						
	6	4.11	1.28	0.32	6.1	10.0

Question 1(a) was flagged by the Independent Psychometrician as under-contributing in terms of contribution to overall variance and had a relatively low correlation with other questions. The Chief Examiner explained that the examining team normally sought to start the exam paper with an "ice-breaker" question designed to settle the candidates into the exam, dealing with a topic normally well understood such as the cab-rank rule or the straightforward topic of disclosure (the topic in this case). This question had a high mean score because most candidates scored well, the low correlation and under representation of this question were a result of this being a slightly easier question. The Final Board concluded that no intervention was warranted.

SAQ 1(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	4	2.53	1.12	0.43	6.5	6.7

The Final Board decided no intervention was warranted.

SAQ 2(a)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	2.82	1.41	0.48	8.2	8.3

The Final Board decided no intervention was warranted.

SAQ 2(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	3.82	1.15	0.53	7.5	8.3

The Final Board decided no intervention was warranted.

SAQ 3(a)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	1.91	1.06	0.43	7.2	8.3

Question 3(a) was flagged as having a low mean score by the Independent Psychometrician. The Chief Examiner advised that this question sub-part did not just require knowledge recall; candidates had to apply their knowledge on a practical level. Weaker candidates tended to identify only one of the two key core duties:
CD10 – Managing their practice.
CD7 – Ensuring clients are provided with a competent standard of work and service.

SAQ	

	Weaker candidates tended to take the straightforward approach and stop by stating they should not take up the post. Stronger candidates went on to explore other Core Duties such as: (a) the Duty to maintain independence, and (b) the Duty to act with honesty and integrity etc. The team leader report and markers at the markers meeting both felt the question was appropriate and set at the right level. The Final Board concluded that no intervention was warranted.

SAQ 3(b)

Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
5	2.45	1.25	0.59	7.1	8.3

The Final Board decided no intervention was warranted.

SAQ 4(a)

Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
6	2.57	1.62	0.48	10.8	10

The Final Board decided no intervention was warranted.

SAQ 4(b)

Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
4	1.75	0.99	0.59	6.3	6.7

Question 4(b) was flagged as having a low mean score by the Independent Psychometrician. The Chief Examiner stated there were a high number of points that a just competent candidate would be expected to achieve. Most candidates gave the basic principle that a barrister must maintain confidentiality, but many candidates failed to develop that properly. That was possibly down to this scenario being set in front of a Judge in chambers and not in Court. Weaker candidates, it was felt, may not have been able to transfer the principles that they would ordinarily apply were they standing in open Court.

In the markers' meeting the team leader and markers felt this was a good question with a good mark scheme. The team leader report commented that a lot of answers to 4(b) were generally quite short and not very good. The Chair raised the possibility that the second part of the question could be answered with a "yes" or "no". The Ethics team pointed out there were 6½ ways to score 4 marks in the rest of the question. The Final Board noted if this question was used again, the Ethics team should reassess the stem and link it to the mark scheme, however, the Final Board decided no intervention was warranted because there was more than adequate scope to achieve the marks available.

	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 5(a)	5	2.73	1.18	0.55	8.2	8.3
	The Final Board decided no intervention was warranted.					

	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 5(b)	5	2.53	1.4	0.58	10.4	8.3
	Question 5(b) was flagged as having over contributed to the total variance by the Independent Psychometrician. The Chief Examiner stated the quality of answers to this question was mixed. The stronger candidates addressed all three matters comprehensively, but a significant number of weaker candidates only dealt with Core Duty 2 and did not explore a number of other core duties that were engaged in relation to this question. The Independent Psychometrician stated that the standard deviation indicated a large difference between the stronger candidates and the weaker candidates, and this explains the over contribution to the total variance. The Final Board concluded that no intervention was warranted.					

	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 6(a)	5	3.15	1.42	0.43	8.8	8.3
	The Final Board decided no intervention was warranted.					

	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 6(b)	5	2.19	1.41	0.54	9.9	8.3
	The Final Board decided no intervention was warranted.					

3.3.1   Ideally the "correlation with other questions" figure will be at least 0.40. Sub-parts 1(a), fell narrowly short of this at 0.32, and this question was discussed carefully at the Subject Board and Final Board, as indicated above. In terms of standard deviation, a figure representing at least 15% of the marks available for a sub-part was desirable, and this was achieved in respect of all sub-parts.

3.3.2   The standard deviation and the correlation with other questions data enter into the calculation of the contribution to total variance. A deviation of more than 1% from the expected contribution can sometimes suggest that further

investigation of other factors is warranted. Where appropriate these items were considered by the Subject and Final Board, but no interventions were recommended or agreed.

3.4 Professional Ethics post-intervention pass rates – all AETOs Summer 2018 to Spring 2021

Professional Ethics All Provider Post-Intervention	Spring 2021	Summer 2020 (December Sitting)	Summer 2019	Summer 2018
SAQ Passing Rate	68.7%	77.1%	69.7%	57.8%

3.4.1 The table above confirms that there were no interventions necessary in respect of the post moderation results for Professional Ethics (and that none were required in any of the Summer sits of the paper for which data is provided).

3.5 Professional Ethics Spring 2021 pass rates across all AETOs
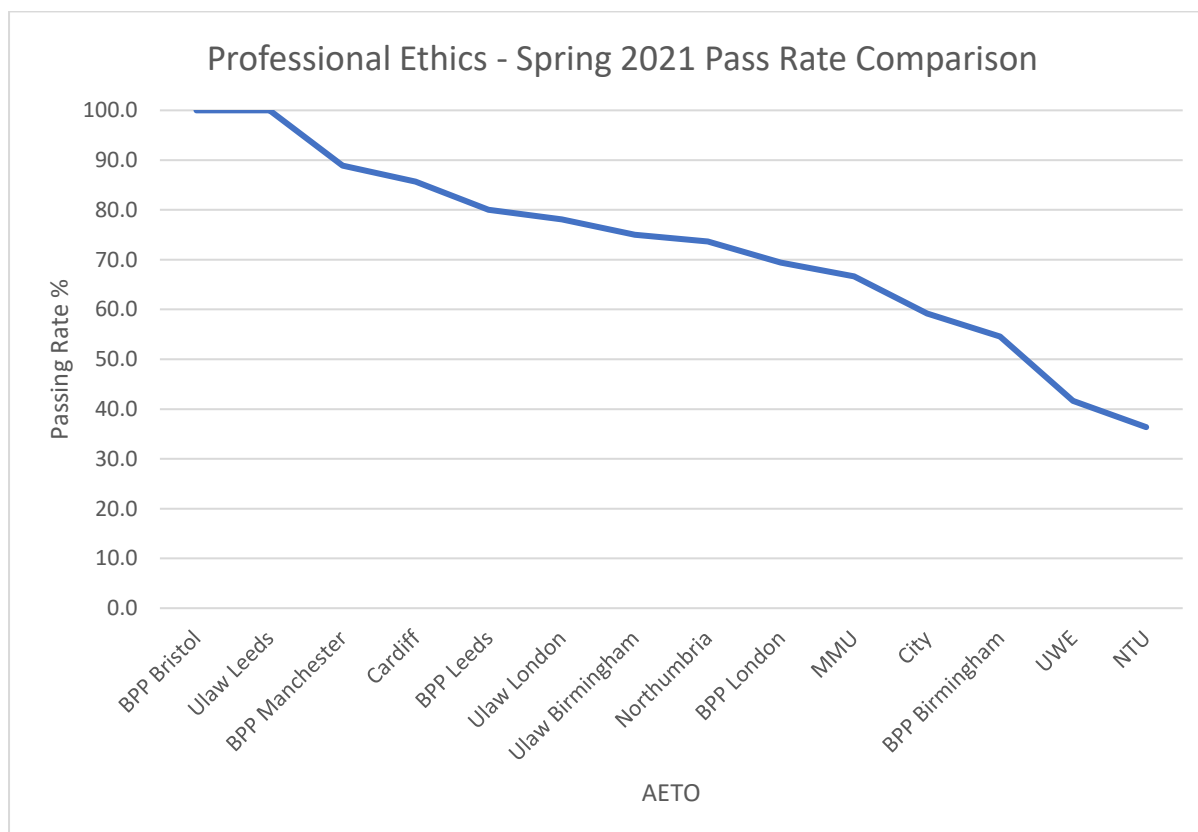
3.5.1 AETOs are ranged left to right in order of their Spring 2021 passing rates. Hence BPP Bristol and Ulaw Leeds tied for the top position each having a cohort with 100% passing rate. The NTU cohort had the lowest passing rate at 36.4% - a range of over 63% between top and bottom cohorts. NTU was also the only cohort not to achieve a passing rate above 40%.

3.6 Professional Ethics post-intervention pass rates Summer 2018 to Spring 2021

Professional Ethics Resit 2018-2021 Post-Intervention Pass Rates
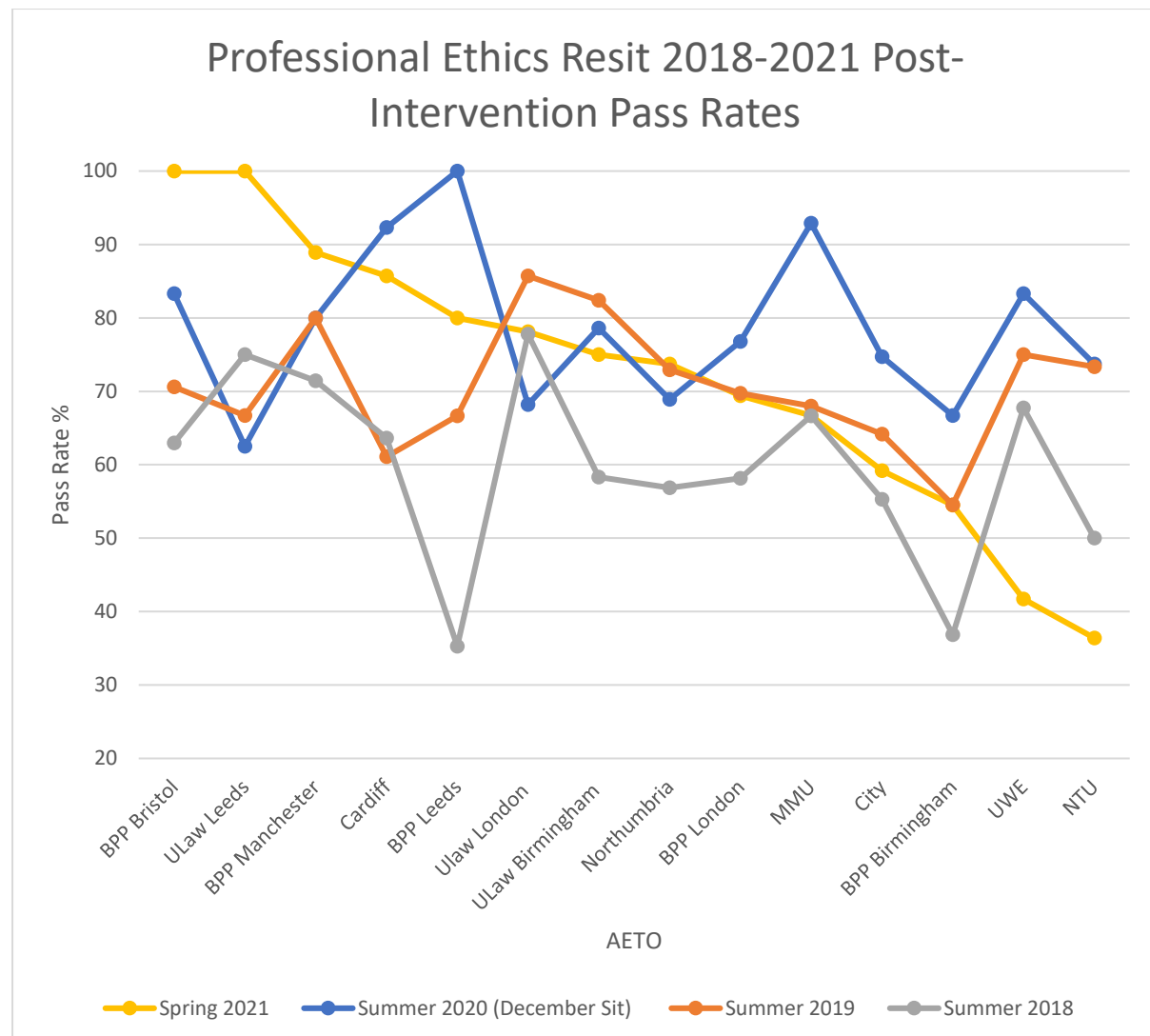
3.6.1 AETOs are ranged left to right in order of their Spring 2021 passing rates, and the data shows their passing rates across four cycles (Spring 2021, Summer 2020 (i.e., the December sitting), Summer 2019, and Summer 2018. As noted above the Spring 2021 BPTC cohorts are being compared with previous Summer sits because of the make up of the AETO cohorts. As the BPTC course runs down the majority of candidates remaining have already had previous attempts at the assessments – hence the cohort profile more closely resembles that of a Summer sit rather than a Spring sit.

3.6.2 BPP Manchester achieve the highest average cohort passing rate (80.1%), across all 4 cycles whilst the lowest average is recorded by BPP Birmingham (53.1%).

3.6.3　Looking at the change in AETO cohort performance from Summer 2020 to Spring 2021 across the 14 AETO centres, 5 AETO centres showed an improvement (Ulaw Leeds up 37.5%) but there was a clear pattern of declining passing rates across the (historically) weaker AETO centres. UWE saw a decline of 41% in its passing rate between Summer 2020 and Spring 2021. An important caveat when considering changes in passing rates between Summer 2020 and Spring 2021 is the make up of the cohorts of candidates. As noted above, the Summer 2020 cohorts had significant numbers of candidates who were attempting for the first time having deferred from the Spring 2020 sit (August and October 2020).

3.7 Overall grade boundary distribution

All AETO Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
31.3%	38.9%	26.2%	3.6%

3.7.1　The standard setting process determines where the "Not Competent"/ "Competent" boundary lies, and grade boundaries are then calculated accordingly to ensure that the passing grades are allocated proportionately across the "Competent / Very Competent / Outstanding" classifications. As explained above at 2.8, for an assessment comprising six SAQs, each carrying 10 marks, a passing standard of 36/60 equates to a passing score of 60%, thus mirroring the fixed pass mark used in centrally assessed exams prior to Spring 2017. In a system with a fixed pass mark of 60% candidates awarded marks of 60% to 69% were graded "Competent"; those awarded marks of 70% to 84% were graded "Very Competent"; and awarded marks between 85% and 100% were graded "Outstanding". With the introduction of standard setting, the performance identified as equating to the pass standard can vary from one year to the next depending on the perceived level of difficulty offered by the examination. Where the passing standard is identified as being below 36/60 the range of "Competent / Very Competent / Outstanding" classifications is stretched to cover a broader range of scores. Conversely where the passing standard is identified as being above 36/60 the range of "Competent / Very Competent / Outstanding" classifications becomes compressed. The Spring 2021 all-AETO cohort results for Professional Ethics show that, on this basis, there are 9 candidates achieving the "Outstanding" classification.

3.8 Spring 2021 post-intervention grade boundaries by AETO

Professional Ethics Spring 2021 Grade Boundaries by AETO
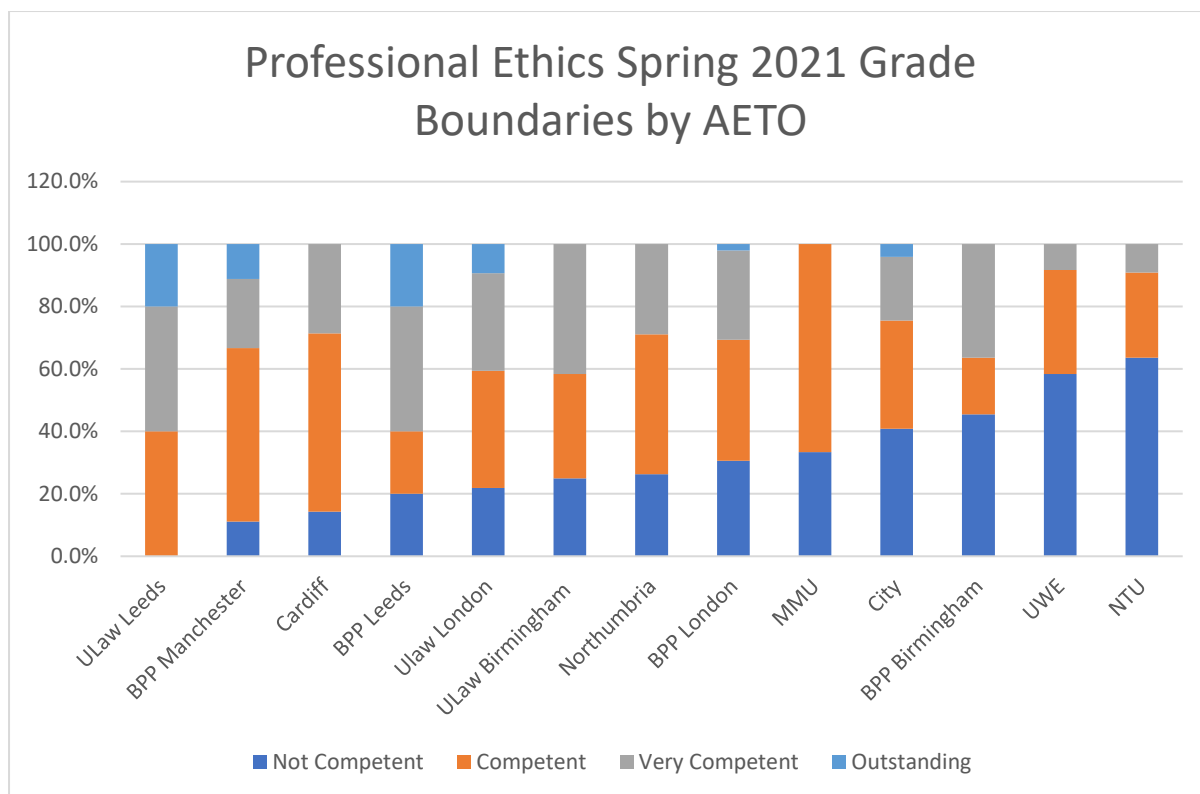
3.8.1 AETOs are ranged from left to right in declining order of Spring 2021 passing rates, hence the "Not Competent" grouping rises from left to right, mapping the increasing failure rate across the AETO cohorts. Seven AETO cohorts failed to produce any candidates graded "Outstanding", including Cardiff, despite its cohort having the third best passing rate.

3.9 All-AETO Summer 2018 to Spring 2021 grade boundary trend analysis

Professional Ethics Grade Boundaries Trend Analysis Resit 2018 to Resit 2021
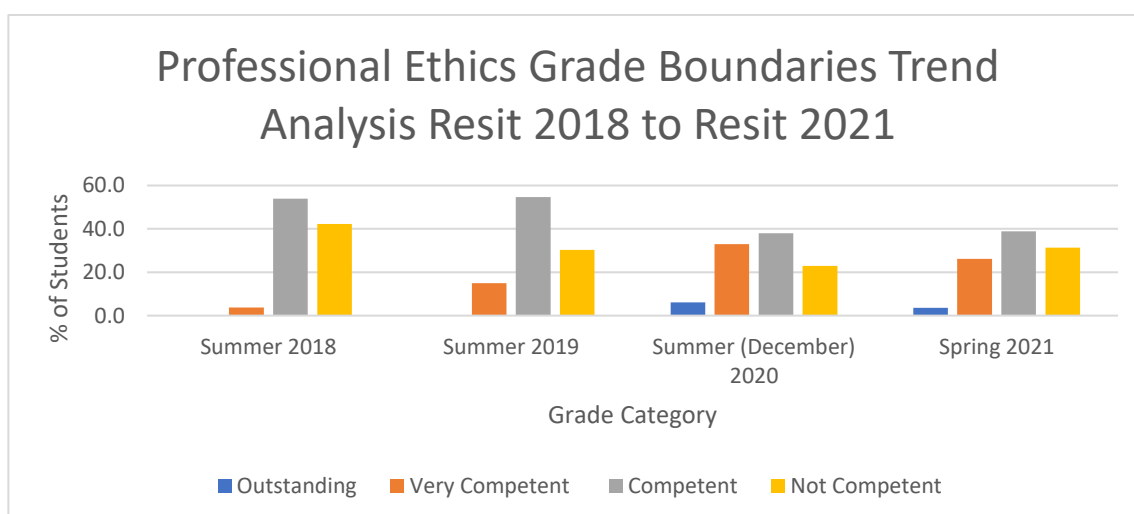
A slight drop in the percentage of candidates graded "Outstanding" or "Very Competent" in Spring 2021 compared to Summer 2020 but otherwise the statistics are fairly stable.

4. SPRING 2021 CRIMINAL LITIGATION RESULTS

4.1 Criminal Litigation pre-intervention pass rates – all AETOs Summer 2018 to Spring 2021

Criminal Litigation All Provider Pre-Intervention	Spring 2021	Summer 2020 (December Sitting)	Summer 2019	Summer 2018
MCQ Passing Rate	16.9%	40%	19.0%	58.8%

The table above shows the all-AETO Spring 2021 provisional pre-intervention cohort passing rate of 16.9% for Criminal Litigation, based on a pass standard recommended to the Subject Board (as a result of the standard setting process) of 44/75. At 16.9% the provisional pre-intervention cohort passing rate is significantly below the level for Summer 2020, but not without precedent as the provisional pre-intervention cohort passing rate for Summer 2019 indicates.

4.2 Pre-intervention histogram of MCQs
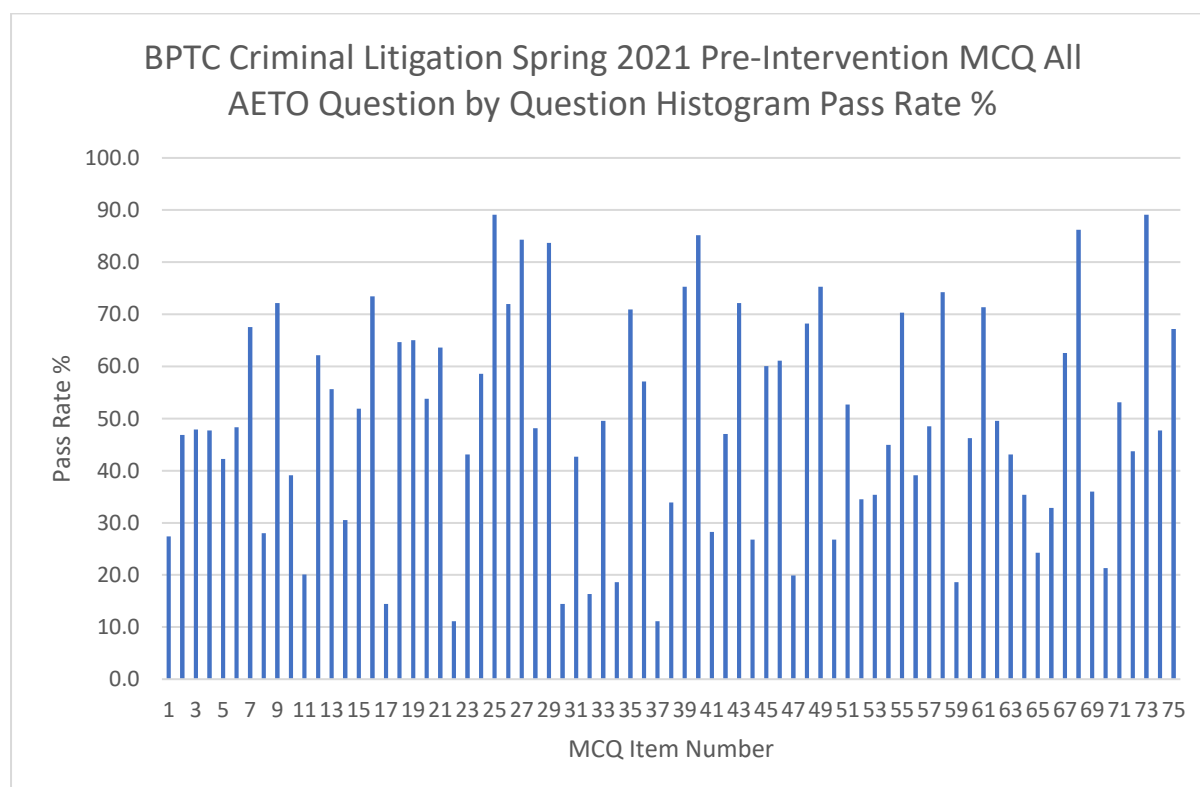
The pre-intervention data shows 25 MCQs with an all-AETO cohort passing rate below 40% (compared to 22 in the Summer 2020 sit). There was no evidence of candidate performance fall-off when comparing passing rates across the paper. The average pre-intervention passing rate for MCQs 1-25 is 49%, for MCQs 26-50 49.9%, and for MCQs 51 to 75 it is 49%.

4.3 Details of Subject Board discussions and interventions

4.3.1   Interventions agreed by the Final Board

Q10	This was an SBA question intended to test candidates' understanding of the rules in relation to joinder of indictments. The intended best answer was [C].
	There were a number of comments in the AETO feedback with regards to candidates' ability to distinguish between options [C] and [D]. The Subject Board noted that the item had very poor discrimination, with negative discrimination on option [C] and a positive correlation on option [D], which indicates that the stronger candidates preferred option [D].
	While the Subject Board still felt that [C] was a better answer, it was felt that it would be unfair to expect Bar Training candidates to be able to sufficiently distinguish between options [D] and [C] without practitioner knowledge.
	It was also noted that the language used in option [C] could have been tightened up to distinguish it from option [D].
	The recommendation of the Criminal Litigation Subject Board to intervene by crediting [D] in addition to the correct answer [C] was accepted by the Final Board.
Q41	This was an SBA question related to appropriate gateways for the admissibility of character evidence. The intended best answer was [B].
	This question had poor discrimination, with negative discrimination on the intended best answer and a positive correlation on option [A], which 61% of candidates selected. After lengthy discussion of the rationale for preferring the gateway set out in option [B] over that in option [A], the Subject Board felt that both were valid bases for an application and that [B] was not sufficiently better than [A] to justify crediting [B] alone.
	There was only one brief AETO comment on this item, which did not address the issue considered by the Subject Board.
	The recommendation of the Criminal Litigation Subject Board to intervene by crediting [A] in addition to the correct answer [B] was accepted by the Final Board.

4.3.2   The Final Board noted that the post-intervention passing rate was 16.9% based on a recommended pass standard of 44/75. Given that the passing rate was significantly lower than previous sittings, the Final Board reviewed a number of factors

that could have contributed to this. It was reported that, notwithstanding that the standard setting process for the Criminal Litigation assessment had proceeded in the normal way, some of the standard setters, while experienced, had not participated in standard setting for a while. It was noted that there had been a higher standard deviation than normally expected on a few questions, but that the outlying scores were discussed, and appropriate changes were made.

4.3.3 The Examinations Manager reported to the Final Board that checks had been carried out after the meeting of the Subject Board to investigate the possibility of data corruption and that, as a result of those investigations, that could be ruled out as a cause of the lower passing rate.

4.3.4 Candidates taking both the Criminal Litigation and Civil Litigation examinations would, by-and-large, be expected to achieve scores within similar ranges on both exams, which was not the case in this sitting. The Psychometrician advised the Final Board that the disparity in passing rates between the two litigation subjects in respect of candidates who had attempted both papers warranted further investigation.

4.3.5 The Chair noted that in the Summer 2020 Criminal Litigation assessment only two questions had a passing rate below 25%; in the Spring 2020 sit the comparable number was, three; for Spring 2019, four. The Spring 2021 paper produced eight with a passing rate below 25%. In the Summer 2020 paper there were 33 questions for which two distractors attracted less than 10% of candidates, compared to 29 on the Spring 2021 paper. The Summer 2020 paper had seven questions on which three distractors attracted less than 10% of candidates. For the Spring 2021 paper there was only one such question. All of this was noted by the Final Board as evidence strongly suggesting that the Spring 2021 Criminal litigation examination was somewhat more challenging than previous papers and that the standard setting process may not have adequately reflected this, for the following reasons

- Two standard setters who had not participated in standard setting for some time.
- Statistical evidence suggesting the new questions are more challenging.
- The development of better distractors for SBAs
- The possibility that standard setters are focussing on the correct answer and not considering the effectiveness of the distractors.
- The fact that 60% of questions on the paper were new and there was evidence that newer questions were more difficult.

4.3.6 The Chair reminded the Final Board of five key considerations when contemplating a deviation from the recommended pass standard:

- The impact of setting a precedent
- The danger of introducing norm-referencing (the idea that there was a 'correct' typical passing rate
- The overriding need to be fair to the candidates
- The need to make a principled decision and not one based on expediency

4.3.7 Taking into account all of the above considerations, and with the support of both the Independent Observer and the Psychometrician, the Final Board agreed that the pass standard should be revised to 41/75.

4.4 Criminal Litigation post-intervention pass rates – all AETOs Summer 2018 to Spring 2021

Criminal Litigation All Provider Post-Intervention	Spring 2021	Summer 2020 (December Sitting)	Summer 2019	Summer 2018
MCQ Passing Rate	35.1%	43.0%	45.5%	63.6%

The Spring 2021 all-AETO BPTC post-intervention passing rate was 35.1%, down 7.9% on Summer 2020 and the lowest recorded across all four cycles since Summer 2018.

4.5 Spring 2021 pre- and post-intervention passing rates by AETO
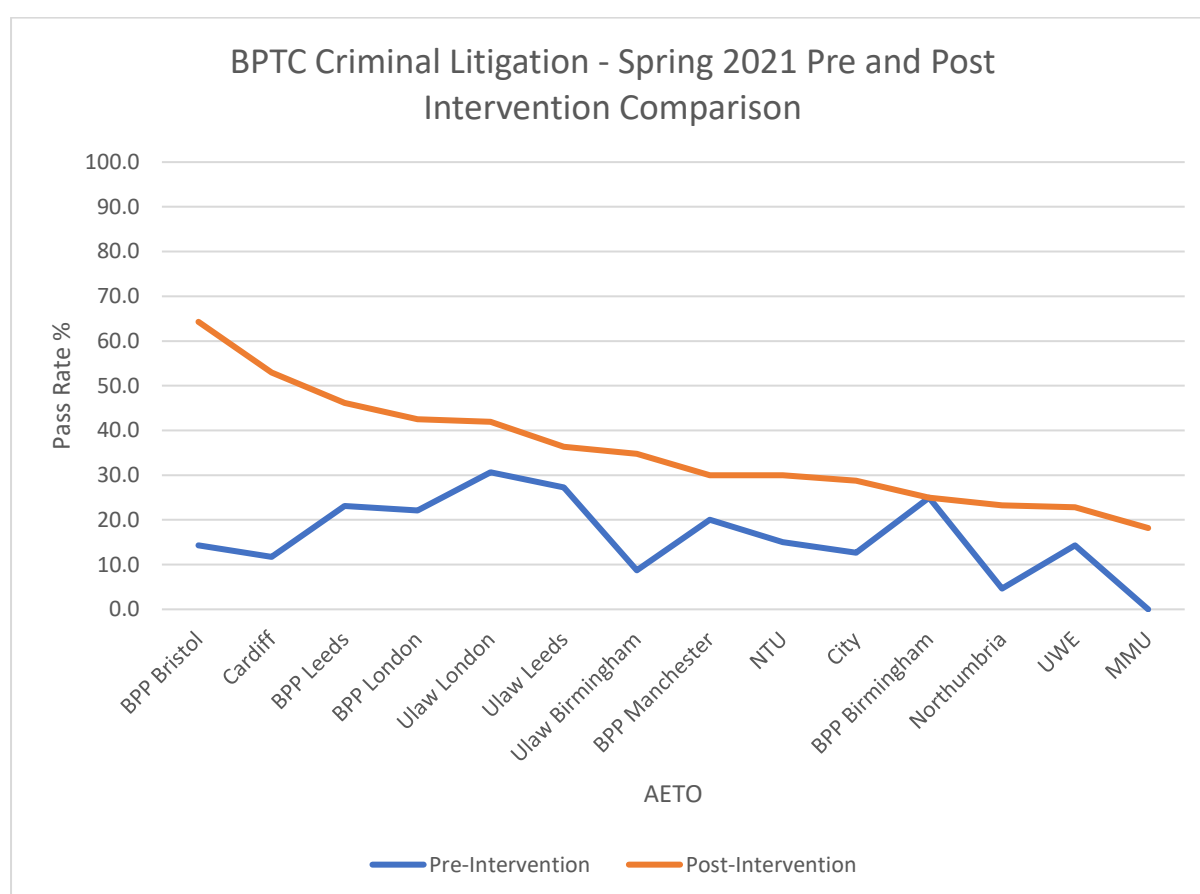
AETOs are ranged left to right in order of their post-intervention passing rates. Hence BPP Bristol had the highest Spring 2021 post intervention passing rate at 64.3% and MMU the lowest at 18.2% - a range of over 46%. The interventions (both in relation to MCQs 10 and 41, and the passing standard) had a positive impact on all AETO cohorts except BPP Birmingham where there was no impact (largely because there were only 8 BPP Birmingham candidates and 6 achieved less than 41/75 pass standard even after the interventions) The average uplift in passing rates being 19.1%. BPP Bristol saw the biggest positive impact of 50%. Overall, the interventions had a significantly more beneficial impact on the top seven AETO

centre cohorts (ranked by post-intervention passing rates) than on the bottom seven (25% increase on average vs. a 12% average increase).

4.6 Criminal Litigation Summer 2018 to Spring 2021 post-intervention pass rates
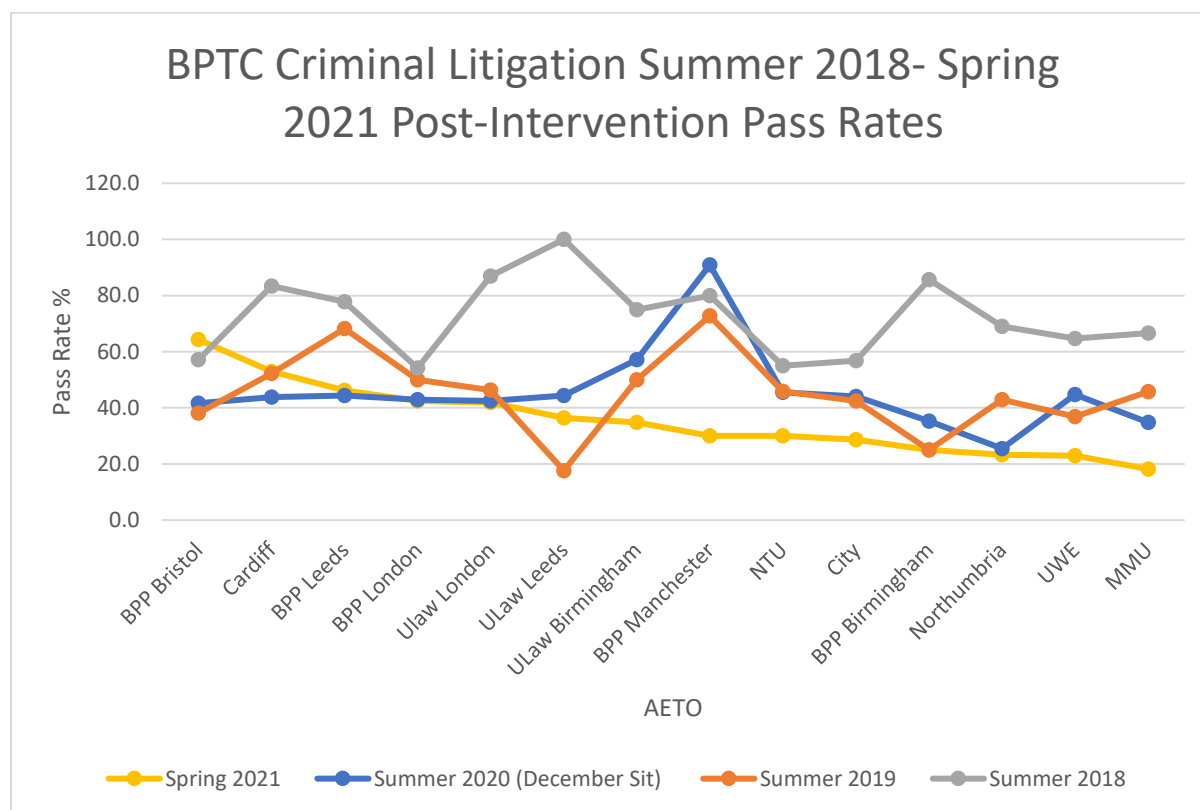
4.6.1 AETOs are ranged left to right in order of their Spring 2021 passing rates, and the data shows their passing rates across four cycles (Spring 2021, Summer 2020 (i.e., the December sitting), Summer 2019, and Summer 2018. As noted above the Spring 2021 BPTC cohorts are being compared with previous Summer sits because of the make up of the AETO cohorts. As the BPTC course runs down the majority of candidates remaining have already had previous attempts at the assessments – hence the cohort profile more closely resembles that of a Summer sit rather than a Spring sit.

4.6.2 The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Criminal Litigation across all four assessment cycles from which the data is drawn, with an average cohort passing rate across those four cycles of 68.4%. BPP Leeds have the second highest average passing rate over the same period at just over 59.1%. Northumbria have the lowest average passing rate at 40.2%.

4.6.3 Ten AETOs report a decline in passing rates when comparing Spring 2021 with Summer 2020, the average change across all AETO centres being a 10% decline. Small cohort numbers introduce a degree of volatility, however, hence BPP

Manchester sees a decline in its passing rate of 60.9% between the two sittings, whilst BPP Bristol increases its passing rate by over 22%.

4.7 Overall grade boundary distribution

All AETO Grade Boundary Distribution			
Not Competent	**Competent**	**Very Competent**	**Outstanding**
64.9%	27.6%	6.9%	0.6%

The standard setting process determines where the "Not competent"/"Competent" boundary lies, and grade boundaries are then calculated accordingly to ensure that the passing grades are allocated proportionately across the "Competent / Very Competent / Outstanding" classifications. As explained above at 2.8, for an assessment comprising 75 MCQs a passing standard of 45/75 equates to a passing score of 60%, thus mirroring the fixed pass mark used in centrally assessed exams prior to Spring 2017. Under the 60% fixed pass mark regime candidates awarded marks of 60% to 69% were graded "Competent"; those awarded marks of 70% to 84% were graded "Very Competent"; and awarded marks between 85% and 100% were graded "Outstanding". From Spring 2017 onwards, where the passing standard is identified as being below 45/75, the range of "Competent / Very Competent / Outstanding" classifications is stretched to cover a broader range of scores. Conversely where the passing standard is identified as being above 45/75 the range of "Competent / Very Competent / Outstanding" classifications becomes compressed. The Spring 2021 all-AETO cohort results for Criminal Litigation show that even with a passing standard set at 41/75 there were very few (3) candidates achieving the "Outstanding" classification.

4.8 Spring 2021 grade boundaries by AETO

BPTC Criminal Litigation Spring 2021 Grade Boundaries by AETO
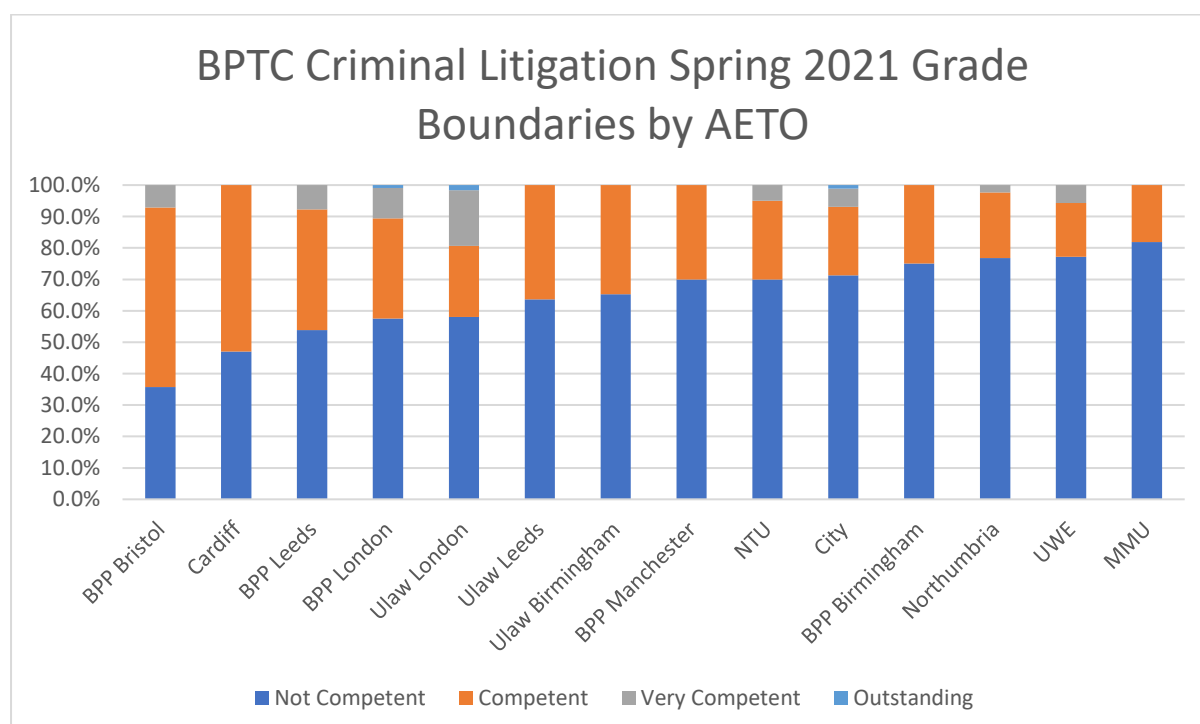
AETO centres are ranged from left to right in declining order of their Spring 2021 post intervention passing rates, hence the "Not Competent" grouping also rises from left to right, mapping the increasing failure rate across the weaker AETO cohorts. With only 3 candidates graded "Outstanding" the distribution of those grades is not very meaningful (although none were in the top 3 performing cohorts). Cardiff, the second ranked AETO, had no "Outstanding" or "Very Competent" candidates.

4.9 All-AETO Summer 2018 to Spring 2021 grade boundaries trend analysis

The number of summer sit candidates achieving "Outstanding" in the summer sit has been negligible for some time. The Spring 2021 sit sees a continuing decline in the number of candidates achieving the "Very Competent" grade which has dropped 10% over 4 cycles.
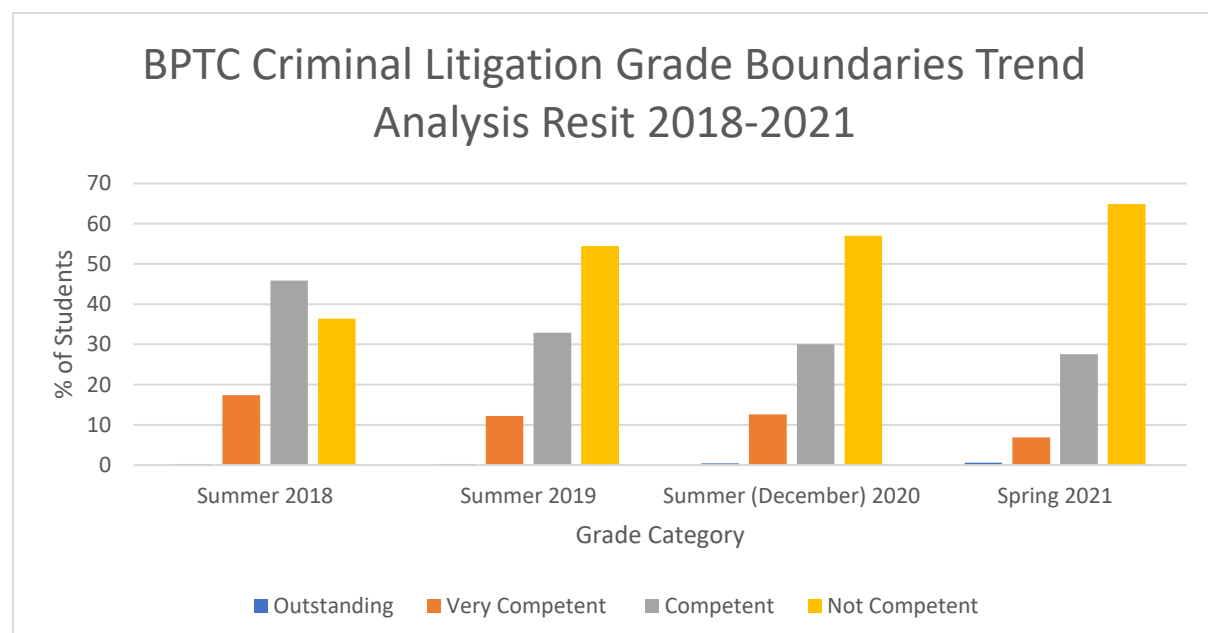
5. SPRING 2021 CIVIL LITIGATION RESULTS

5.1 Civil Litigation pre-intervention pass rates – all AETOs Summer 2018 to Spring 2021

Civil Litigation All Provider Pre-Intervention	Spring 2021	Summer 2020 (December Sitting)	Summer 2019	Summer 2018
MCQ Passing Rate	57.4%	50.9%	48.5%	50.2%

The table above shows the all-AETO Spring 2021 provisional pre-intervention cohort passing rate as being 57.4% for BPTC Civil Litigation, based on a pass standard recommended to the Subject Board (as a result of the standard setting process) of 45 out of 75. The resulting pass rate provisional pre-intervention cohort passing rate is broadly in line with previous cycles and is in fact the highest for the 4 cycles compared.

5.2 Pre-intervention histogram of 75 MCQs
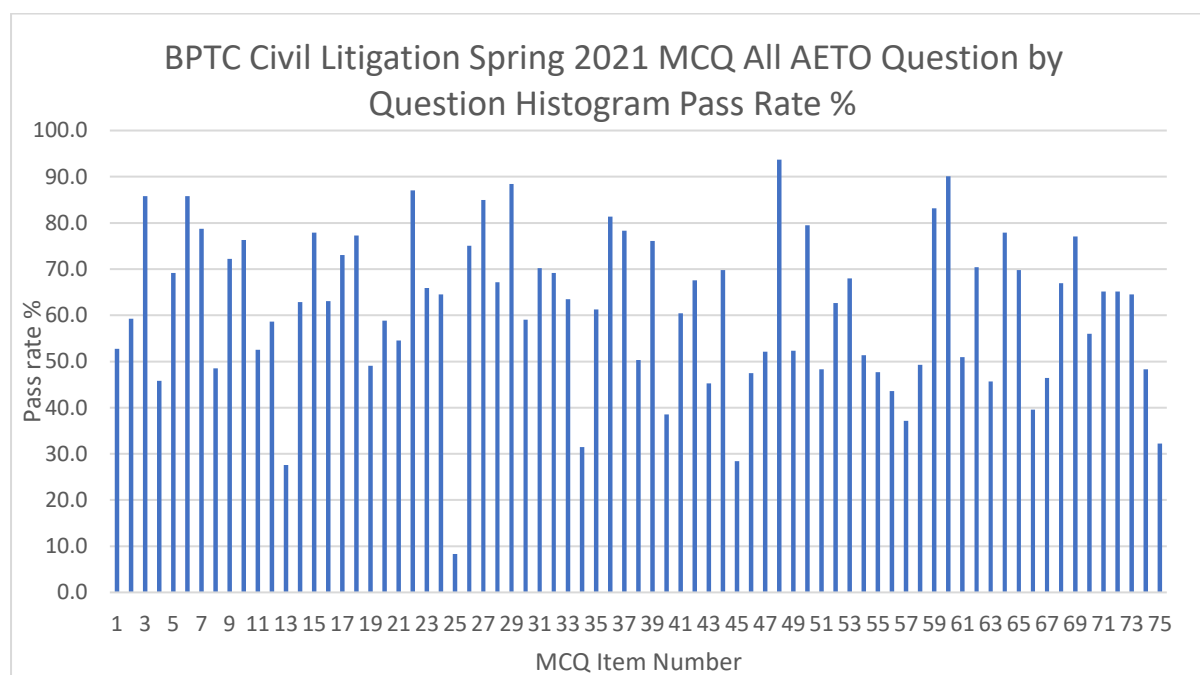
The pre-intervention data shows 8 MCQs with an all-AETO cohort passing rate below 40% (down from 13 in the Summer 2020 sit). Candidate performance showed no drop off between the first 25 MCQs (62% average passing rate) compared to the performance across MCQs 26-50 (63.7% average passing rate) and a slight dip for the final third (MCQs 51-75 58% average passing rate).

5.3 Details of Subject Board discussions and interventions

5.3.1   The Final Board noted that the Civil Litigation examination was taken by both BPTC and BTT candidates. The total number of BPTC candidates sitting was 493 and 85 for the BTT cohort.

5.3.2   There were no interventions proposed by the Subject Board and this recommendation was accepted by the Final Board, which also endorsed the pass standard of 45/75.

5.3.3   The Psychometrician reported that the reliability score for this assessment using the Kuder Richardson scale, was 0.83 (against an accepted benchmark reliability score of 0.80).

5.3.4   The Independent Observer confirmed that the decisions made in respect of the Civil litigation assessment had been robust and that issues had been discussed thoroughly and due process followed.

5.4 Civil Litigation post-intervention pass rates – all-AETOs Summer 2018 to Spring 2021

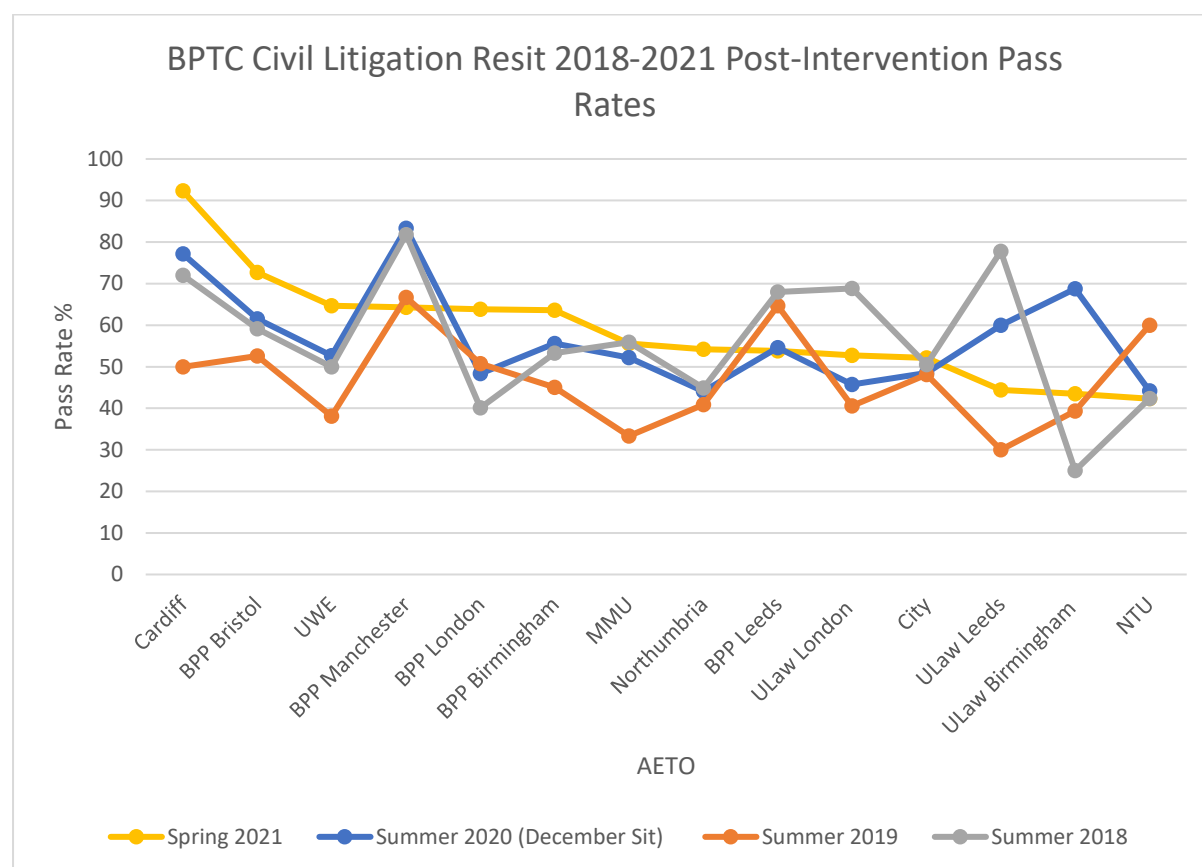| Civil Litigation All Provider Post-Intervention	Spring 2021	Summer 2020 (December Sitting)	Summer 2019	Summer 2018
MCQ Passing Rate	57.4%	52.6%	46.9%	51.3%

The Spring 2021 passing rate obviously remains unchanged given the absence of any interventions. At 57.4% it is the highest post-intervention passing rate across the 4 cycles used for comparison.

5.5 Passing rates by AETO
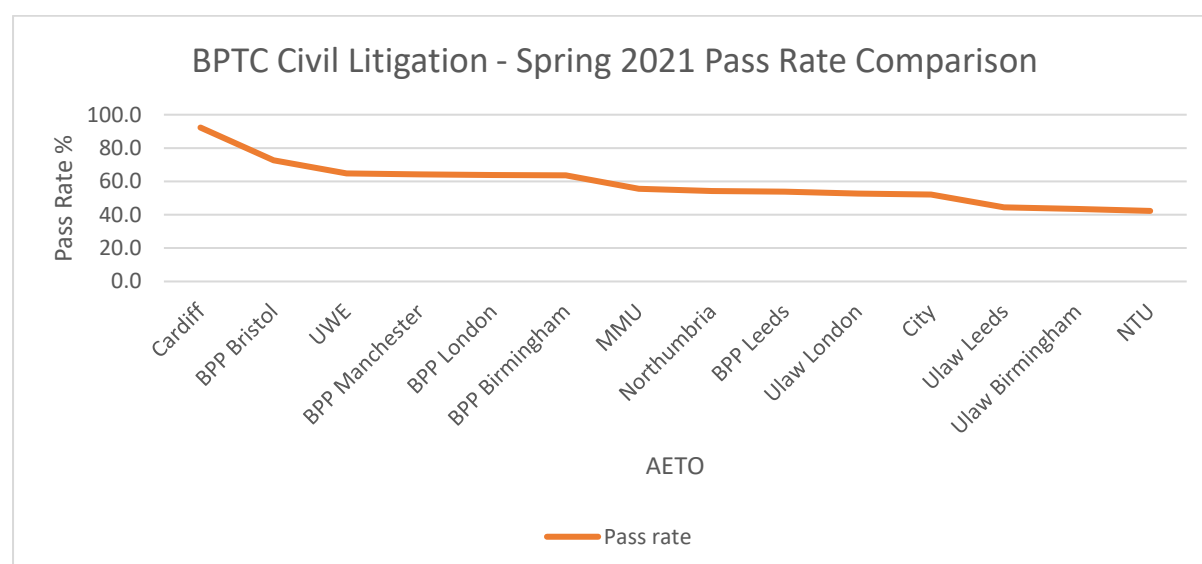
AETOs are ranged left to right in order of their Spring 2021 passing rates. Hence Cardiff had the highest Spring 2021 passing rate at 92.3% and NTU the lowest at 42.3% - a range of 50%.

5.6 Civil Litigation Summer 2018 to Spring 2021 post-intervention pass rates

5.6.1 AETO centres are ranged left to right in order of their Spring 2021 post-intervention passing rates. The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Civil Litigation across all four cycles, with and average cohort passing rate of 74%. Cardiff has the second highest average passing rate over the same period at 72.9%. Ulaw Birmingham have the lowest average passing rate at across the 4 cycles of 44.1%.

5.6.2 Nine AETOs reported a rise in passing rates compared to the Summer 2020 sit – the average increase being 51.7%. The top seven cohorts saw and average drop of 2.5% compared to the bottom seven who saw an average drop of 7.4%.

5.7 Overall grade boundary distribution

| All AETO Grade Boundary Distribution			
Not Competent	**Competent**	**Very Competent**	**Outstanding**
42.6%	27.8%	26.6%	3.0%

5.7.1 The standard setting process determines where the "Not competent"/"Competent" boundary lies, and grade boundaries are then calculated accordingly to ensure that the passing grades are allocated proportionately across the "Competent / Very Competent / Outstanding" classifications. As explained above at 2.8, for an assessment comprising 75 MCQs a passing standard of 45/75 equates to a passing score of 60%, thus mirroring the fixed pass mark used in centrally assessed exams prior to Spring 2017. Under the 60% fixed pass mark regime candidates awarded marks of 60% to 69% were graded "Competent"; those awarded marks of 70% to 84% were graded "Very Competent"; and awarded marks between 85% and 100% were graded "Outstanding". From Spring 2017 onwards, where the passing standard is identified as being below 45/75, the range of "Competent / Very Competent / Outstanding" classifications is stretched to cover a broader range of scores. Conversely where the passing standard is identified as being above 45/75 the range of "Competent / Very Competent / Outstanding" classifications becomes compressed. The Spring 2021 all-AETO cohort results for Civil Litigation show a very slight increase in the number of candidates achieving the "Outstanding" classification.

5.8 Spring 2021 Civil Litigation grade boundaries by AETO

BPTC Civil Litigation Spring 2021 Grade Boundaries by AETO
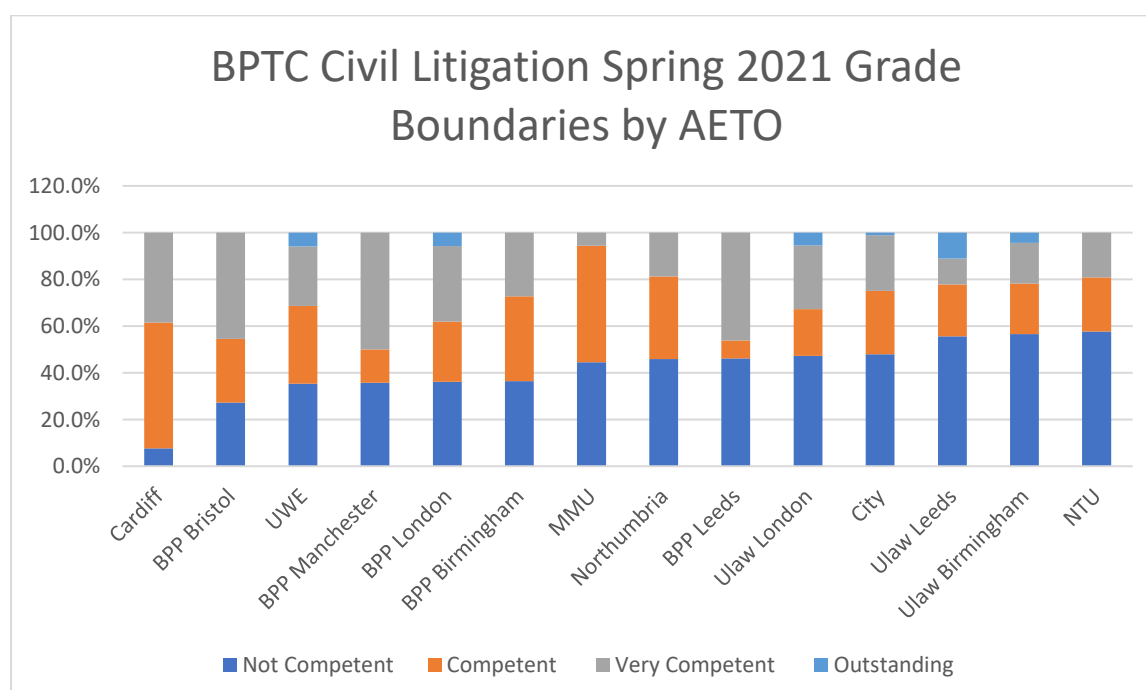
AETOs are ranged from left to right in declining order of Spring 2021 post intervention passing rates, hence the "Not Competent" grouping also rises from left to right, mapping the increasing failure rate across the weaker AETO cohorts. As can be seen the distribution of the 15 candidates graded as "Outstanding" does not neatly align with the cohort passing, most notably in respect of Ulaw Leeds which, despite being only the twelfth strongest cohort in Civil Litigation, saw 11% of its candidates achieve an "Outstanding" grade. Neither of the two top performing AETO cohorts contained a candidate graded "Outstanding".

5.9 All-AETO Summer 2018 to Spring 2021 grade boundaries trend analysis

BPTC Civil Litigation Grade Boundaries Trend Analysis Resit 2018-2021
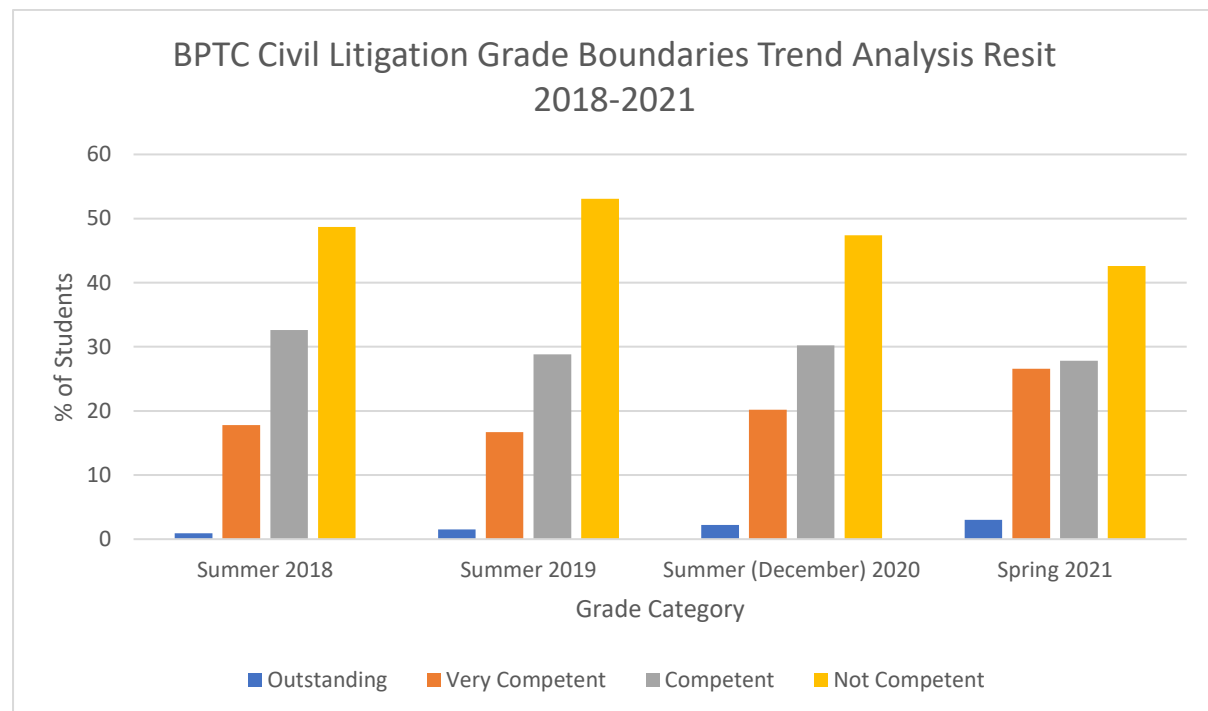
Very slight growth in the number of candidates graded "Outstanding" across the 4 cycles. Spring 2021 had the highest percentage of candidates graded "Very Competent".

6. BAR TRANSFER TEST RESULTS SPRING 2021

The results for Bar Transfer test ('BTT') candidates attempting the Spring 2021 BTT assessments were considered by the Subject Exam Boards and the Final Board. For the Spring 2022 sit, all BTT candidates attempted the same centrally assessed exam papers as the BPTC candidates.

6.1 BTT Spring 2021 results

	Professional Ethics		
Year	Number of BTT Candidates	Pre-Intervention Passing Rate	Post-Intervention Passing Rate
Spring 2021	105	65.7%	65.7%
Summer 2020 (December Sitting)	83	62.7%	62.7%
Summer 2019	67	59.7%	59.7%
Summer 2018	58	37.9%	37.9%

	Civil Litigation		
Year	Number of BTT Candidates	Pre-Intervention Passing Rate	Post-Intervention Passing Rate
Spring 2021	85	52.9%	52.9%
Summer 2020 (December Sitting)	57	35.1%	35.1%
Summer 2019	43	48.7%	46.7%
Summer 2018	34	38.2%	38.2%

	Criminal Litigation		
Year	Number of BTT Candidates	Pre-Intervention Passing Rate	Post-Intervention Passing Rate
Spring 2021	88	18.2%	29.5%
Summer 2020 (December Sitting)	59	35.6%	37.3%
Summer 2019	47	23.4%	44.7%
Summer 2018	33	54.5%	57.6%

A strong showing from BTT candidates, with the Spring 2021 cohort achieving its highest passing rates across the 4 cycles in all subjects except Criminal Litigation.

7. COMPARING POST-INTERVENTION PASSING RATES ACROSS SUBJECT AREAS SUMMER 2018 TO SPRING 2021

7.1 Centralised assessment post-intervention passing rates compared Spring 2019 BPTC candidates

	Spring 2021
Professional Ethics	
Number of Candidates	252
Passing Overall	68.7%
Civil Litigation and Evidence	
Number of Candidates	493
Passing Overall	57.4%
Criminal Litigation, Evidence, and Sentencing	
Number of Candidates	478
Passing Overall	35.1%

This table shows the post intervention passing rates for the three centralised assessments for the Spring 2021 for BPTC candidates sit.

7.2 Centralised assessment grade boundaries compared Spring 2021

	Ethics Spring 2021	Civil Spring 2021	Criminal Spring 2021
Outstanding	3.6%	3.0%	0.6%
Very Competent	26.2%	26.6%	6.9%
Competent	38.9%	27.8%	27.6%
Not Competent	31.3%	42.6%	64.9%

7.2.1 This table shows the percentage of candidates being awarded "Outstanding", "Very Competent", "Competent" and "Not Competent" across the three centralised assessments for the Spring 2021 sit.

7.2.2 The table below shows how the total number of grades at each level were distributed across the three centralised assessments. For example, across all three centralised assessments there were a total of 27 instances of a candidate achieving the grade "Outstanding". Just over 55% of these instances were, however, achieved in Civil Litigation even though Civil Litigation only accounted for 44% of all instances of candidates attempting the centralised assessments in the Spring 2021 sit – meaning that Civil Litigation candidates achieved a slightly disproportionate share of the "outstanding" grades. Even allowing for the slightly bigger cohort in Civil Litigation, the percentage of candidates achieving the grade "Outstanding" is significantly higher than for the two other centrally assessed subjects. Similarly, given the 44.9% of Professional Ethics candidates achieving the "Competent" grade.

	% of all Instances	% of Not Competent Instances	% of Competent Instances	% of Very Competent Instances	% of Outstanding Instances
Ethics Spring 2021	20.6%	13.2%	26.7%	28.7%	33.3%
Civil Spring 2021	40.3%	35.1%	37.3%	57.0%	55.6%
Criminal Spring 2021	39.1%	51.8%	36.0%	14.3%	11.1%

7.3 Comparison of candidates passing across all three centralised assessments Spring 2021

Comparision of Candidates passing across papers			
Candidates Passing Professional Ethics	Also Passed Civil Litigation	Also passed Criminal Litigation	Also Passed Criminal and Civil Litigation
242	53	26	4
Candidates passing Criminal Litigation	Also Passed Professional Ethics	Also Passed Civil Litigation	Also passed Professional Ethics and Civil Litigation
168	26	65	4
Candidates passing Civil Litigation	Also passed Professional Ethics	Also passed Criminal Litigation	Also passed Criminal Litigation and Professional Ethics
283	53	65	4

Most candidates who commenced the BPTC in September 2019 were able to take attempt the centralised assessments during 2020 (August, October or December) – hence the majority of candidates for the Spring 2021 sit were resitting and there was much lower cross over in terms of the same candidates attempting more than one paper. Only 4 candidates passed all three papers.
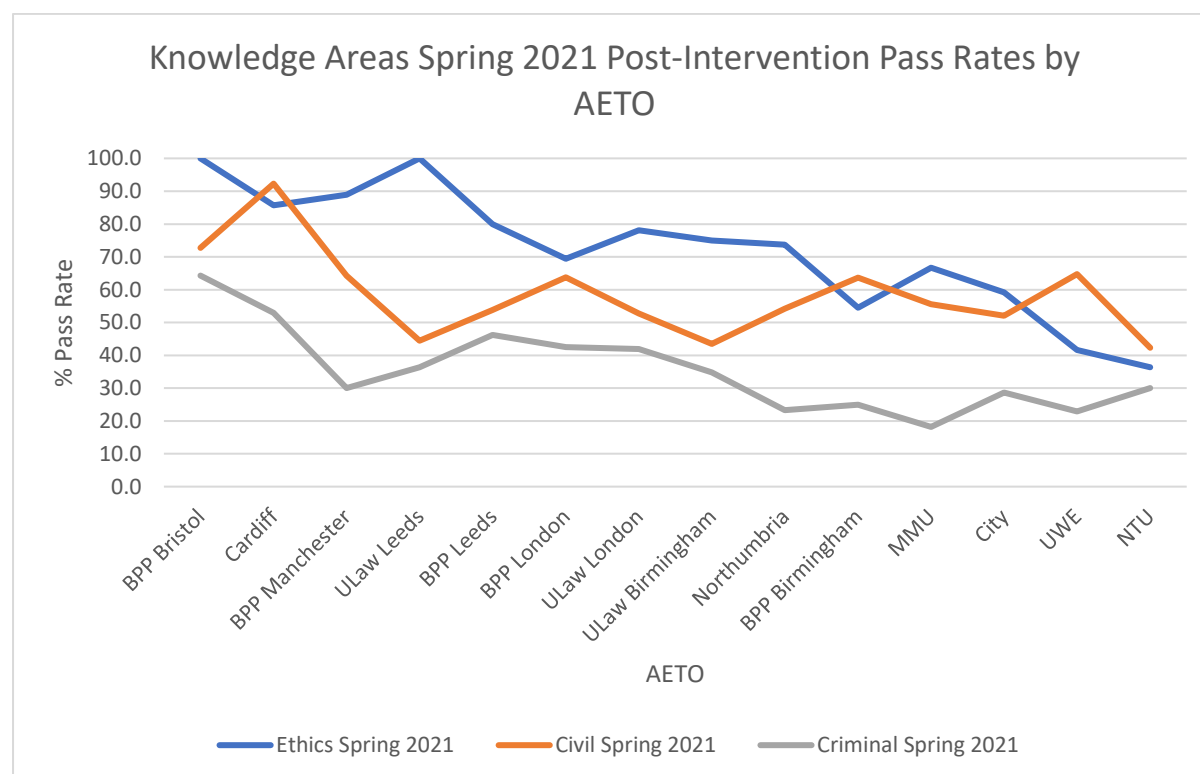
7.4 Centralised assessment post-intervention passing rate trends Summer 2018 to Spring 2021

Post-Intervention Pass Rate Trend Analysis Resit 2018-2021
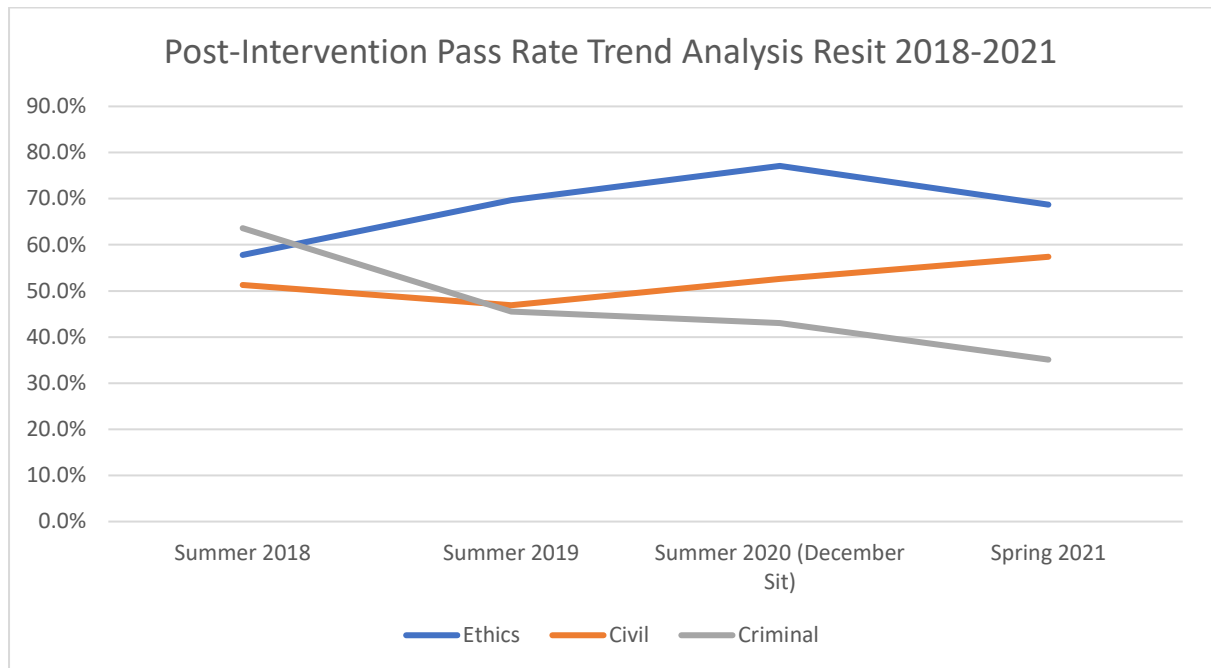
Across the four cycles detailed in the above chart Professional Ethics has the highest average post-intervention passing rate at 68.3% followed by Civil litigation at 52.1% and Criminal Litigation at 46.8%.

## 8. COMPARING SPRING 2021 RESULTS ACROSS AETOs

8.1 Spring 2021 post-intervention passing rates by AETO

Knowledge Areas Spring 2021 Post-Intervention Pass Rates by AETO

8.1.1 AETOs are ranked left to right according to the average post-intervention passing rate achieved by their cohorts across all three subject areas in the Spring 2021 centralised assessments. BPP Bristol is the highest performing cohort in all three centralised with an average passing rate across the three subject areas of 79% and NTU the lowest at 36.2%. The highest post-intervention cohort passing rate in any of the centrally examined subject areas was achieved by BPP Bristol and Ulaw Leeds (100%) in respect of Professional Ethics. The worst AETO cohort performance across any centrally examined subject areas was achieved by MMU where only 18.2% passed Criminal Litigation.

8.1.2 Aggregating performance according to AETO grouping shows that the 5 BPP centres produced the highest average passing rate across the three centralised assessments at 61.3%. The average passing rate across the Ulaw centres was 56.3%, and across the not-for-profit University grouping the average passing rate was 50%

8.2 Analysis of grade boundary distribution within each AETO cohort Spring 2021

Distribution of Grade Boundaries Within AETO Cohorts Spring 2021
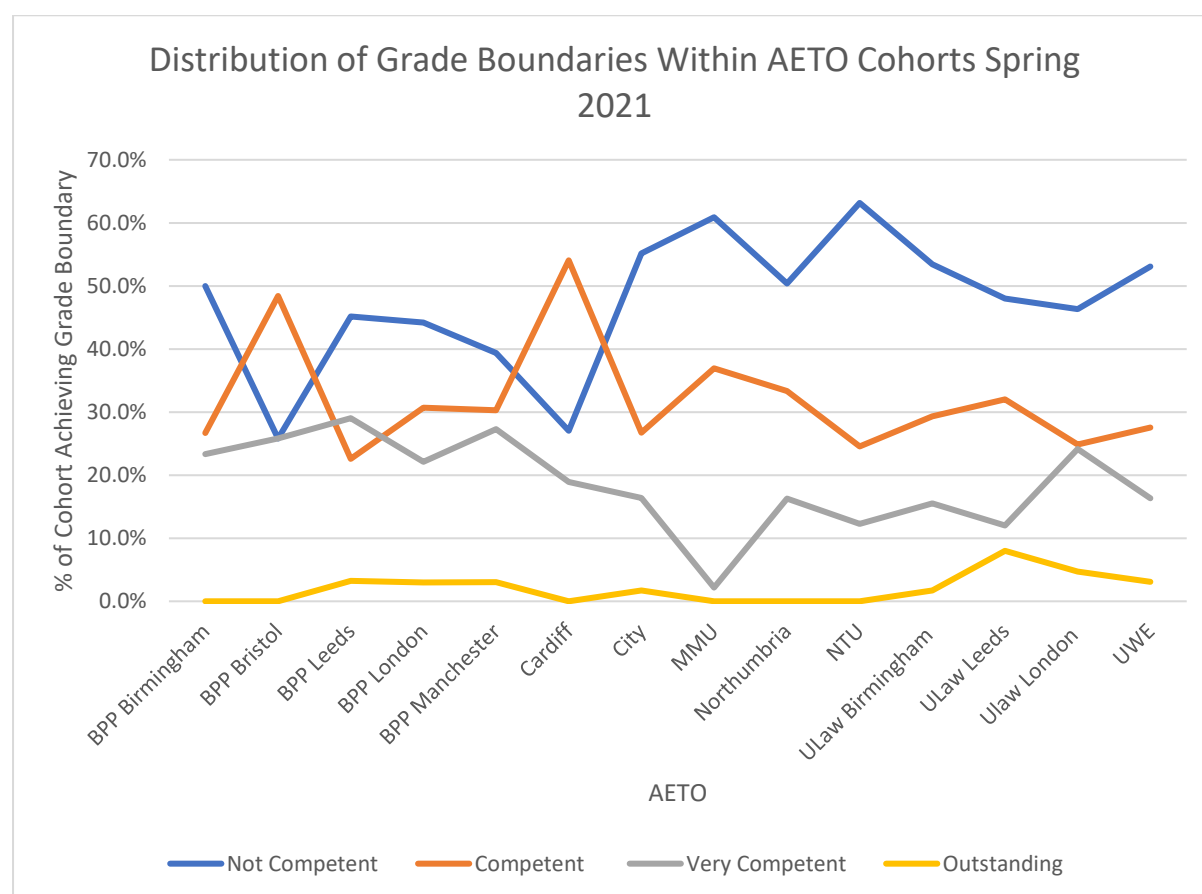
The data in the above table shows the spread of candidates at each AETO centre achieving a grade of "Outstanding", "Very Competent", "Competent" or "Not Competent" in one of the three centralised assessments in the Spring 2021 sit. By way of example, if a AETO had 60 candidates and each candidate attempted the three centralised assessments there would be 180 instances of candidates attempting the centralised assessments at that AETO. If, across all three centralised assessments there were 18 instances at that AETO of candidates achieving an "Outstanding" grade, the data would show the rate as being 10%. It should not be assumed on this basis that 10% of candidates at that AETO necessarily achieve an "Outstanding" grade as the same candidate may achieve that grade in more than one assessment. With that caveat in mind, the data shows, for example, that at BPP London (where there were 267 instances of a candidate attempting a centralised assessment), 3% of those instances resulted in candidates achieving an "Outstanding" grade, 22.1% resulted in candidates achieving a "Very Competent" grade, 30.7% a "Competent" grade and in 44.2% of instances a "Not Competent" grade. It is notable that in each of the top two best performing cohorts no candidate achieved an "Outstanding" grade.

8.3 Changes in post-intervention passing rates Summer 2020 to Spring 2021
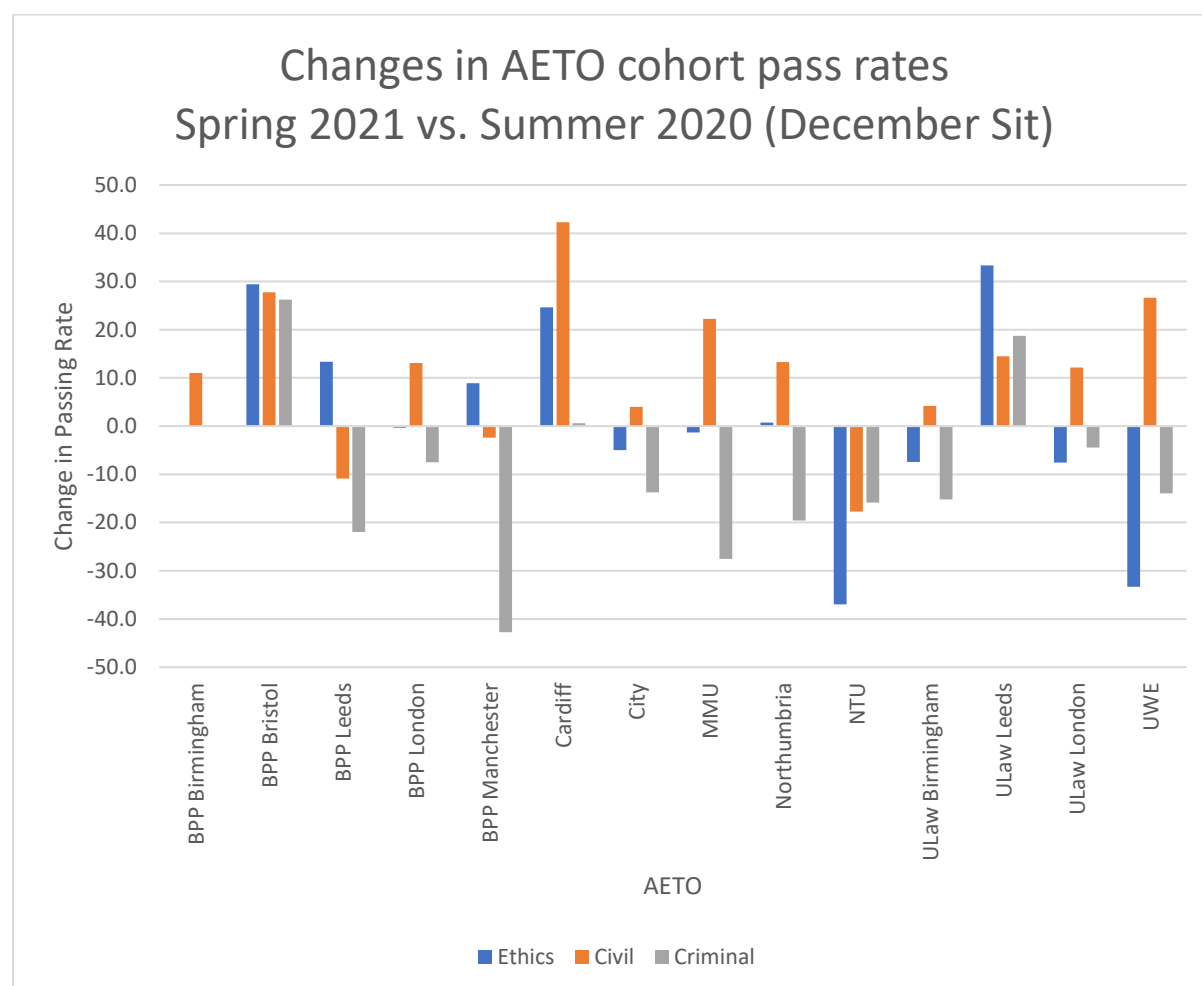
This table shows the year-on-year change in post-intervention AETO cohort passing rates across the three centrally assessed area comparing the Summer 2020 and Spring 2021 sit results for BPTC candidates. The figures show that two AETO centres managed to increase their cohort passing rates across all three subject areas compared to their Summer 2020 results (BPP Bristol and Cardiff). NTU was the only AETO to see a drop from Summer 2020 across all three subject areas. The average change across the subject areas was: Professional Ethics up 1.3%; Civil Litigation up 11.4% and Criminal Litigation down 10%. Looking at the changes in post-intervention passing rates across all three subjects at each AETO (i.e., aggregating the rise and fall in passing rates) shows that six AETOs managed to achieve net rises in their aggregated passing rates compared to Summer 2020 (BPP Bristol showing the biggest improvement).

Professor Mike Molan
Chair of the Central Examination Board
13th July 2021