



By Email:

Nick Vineall QC
Chair
Education and Training Committee

16 September 2020

Dear Nick

October centralised assessments

Thank you for your letter of 12 September 2020 following the discussion at the Bar Council on Saturday morning on our plans for the October sit of the centralised assessments. We have carefully considered the two matters you raise.

Before turning to those specific issues, I think it is worth underlining that we are offering students a choice. We want to put things right for students who were adversely affected by the August examinations. So, for those students who were affected by technical difficulties or who are clear that they were unable to perform to their best, there is the option of re-sitting in October, with the better of the August or October mark counting. Students who completed the August examinations or who have other commitments in October may on the other hand prefer to wait for the August results and only sit again in December if they have failed any of the exams.

Unfortunately, we cannot realistically give the option of an October sitting in knowledge of the August results. The release of marks from the August exams is not a straightforward process. I thought it might help therefore if I set out that process in a bit more detail so that you can see why it won't be possible logistically for students to have their results before they need to decide whether to sit the assessments in October.

Following the completion of marking the exams, each set of marks is analysed by our psychometrician ahead of exam boards for each subject. For each of the centralised exams there is a subject specific exam board. Each subject specific exam board formulates recommendations that are then presented to a unified final exam board where binding decisions are made. This two-stage process ensures a consistent approach across all three subject areas and allows for a reassessment of any proposals coming up from the subject level exam boards.

For each of the centralised assessments the psychometrician assesses the performance of each question on each exam paper, as well as the exam as a whole and produces a report for the benefit of each subject exam board. In the light of his report, the subject exam boards will consider what interventions, if any, may be appropriate as part of the moderation process, to ensure that each exam is a fair and valid assessment. The final exam board for the litigation subjects takes place on 28 September 2020, whilst the final exam board for ethics is on 20 October (which reflects the longer time needed to mark short answer questions over multiple choice). This is the earliest that we could hold those meetings given the analysis and quality assurance processes that need to be followed so that the exam boards can release the marks to Providers. Following the final exam board meetings, the executive takes forward any necessary action to prepare the marks to be released to Providers. We would expect to release litigation marks to Providers by 2 October 2020. Each of the Providers will, in turn, schedule their own award and progression exam boards to consider any mitigating circumstances or local factors that could impact upon individual candidates before results are released to students on the afternoon of 12 October.

What I have outlined above is a standard process in the lead up to the release of results. Each stage is necessary and important to the reliability and rigour of the assessment and cannot be expedited any further than we have already.

Let me turn to the issue of those candidates who would wish to sit their assessments in October but are unable to do so because they are observing religious festivals or holidays. As with all exam dates, the BSB checks meticulously to ensure that there is no clash with religious festivals and holidays. We are aware of Chol Ha'moed, a Jewish event covering the intermediate period of Succot, that takes place at the same time as the civil litigation and ethics assessments in October and have taken advice from the Office of the Chief Rabbi on whether it is acceptable to hold our exams over this period. The Office's advice is that there is no objection in Jewish law to students taking assessments during the period of Chol Ha'Moed, although some may prefer not to do so. Candidates who wish to observe Chol Ha'moed, and therefore not sit their exams over this period, should inform their Providers who will discuss, in conjunction with the BSB, potential alternative arrangements.

Candidates who are unable to sit their assessments in October for other reasons, such as work commitments, will have the opportunity to sit them in December if they have failed any of their exams (and will have received their August results before they must register for the December assessments).

A candidate who opts not to attempt in October, and subsequently finds that they have failed any of the August examinations has the option to attempt the examinations again in December, provided they are still within the maximum number of permitted attempts. Whether the mark the candidate achieves at the December sit is to be capped or not is determined by their Provider's award and progression exam board in the light of any mitigating circumstances that are agreed. Provider examination boards cannot alter a mark confirmed by the Central Examinations Board (CEB).

A candidate who opts not to attempt in October, and subsequently finds that they have passed any of the August examinations will be awarded that August sit pass mark by their Provider's award and progression exam board. There is no option to attempt an examination again in December to improve on a pass mark. Provider award and progression exam boards cannot alter a mark confirmed by the CEB. Mitigation by Provider award and progression exam boards does not arise in respect of candidates who have passed their assessments.

I hope that you will find this explanation helpful. In all this we are seeking to balance the need for academic rigour so that we can assure the public that candidates are truly competent to move on to the next stage in becoming a barrister - and in their second six, as you know, they may be directly representing clients albeit under supervision - with the need to help those candidates to progress with their careers.

Yours sincerely

Mark Neale
Director General