BAR
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BOARD

REGULATING BARRISTERS

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

**Spring 2020 Sitting
(August 2020 & October 2020)**

EXECUTIVE SUMMARY

The Central Examination Board ('CEB') has now completed its ninth cycle of overseeing Spring assessments in the three knowledge areas of the Bar Professional Training Course ('BPTC'). Due to the global pandemic the Spring 2020 sit was deferred to later in the year and was conducted over two sittings: August 2020 and October 2020. Candidates who sat in August 2020 were permitted to sit again in October 2020 on a 'No Detriment' basis. For transparency of reporting results for the August 2020 and October 2020 sittings are presented separately, but for examination purposes they were both treated as part of the overall Spring 2020 sit. The confirmed post-intervention outcomes of the two sittings of the Spring 2020 centralised assessments following review of the BPTC cohort performance by the CEB are as follows:

	2020 Spring Sit (October)	2020 Spring Sit (August)	2019 Spring Sit	2018 Spring Sit	2017 Spring Sit
Professional Ethics					
Number of Candidates	223	1489	1887	1869	1589
Passing MCQ	N/A	N/A	N/A	N/A	N/A
Passing SAQ	74.4%%	78.8%%	74.8%	68.9%	57.6%
Passing Overall	74.4%%	78.8%%	74.8%	68.9%	57.6%
Civil Litigation, Evidence and Sentencing					
Number of Candidates	328	1507	1890	1890	1597
Passing MCQ	62.2%	64.6%	63.2%	66.90%	60.2%
Passing SAQ	N/A	N/A	N/A	N/A	N/A
Passing Overall	62.2%	64.6%	63.2%	66.90%	60.2%
Criminal Litigation, Evidence and Sentencing					
Number of Candidates	306	1502	1765	1732	1502
Passing MCQ	60.1%	68.4%	61.0%	76.9%	78.2%
Passing SAQ	N/A	N/A	N/A	N/A	N/A
Passing Overall	60.1%	68.4%	61.0%	76.9%	78.2%

This report focuses on the statistical data from the Spring 2020 sitting, thus providing assurance that the standards and quality assurance processes applied to this sit are consistent in each of the three knowledge areas, and consistent with those of previous sits. A separate independent report has been commissioned by the BSB into the difficulties experienced by students who sought to sit the BSB's centralised BPTC assessments in Civil and Criminal Litigation and Professional Ethics in August. That report is due to be published soon.

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 Providers 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 Providers. 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 Providers 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 Provider institution, 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

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[1] NB Remedies was later removed from the syllabus

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 Provider centres and active dates

Provider	Centre	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
BPP University	London	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BPP University	Leeds	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BPP University	Manchester	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BPP University	Birmingham	No	No	No	No	Yes	Yes	Yes	Yes	Yes
BPP University	Bristol	No	No	No	No	No	No	Yes	Yes	Yes
Cardiff University	Cardiff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City University	London	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
University of Law ('ULaw')	Birmingham	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
University of Law ('ULaw')	London	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
University of Law ('ULaw')	Leeds	No	No	No	No	No	Yes	Yes	Yes	Yes
University of the West of England ('UWE")	Bristol	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
University of Northumbria ('UNN')	Newcastle	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Manchester Metropolitan University ('MMU')	Manchester	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nottingham Trent University ('NTU')	Nottingham	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kaplan Law School	London	Yes	Yes	Yes	Referrals only	No	No	No	No	No

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).

1.5 Terms used in this report
- "All-Provider" refers to the aggregated data bringing together cohort performance across all Providers centres
- "By Provider" refers to data comparing the performance of each of the Providers relative to each other

- "Spring sit" refers to the March/April/May exam cycle. 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. Some candidates undertaking these examinations may be doing so on a deferred basis (i.e., as if 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 between them 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 Provider institutions), questions devised by members of the central examining teams, and some questions adapted from material originally submitted by Provider 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 teams 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. For Professional Ethics, a Technical Reader checks the draft exam paper to assess whether the examination questions are, in legal terms, technically correct and the language sufficiently clear. 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 pass 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 2.6.

2.3 How the exams are conducted

2.3.1 Candidates across all Provider institutions normally attempt the centralised assessments in each of the knowledge areas on the same dates. In any case where a Provider 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 In exceptional circumstances candidates can be allowed to attempt the assessments at locations overseas. The onus is placed on the candidates' Provider institution 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 Provider institutions are given guidance on examination arrangements by the BSB. Exam invigilation reports are submitted by Providers, 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 Provider oversees its own "fit to sit" policy. Some Providers require candidates to complete a "fit to sit" form at the time of an exam. Other Providers 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.

2.4 Arrangements for August 2020

2.4.1 Due to the impact of the Covid-19 pandemic, and the resultant lockdown measures, it was not possible to hold the Spring 2020 centralised assessments as planned in March and April 2020. Alternative arrangements were put in place and the Spring 2020 sit was deferred to August 2020. The Bar Standards Board contracted with Pearson VUE to provide an on-line remotely proctored version of the centralised examinations. Depending on the learning agreement in place, candidates were offered a number of ways in which to attempt the August 2020 assessments, including:

- online proctored assessments in their own homes
- online assessments at a test centre, with a proctor in attendance
- assessment at home with a live proctor present
- assessment at a Provider assessment centre with live invigilation

2.4.2 As the Pearson VUE platform was not able to deliver the same examination to all candidates simultaneously, and in order to accommodate the various learning agreements in place to meet the particular needs of various candidates, the August 2020 examination sittings were spread over a number of days:

Professional Ethics: Tuesday 11 August to Friday 14 August 2020
Civil Litigation: Monday 17 and Tuesday 18 August 2020
Criminal Litigation: Thursday 20 and Friday 21 August 2020.

The BSB took appropriate steps to ensure that, although there were multiple sittings of the various examinations during the August 2020 period, the integrity of the examination process was safeguarded, and no candidate was advantaged by attempting an examination later in the cycle. For Professional Ethics, candidates were presented with one of eight different forms of the examination over the course of the four exam days. The forms were allocated randomly (not sequentially) to all candidates taking the exam via Pearson VUE. Each form comprised a combination of six Short Answer Questions (SAQs) selected from a pool of fifteen questions. Each form of the examination was scrutinised for balance. Standard setting ratings for each previously used question were analysed in order to ensure approximately equal topic coverage and difficulty across forms.

2.4.3 The additional opportunity to sit in October 2020

Regrettably, a number of candidates experienced technical difficulties in attempting the on-line remotely proctored August 2020 examinations. As a result, the Bar Standards Board agreed to hold a further sitting of the deferred Spring 2020 sit in October 2020. The October 2020 sitting was made available to all eligible candidates, although those who had attempted in August 2020 were required to register for the October 2020 sit before the release of the results of their August 2020 examinations. Candidates registering for the October 2020 sitting who had attempted any or all of the August 2020 examinations were advised that they would be credited with the higher of the two marks. Hence a candidate who passed in August 2020 but failed in the same examination in October 2020 was permitted to

retain their August 2020 pass (the 'No Detriment' policy). A candidate passing in both August 2020 and October 2020 was credited with the better of the two marks.

The dates of the October 2020 examinations were as follows:

Civil litigation: Wednesday 7 October 2020
Criminal Litigation: Monday 12 October 2020
Professional Ethics: Monday 5 October 2020.

2.5 Marking

2.5.1   Candidates attempting the MCQ papers in Civil Litigation and Criminal Litigation record their answers on machine-readable answer sheets. Provider institutions return the original answer sheets to the BSB for machine marking. The MCQ answer sheet scanning is undertaken by specially trained BSB support staff, using Speedwell scanners and software. The scanner removes the risk of wrongly capturing marks which may occur with human input. This process enables accurate production of data statistics and results analysis.

2.5.2   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 Provider institutions, each candidate having a unique candidate number. This was the process followed for the October 2020 examination.

2.5.3   For reasons outlined at 2.4.1 (above) exceptional arrangements were put in place for the August 2020 sit. The majority of Professional Ethics candidates attempted the exam via computer-based testing, either at home with remote proctoring via Pearson VUE or in person at Pearson VUE test centres. For those candidates with reasonable adjustments (approximately 100), who could not be accommodated by Pearson VUE (at test centres or online at home), arrangements were made for the examination to be delivered at home with private invigilation, or at other testing venues arranged by their Providers.

2.5.4   Once Professional Ethics scripts are uploaded, the BSB staff compare the scripts received with the exam attendance lists supplied by Providers to ensure all the expected scripts have been received. A more comprehensive check takes place which checks that each script is completely anonymised of Provider 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").

2.5.5   Markers are divided into teams - there are always six markers in each team, but the number of teams depend on the number of markers available and the number of Professional Ethics scripts to be marked. Teams consist of Bar Training Course Provider staff and practitioners. Care is taken to ensure Provider-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.

2.5.6   For the August 2020 sit slightly different arrangements were put in place to reflect that fact that the Professional Ethics assessment was presented to candidates in 8 forms utilising a bank of questions, with the majority of candidates typing their answers in a remotely proctored on-line setting. As the number of times an SAQ appeared across the August 2020 forms was not consistent, the marking allocation (across 73 markers) varied depending on the frequency with which any given SAQ was used. The markers marked between 103 -165 scripts except for two markers, who had marked up to 175 scripts each. For the October 2020 sitting, 24 markers were employed across 6 teams. Each marker marked between 64-69 scripts.

2.5.7   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 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 exam 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 that influences and feeds into a revised mark scheme ('version 2').

2.5.8   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 export 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.

2.5.9   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.

2.5.10 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. The Marking Team Leaders produce a report at the end of first marking indicating any areas for concern. The reports are considered by the CEB examining team.

2.5.11 Once standard setting has taken place (see 2.6 below), scripts which have been scored to a certain point below the pass 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.

2.5.12 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.

2.5.13 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.

2.6 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

2.7 Examination Boards

2.7.1 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.

2.7.2 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 pass 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 passing rate and Provider cohort passing 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 pass standard) will also include:

- overall pre-and post-intervention pass rates and Provider 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 Providers cross-referenced to the representations made in the assessment pro-formas returned by the Providers – thus flagging up any correlation of Provider 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 Provider centre.

2.7.3   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.

2.7.4   In confirming marks for cohorts of candidates the CEB is concerned to ensure that a consistent measure of achievement has been applied across all Providers, 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 by a Provider or matters related to the conduct of the assessment that can be dealt with through a Provider's extenuation processes.

2.7.5   The Final Examination Board considers the recommendations of the Subject Boards in respect of the Provider 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 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 'passing 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 pass 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 Provider institutions. The process for challenging marks confirmed by the CEB is outlined here.

2.8 Reporting results to Providers

2.8.1   Once the CEB has confirmed the centralised assessment marks for each cohort of candidates at each Provider the marks are distributed to the Providers where they feed into the individual BPTC or BTT candidate profiles considered at the Provider award and progression examination boards. The actual scores achieved by candidates need to be aligned with a 60% passing mark in order to best fit with the Providers' 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 pass standard adopted.

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

2.9 Grade boundary allocations

2.9.1   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 pass 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.

2.9.2 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.

2.9.3 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

2.9.4 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.

2.9.5 Applying the "2:3:3" ratio methodology, if the standard setting process produced pass 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

2.9.6 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

2.9.7 Where, however, the standard setting process recommends a pass 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 pass 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 pass 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 pass standard had been 45/75.

2.9.8   Similarly if, for example, in Professional Ethics the standard setting process produced a pass 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 pass standard had been 36/60.

2.9.9   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.

2.9.10 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 2020 (AUGUST AND OCTOBER SITTINGS) RESULTS IN PROFESSIONAL ETHICS

As noted at 2.4 (above), due to the impact of the Covid-19 pandemic, the Spring 2020 sitting of the centralised assessments was deferred to August 2020, and an additional opportunity to attempt the examinations as part of that sitting was offered to candidates in October 2020. For ease of reference the results of the August and October sittings are presented separately, notwithstanding that both opportunities come within the scope of the Spring 2020 sitting.

3.1 Professional Ethics results pre-intervention pass rates – all Providers Spring 2017 to Spring 2020 (August 2020 sitting)

Professional Ethics All Provider pre-intervention	Spring 2020 (August sit)	Spring 2019	Spring 2018	Spring 2017
SAQ Comparison	78.70%	74.80%	68.90%	57.60%

3.1.1 The table above shows a Spring 2020 (August sit) pre-intervention passing rate of 78.7% for 1489 candidates, very much in line with the figure for Spring 2019, notwithstanding the difficulties encountered in delivering the August 2020 assessments. It is also the highest pre-intervention passing rate achieved across the four sittings for the current (post 2017) format of the Professional Ethics assessment. Candidates with 0 recorded responses were excluded from the calculation of passing rates.

3.1.2 As indicated above (at 2.4.2) for the August 2020 Professional Ethics examination candidates attempted one of 8 different versions of the examination. Each version was subjected to standard setting to ensure comparability of challenge – in short, the more difficult the paper the lower the pass standard. Hence, each version of the examination had its own specific pass standard as follows:

	Pass standard	Pre-intervention	Post-intervention
Version 1	39	71.4	71.4
Version 2	32	74.1	74.1
Version 3	39	79.1	79.1
Version 4	31.5	82.8	82.8
Version 5	31.5	78.6	78.6
Version 6	30.5	83.8	83.8
Version 7	30	78.4	78.4
Version 8	35	85.7	85.7

The above table shows the pass standard and the passing rate for each of the eight versions of the Professional Ethics paper presented to candidates at the August 2020 sitting. As explained at 2.6 (above), standard setting ensures consistency, in terms of what is required from a candidate in order to pass,

across different versions of an examination paper. In terms of the versions of the Professional Ethics examination presented to candidates at the August 2020 sitting, version 7 had a pass standard of 30/60 (meaning a candidate had to achieve 50% in order to pass), whilst version 8 had a pass standard of 35/60, meaning that a candidate had to achieve 58% to pass. Version 7 was therefore assessed by the standard setters as a more demanding assessment than version 8, hence less was required from candidates in order to achieve a pass. As can be seen from the above table, a lower pass standard, does not necessarily equate with a higher passing rate. Version 8 had the highest passing rate at 85.7%, whereas 78.4% of candidates passed version 7, despite it having a lower pass standard than version 8.

3.2 Details of Final Examination Board discussions (August 2020 sitting)

3.2.1 The Psychometrician advised the Board that, rather than reporting a single reliability value, in this instance an individual reliability score had been calculated for each form, and it would not be possible to amalgamate these. The Psychometrician presented the following reliability scores for each form:

	Reliability score	Standard error of measurement
Version 1	**0.86**	**3.31**
Version 2	**0.85**	**3.70**
Version 3	**0.86**	**3.41**
Version 4	**0.82**	**3.67**
Version 5	**0.88**	**3.41**
Version 6	**0.82**	**3.48**
Version 7	**0.87**	**3.61**
Version 8	**0.79**	**3.59**

3.2.2 It was noted that the reliability score for all forms exceeded the benchmark of 0.80 apart from Form 8, which at only 0.01 short was also deemed acceptable. The standard error of measurement ranged between 3.31 and 3.70 which was deemed acceptable.

3.3.3 The Board reviewed the operation of all new assessment items forming part of the 8 versions of the examinations and confirmed that there were no grounds for intervention. The Chief Examiner concluded that the assessment had operated well and noted that new stages which had been incorporated for this exam session, particularly in the marking stage, had worked well. A single unsuitable marker was identified through this process, whose work was re-allocated. The Chief Examiner commended the new marking software as being much more effective for markers. The Independent Observer stated that she was satisfied that the difficult circumstances and complex issues surrounding the August examinations had been thoroughly discussed, and that the Board had been conducted in a robust manner. The Independent Observer therefore endorsed the results as agreed by the Board.

3.4 Professional Ethics post-intervention pass rates – all Providers Spring 2017 to Spring 2020 (August sitting)

| Professional Ethics All Provider post-intervention	Spring 2020 (August sit)	Spring 2019	Spring 2018	Spring 2017
SAQ Comparison	78.70%	74.80%	68.90%	57.60%

The table above confirms that there were no interventions necessary in respect of the results for Professional Ethics.

3.5 Professional Ethics Spring 2020 pass rates across all Providers (August 2020 sitting)
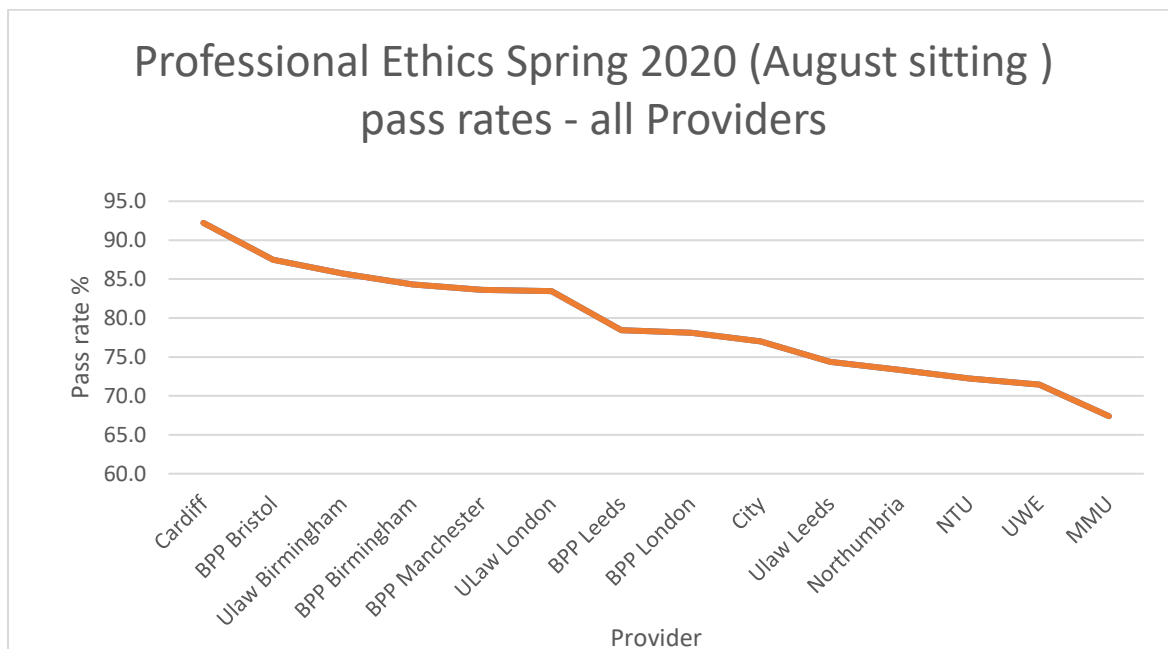
Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates. Hence Cardiff had the highest passing rate at 92.2 % and MMU the lowest at 67.4% - a range of 24.8%. The variation in Provider cohort performance is considerable. The top three Provider cohorts have an average passing rate of over 88%, whilst the bottom three Provider cohorts have an average passing rate of 70%, suggesting the assessment discriminated effectively between weak and strong cohorts. Note that no pre-intervention data is provided for the Professional Ethics results in the above chart as no interventions were agreed by the Final Board. In reviewing data on Provider cohort performance for the August 2020 sit it is important to bear in mind that: (i) not all candidates will have been presented with identical papers (see 2.4.2 above); further (ii) candidates will have attempted the examinations in a range of settings, including remote proctoring, test centres, and with individual home proctoring.

3.6 Professional Ethics Spring post-intervention pass rates 2017 to 2020 (August 2020 sitting)

Professional Ethics Spring 2017-20 (August sitting)
Post intervention pass rates
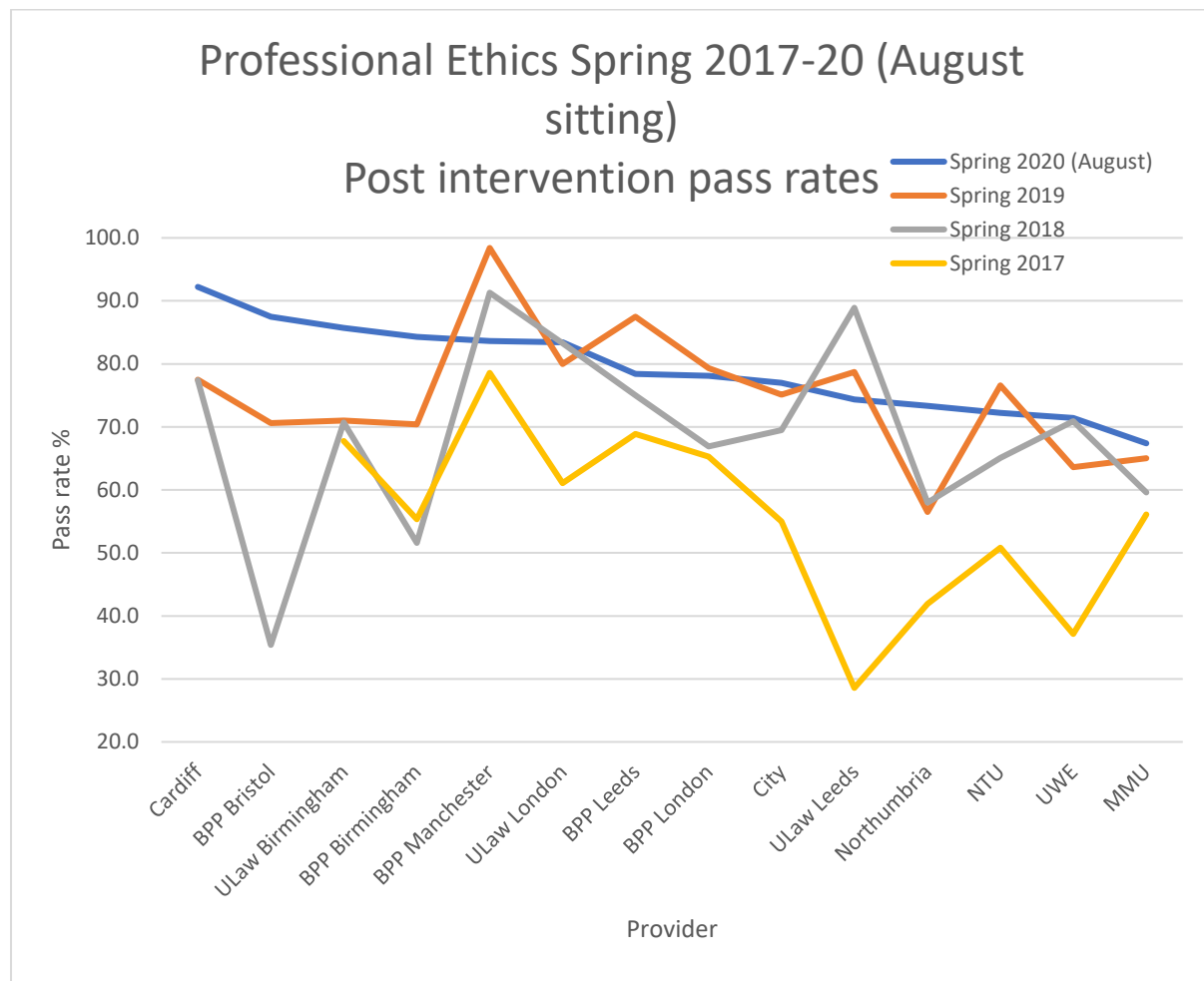
3.6.1 Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates, and the data shows their passing rates across the four Spring assessment cycles from Spring 2017 to Spring 2020 (August sitting). Note that BPP Bristol entered its first cohort in Spring 2018. Data for sittings before Spring 2017 has been excluded as the form of assessment was significantly different prior to Spring 2017 (an MCQ paper comprising twenty questions, and an SAQ paper comprising three questions – both elements having a fixed pass mark of 60%).

3.6.2 Of those Providers who had cohorts for each Spring sit of the Professional Ethics exam between 2017 and Spring 2020 (August sit), BPP Manchester achieve the highest average cohort passing rate (88%), whilst the lowest average is recorded by Northumbria (57.4%).

3.6.3 Looking at the change in Provider cohort performance from Spring 2019 to Spring 2020 (August sit), across the 14 Provider centres, 9 Provider cohorts deliver an improved performance, with BPP Bristol showing the biggest improvement with an increase of 16.9%, whilst BPP Manchester shows the

sharpest decline with a drop of 14.8% compared with Spring 2019. On average Providers saw a rise of over 4% in passing rates compared to Spring 2019.

3.6.4   Comparing Spring 2020 (August sit) cohort passing rates with Spring 2017 shows all 13 Provider centres with cohorts across all three cycles improving on their Spring 2017 passing rates – with ULaw Leeds improving by over 45%. On average Providers saw a rise of over 21% in passing rates compared to Spring 2017. (BPP Bristol is excluded from this calculation as it had no cohort in Spring 2017.)

3.7 Overall grade boundary distribution Spring 2020 (August sitting)

| All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
21.3	31.1	37.1	10.5

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 (above), 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 2020 (August sit) all-Provider cohort results for Professional Ethics show that, on this basis, there are 156 candidates achieving the "Outstanding" classification.

3.8 Spring 2020 post-intervention grade boundaries by Provider (August sitting)
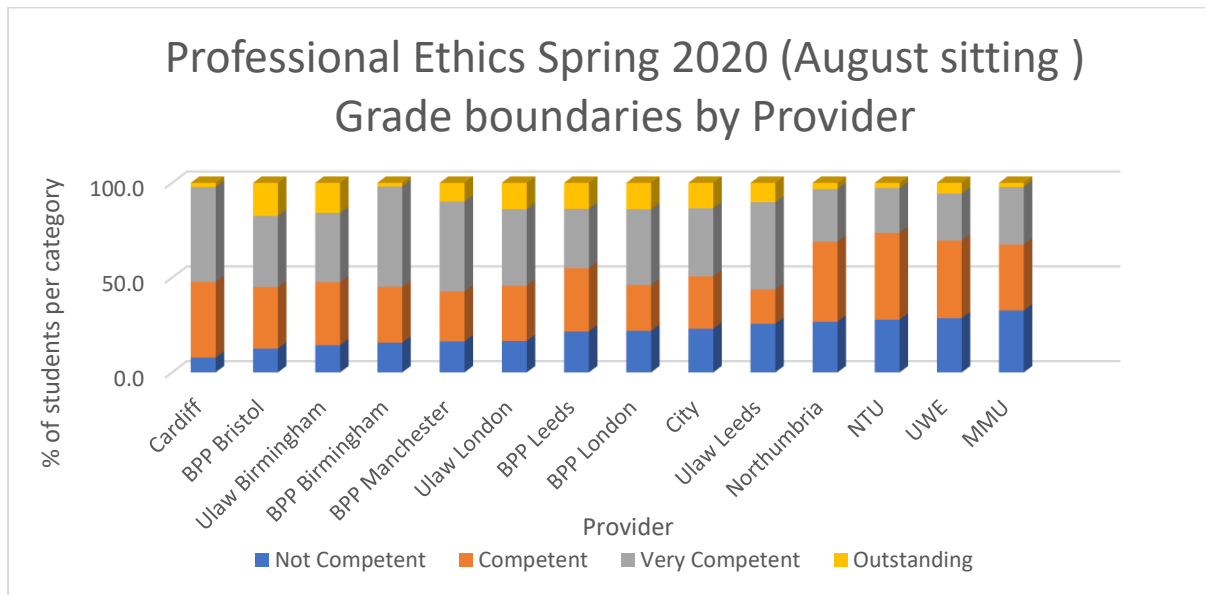
Professional Ethics Spring 2020 (August sitting) Grade boundaries by Provider

Providers are ranged from left to right in declining order of Spring 2020 (August sit) passing rates, hence the "Not Competent" grouping rises from left to right, mapping the increasing failure rate across the Provider cohorts. Five Provider cohorts failed to produce any candidates graded "Outstanding." The distribution of "Outstanding." Grades does not necessarily follow the pattern of declining passing rates. Tenth placed ULaw Leeds, for example, have 10% of their candidates achieving an "Outstanding" grade, compared to only 2% at Cardiff.

3.9 All-Provider Spring 2017 to Spring 2020 (August sitting) grade boundary trend analysis

Professional Ethics Grade boundaries trend analysis Spring 2017 to Spring 2020 (August sitting)
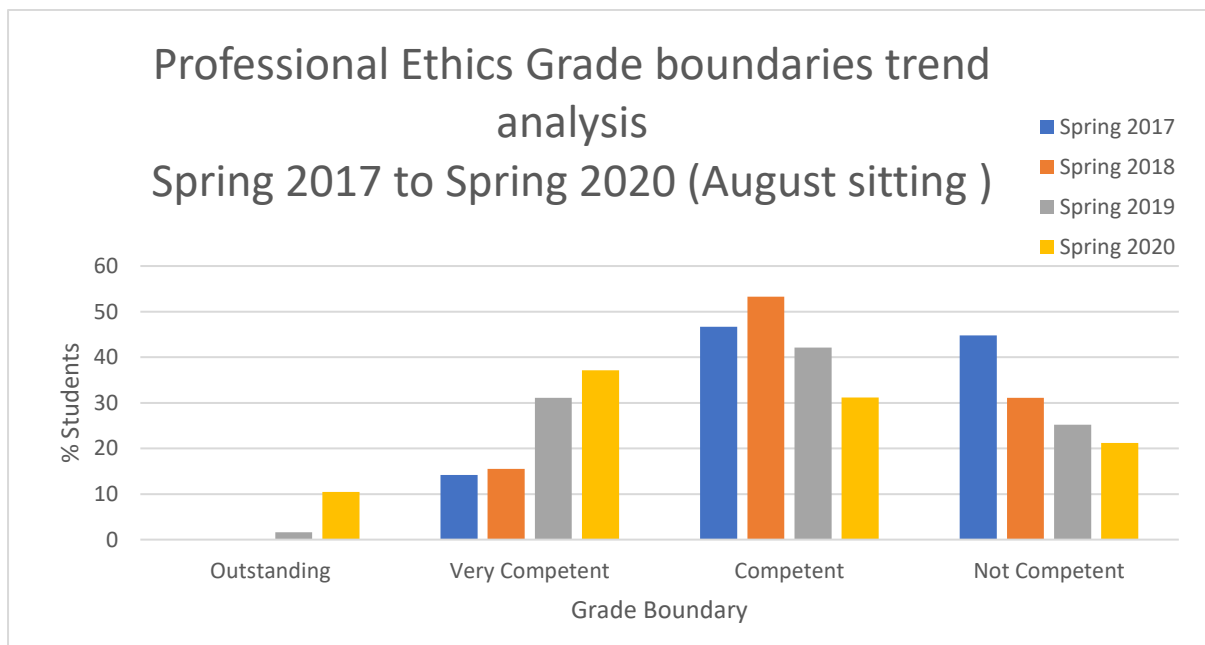
A small rise in the passing rate (4%) has resulted in a significant improvement in the number of candidates achieving the "Outstanding" and "Very Competent" grades, compared to Spring 2019. The percentage of candidates graded "Outstanding" is the highest for a Spring sit since the new format for the assessment was introduced in 2017.

3.10 Professional Ethics results pre-intervention pass rates – all Providers Spring 2018 to Spring 2020 (October sitting)

Professional Ethics All Provider pre-intervention	Spring 2020 (October sit)	Spring 2019	Spring 2018	Spring 2017
SAQ Comparison	74.40%	74.80%	68.90%	57.60%

The table above shows a Spring 2020 (October sit) pre-intervention passing rate of 74.4% for 223 candidates, very much in line with the figure for Spring 2019, and close to the figure achieved for the Spring 2020 (August sit) – see 3.1 above.

3.11 Details of Final Examination Board discussions (October 2020 sitting)

The Final Board for Professional Ethics noted the reliability score for the assessment (based on the scores of the BTT candidates) of 0.83 (above the benchmark of 0.8). The Board accepted the passing standard of 32.5 proposed by the standard setting process.

3.12 Detailed statistical analysis of each SAQ sub-part (October 2020 sitting)

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]
	6	3.80	1.22	0.50	10	8.6
	The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.					
SAQ 1(b)	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	4	3.39	0.99	0.50	6.7	6.8
	The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.					

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

	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ						
SAQ 2(a)	4	2.15	0.90	0.42	6.7	6.1

The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.

	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 2(b)	6	2.47	1.30	0.53	10	7.6

Highlighted by the Psychometrician due to the difference between expected and actual contribution to total variance. The Chief Examiner commented that the question covered CD1 and CD3. Following feedback received from marking team leaders in relation to syllabus coverage and question difficulty, the Chief Examiner approached the syllabus team and the Assistant Chief Examiner ('ACE') who oversaw the SAQ discussion at the markers' meeting. It was agreed that the question content was within syllabus and within Bar Council guidance. Students did not achieve the best scores in the question, hence the low contribution to total variance factor achieved. The examining team was satisfied with the content of both the question and mark scheme. The Board decided no intervention was warranted.

	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 3(a)	5	4.15	1.04	0.55	8.3	7.8

The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.

	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 3(b)	5	3.12	1.09	0.57	8.3	8.1

The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.

	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 4(a)	5	2.31	1.19	0.45	8.3	7.8

| SAQ						
	The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.					
SAQ 4(b)	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	2.64	1.31	0.54	8.3	10
	The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.					
SAQ 5(a)	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	6	2.97	1.39	0.61	10	11.6
	The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.					
SAQ 5(b)	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	4	3.13	1.09	0.61	6.7	8.8
	This sub-part was highlighted by the Psychometrician due to the difference between expected and actual contribution to total variance. The Chief Examiner observed that this was a cab-rank rule question, an area that was covered well by Providers and where candidates tended to perform well, perhaps explaining the overcontribution to total variance. The Final Board decided no intervention was warranted.					
SAQ 6(a)	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	6	2.88	1.49	0.56	10	11.9
	The Chief Examiner confirmed that there were no material issues, and the Final Board decided no intervention was warranted.					
SAQ 6(b)	Marks	Mean (as 5-mark)	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	4	1.64	0.82	0.29	6.7	3.7
	This sub-part was highlighted by the Psychometrician due to the difference between expected and actual contribution to total variance. The Chief Examiner observed that this was a four-mark question that focused mainly on knowledge and not so much on application. The question was at					

SAQ	
	the end of the paper and achieved a mean factor lower than the expected threshold of 2, low correlation factor and low contribution to total variance. The question content was checked against, and reflected, the wording of the Handbook. Guidance had changed recently, and it was expected that students should have been aware of the implications of the Guidance amendment. Sampled answers were mostly short and attainment reflected either a superficial teaching or superficial understanding. The Chief Examiner reassured the Final Board that the feedback received at the markers' meeting did not raise any concerns or identified any issues with the mark scheme. The Chief Examiner, supported by the ACE's, proposed no intervention. The Final Board decided no intervention was warranted.

3.13 Professional Ethics post-intervention pass rates – all Providers Spring 2014 to Spring 2020 (October sitting)

Professional Ethics All Provider post-intervention	Spring 2020 (October sit)	Spring 2019	Spring 2018	Spring 2017
SAQ Comparison	74.40%	74.80%	68.90%	57.60%

The table above confirms that there were no interventions necessary in respect of the results for Professional Ethics.
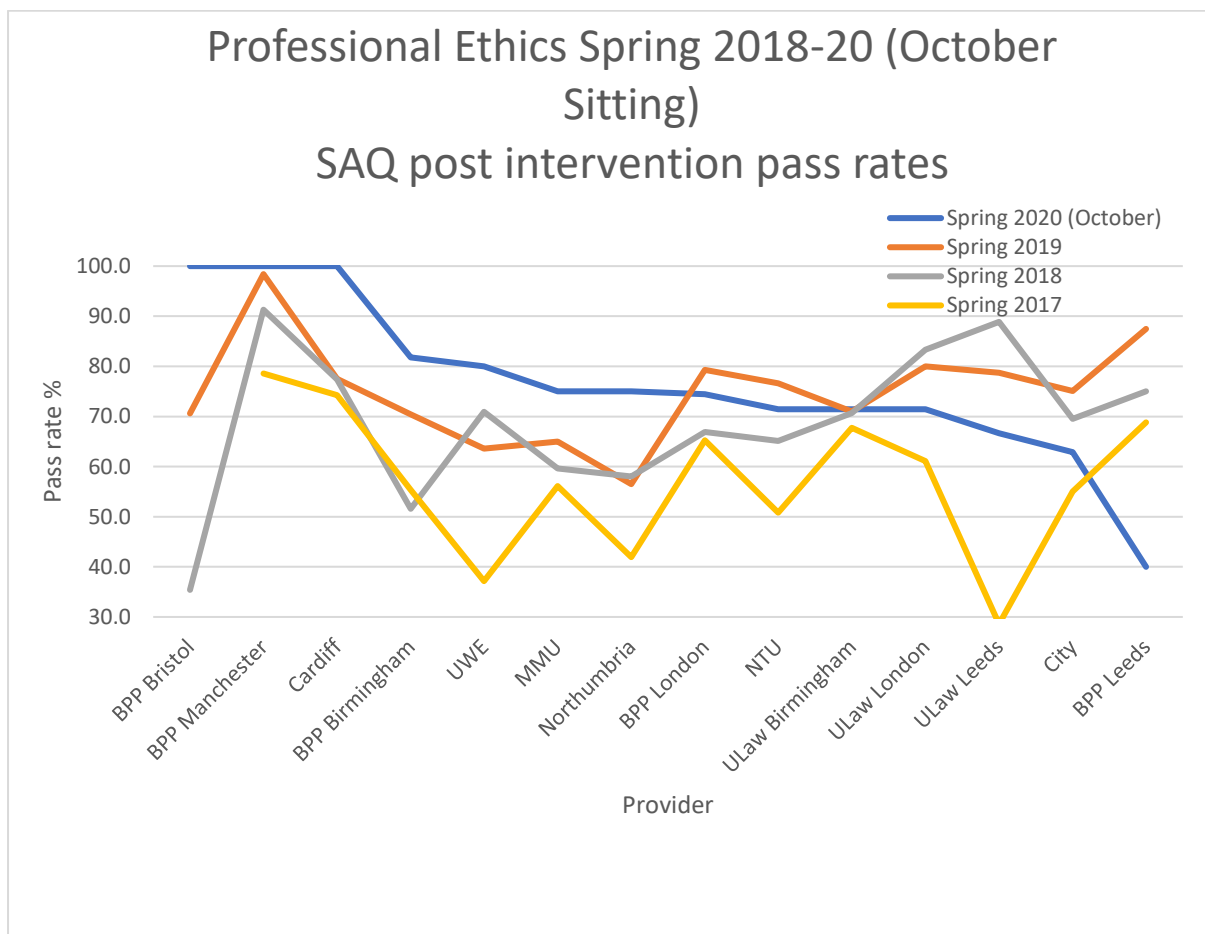
3.14 Professional Ethics Spring 2020 pass rates across all Providers (October sitting)
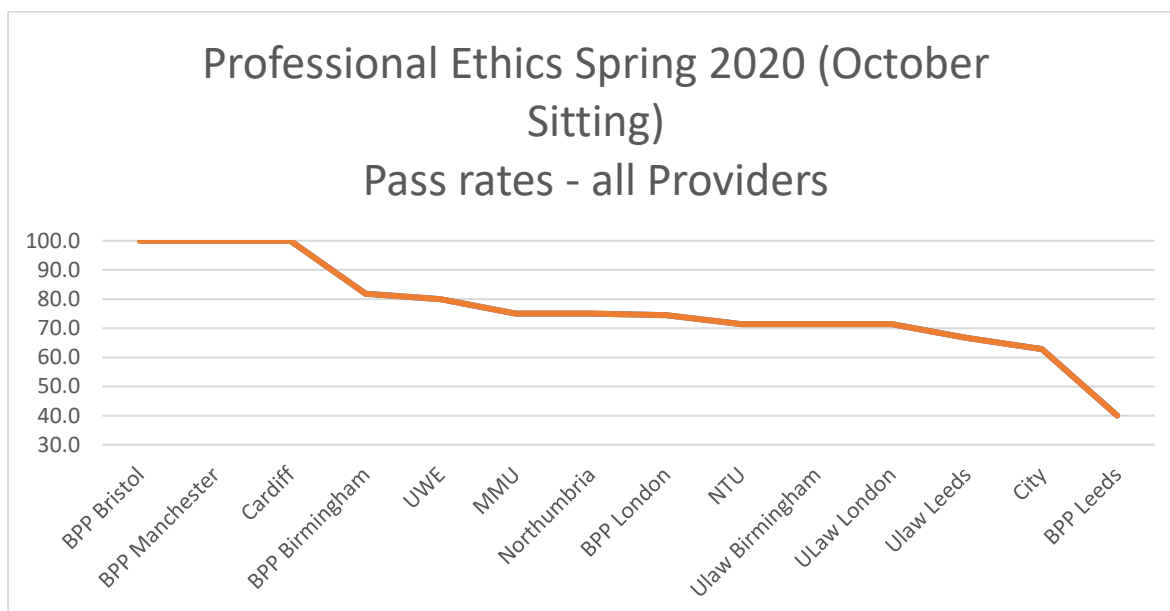
Providers are ranged left to right in order of their Spring 2020 (October sit) passing rates. Hence three Providers, BPP Bristol, BPP Manchester, and Cardiff had 100%

pass rates for their cohorts, whilst BPP Leeds had the lowest at 40% - a range of 60 %, significantly wider than for the August 2020 sit. The variation in Provider cohort performance is very marked. The top three Provider cohorts have an average passing rate of 100%, whilst the bottom three Provider cohorts have an average passing rate of just 56%, suggesting the assessment discriminated effectively between weak and strong cohorts. Note that no pre-intervention data is provided for the Professional Ethics results as no interventions were agreed by the Final Board.

3.15 Professional Ethics Spring post-intervention pass rates 2017 to 2020 (October sitting)

Professional Ethics Spring 2018-20 (October Sitting) SAQ post intervention pass rates

3.15.1 Providers are ranged left to right in order of their Spring 2020 (October sit) passing rates, and the data shows their passing rates across the four Spring assessment cycles from Spring 2017 to Spring 2020 (October sit). Note that BPP Bristol entered its first cohort in Spring 2018. Data for sittings before Spring 2017 have been excluded as the form of assessment was significantly different prior to Spring 2017 (an MCQ paper comprising twenty questions, and an SAQ paper comprising three questions – both elements having a fixed pass mark of 60%). Note that no pre-intervention data is provided for the Professional Ethics results as no interventions were agreed by the Final Board.

3.15.2 Of those Providers who had cohorts for each Spring sit of the Professional Ethics exam between 2017 and Spring 2020 (October sit), BPP Manchester achieve the highest average cohort passing rate (92.1%), whilst the lowest average is recorded by Northumbria (57.9%). BPP Manchester has had the top (or joint top) preforming cohort across all four cycles.

3.15.3 Looking at the change in Provider cohort performance from Spring 2019 to Spring 2020 (October sit) across the 14 Provider centres, 8 Provider cohorts deliver an improved performance, with BPP Bristol showing the biggest improvement with an increase of over 29%. BPP Leeds shows the sharpest decline with a drop of over 47% compared with Spring 2019. On average Providers saw a rise of just 1.4% in passing rates compared to Spring 2019.

3.15.4 Comparing Spring 2020 (October sit) cohort passing rates with Spring 2017 shows 12 Provider centres with cohorts across all three cycles improving on their Spring 2017 passing rates – with UWE improving by over 42%. On average Providers saw a rise of over 17% in passing rates compared to Spring 2017. (BPP Bristol is excluded from this calculation as it had no cohort in Spring 2017.)

3.16 Overall grade boundary distribution Spring 2020 (October sitting)

| All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
25.6	42.2	29.6	2.7

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 (above), 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 2020 (October sit) all-Provider cohort results for Professional Ethics show that, on this basis, there are 6 candidates achieving the "Outstanding" classification.

3.17 Spring 2020 post-intervention grade boundaries by Provider (October sitting)
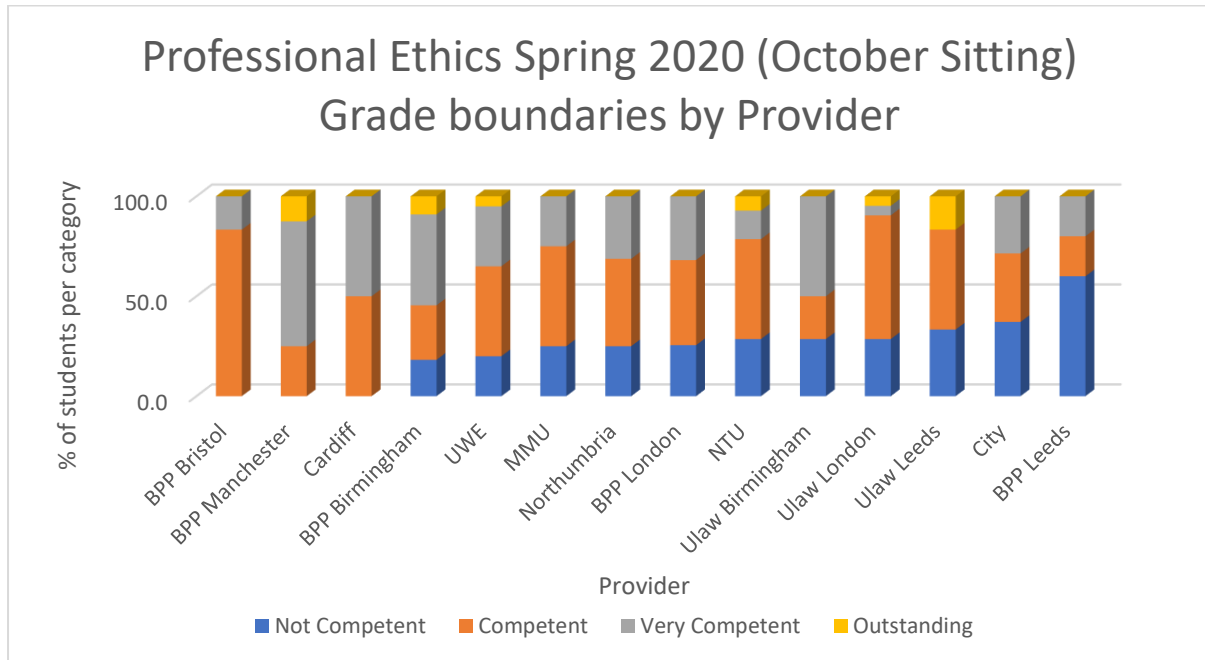
Professional Ethics Spring 2020 (October Sitting) Grade boundaries by Provider

Providers are ranged from left to right in declining order of Spring 2020 (October sit) passing rates, hence the "Not Competent" grouping rises from left to right, mapping the increasing failure rate across the Provider cohorts. Five Provider cohorts failed to produce any candidates graded "Outstanding." As with the August 2020 sitting results, the distribution of "Outstanding" grades does not necessarily follow the pattern of declining passing rates. Twelfth placed ULaw Leeds, for example, have 17% of their candidates achieving an "Outstanding" grade, the same as second placed BPP Manchester.

3.18 All-Provider Spring 2017 to Spring 2020 (October sitting) grade boundary trend analysis


Professional Ethics Grade boundaries trend analysis
Spring 2017 to Spring 2020 (October Sitting)
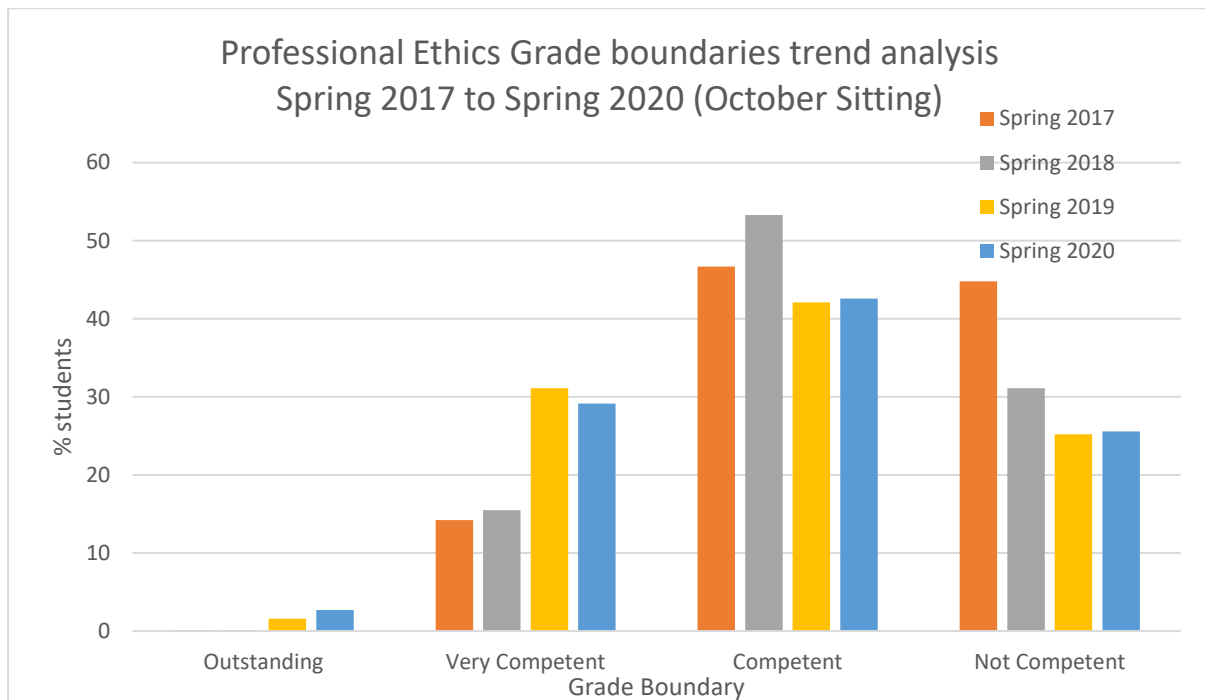
A small drop in the passing rate compared to Spring 2020 has resulted in little change in the number of candidates achieving the "Outstanding" and "Very Competent" grades, compared to Spring 2019.

3.19 Professional Ethics results August and October 2020 sittings compared

Professional Ethics	2020 Spring Sit (August)	2020 Spring Sit (October)	Variance October sit vs. August
Number of Candidates	1489	223	-1266
Passing MCQ	78.8%	74.4%	-4.4%
Passing Overall	78.8%	74.4%	-4.4%

As can be seen from the two sets of results above, despite the very different arrangements in place for the Spring 2020 (August sitting), and the much smaller cohort of candidates attempting the Professional Ethics assessment in the Spring 2020 (October sitting), the passing rates across both sittings were remarkably similar.

3.20 Professional Ethics passing rates August and October 2020 sittings Provider cohort performance compared

Professional Ethics Provider cohort performance
August 2020 sitting versus October 2020 sitting
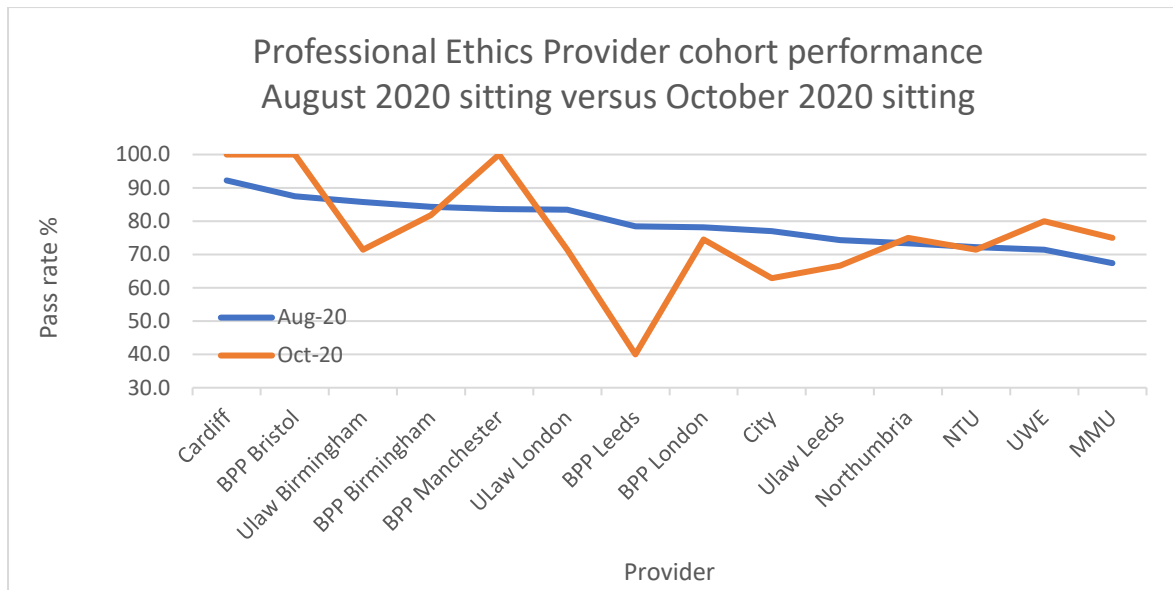
Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates. Cardiff provided the strongest, or joint strongest, cohort across both sittings. The biggest positive variance comparing October to August was at BPP Manchester (up 16% against August) but cohort numbers there were small. In all, 8 Provider cohorts saw a decline in passing rates in October compared to August, the biggest swing being at BPP Leeds (a drop of 38%) but again cohort numbers were relatively small, thus increasing passing rate volatility. The average variance was a decline of just under 3%

3.21 Professional Ethics grade boundary distribution August and October 2020 sittings compared

Professional Ethics grade boundary distribution August 2020 vs October 2020 sittings
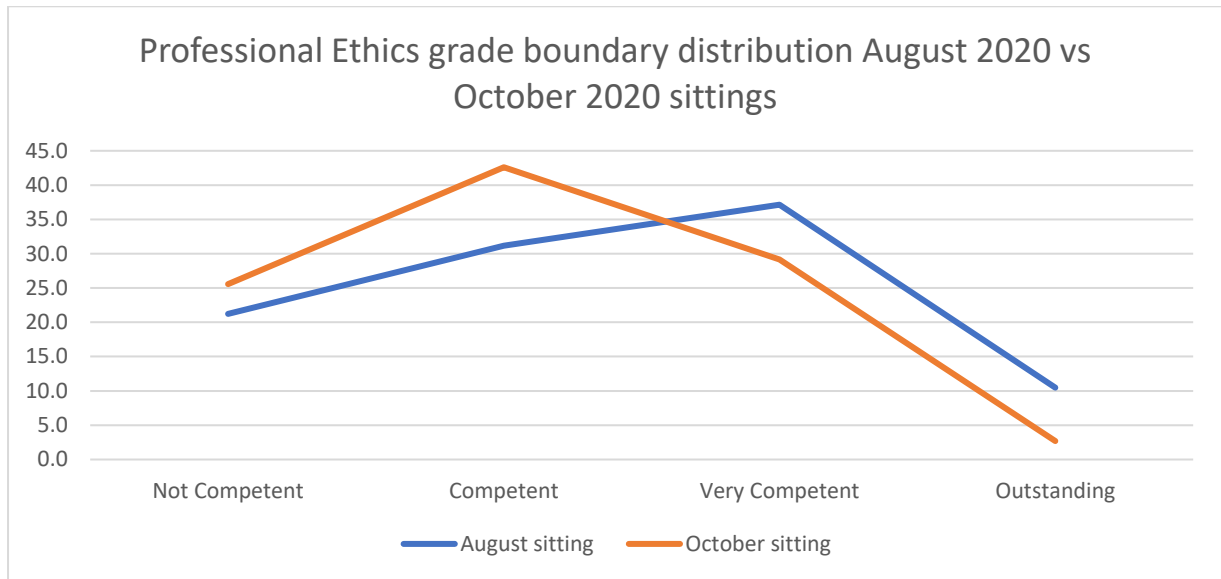
The performance profile for the October sitting shows a lower percentage of candidates being graded as "Very Competent" or "Outstanding" based on the outcome of the October examination. This may be a reflection of the fact that the majority of candidates would have been attempting the examination for a second time.

3.22 Change in distribution of Professional Ethics grade boundaries by Provider between August 2020 and October 2020

Professional Ethics change in grade boundary distribution across providers August 2020 sitting vs. October 2020 sitting
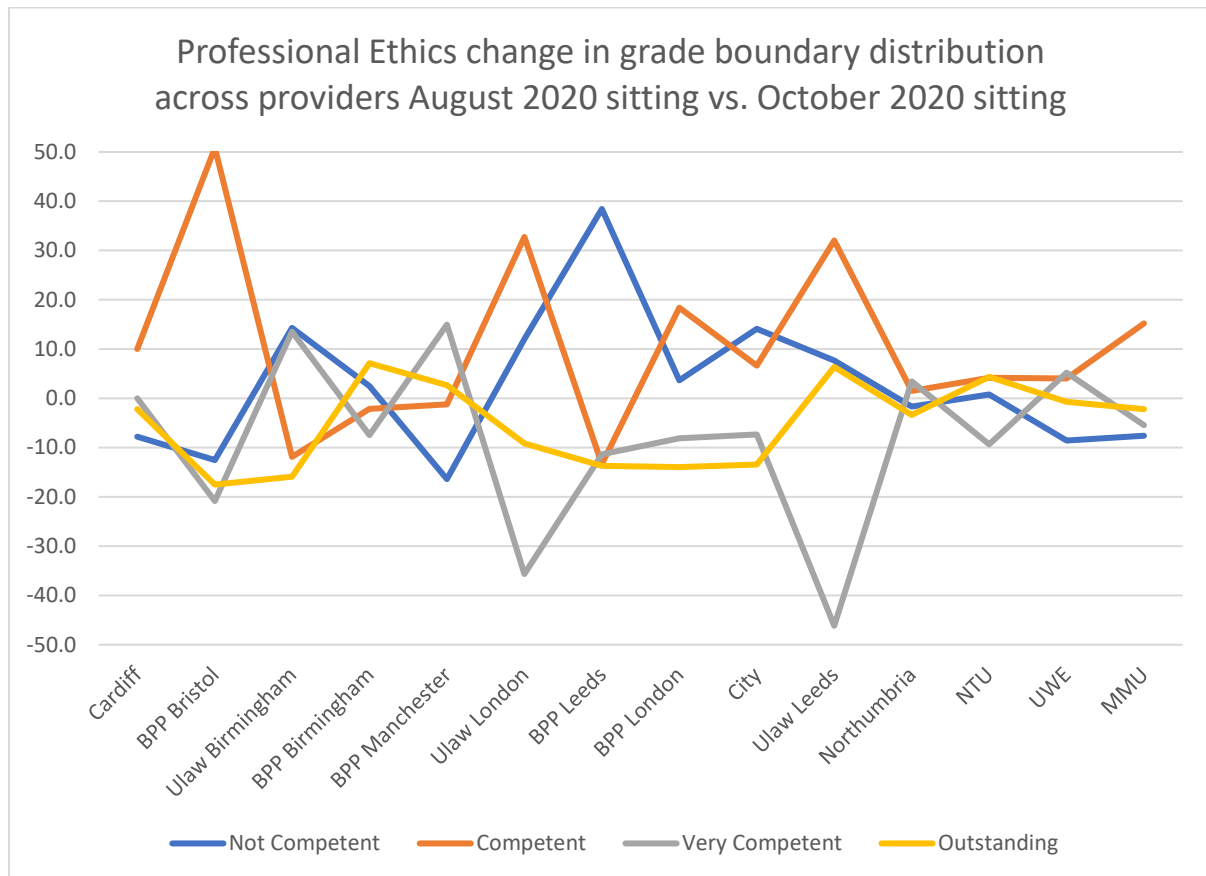
Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates. The data for Cardiff, for example, shows that the only positive grade boundary (i.e., excluding "Not Competent") where its October sitting candidates bettered the performance of the August cohort was in the "Competent" grading. Generally, the October cohort was weaker compared with the August cohort. Only 4 Provider cohorts saw an increase in the percentage of candidates graded "Outstanding" in October compared to August, and only 5 saw an increase in the "Very Competent" grading. Only one Provider cohort (BPP Manchester) saw an improvement in both. Care must be taken in interpreting these figures given the relatively small size of the candidate cohort at some Provider centres for the October 2020 sitting.

3.23 Professional Ethics Candidate performance across both August and October 2020 sittings

Ethics	No		No
Number of August Candidates	1489	Number of candidates attempting both August & October	184
Number of August Passing	1173	August pass attempted October	122
		August pass & passed in October	109
		August pass Failed in October	13
		August pass passed in October with better result than August	39
Number of August Fail	316		
		August Fail attempted October	62
		August fail passed in October	27
		August fail & failed in October	35
Number of October only candidates	39		
Number of October only candidates passing in October	30		
Number of October only candidates failing in October	9		

3.23.1 This table shows all attempts by candidates at the Spring 2020 Professional Ethics examination across the August and October sittings. Candidates who attempted the examination in August were advised that they could attempt the examination again in October on a 'No Detriment' basis – i.e., they would not forfeit their August result if it transpired that it was better than their October result, but would be credited with their October result if this proved to be better than their August result. One hundred and eighty-four candidates availed themselves of this opportunity. Of the 109 candidates who passed in August and in October, 39 improved on the grade obtained in the August sitting, and 27 who failed in August passed in October, meaning that the 'No Detriment' rule benefitted 66 candidates.

3.23.2

October candidates		Split	Pass	Fail	Passing rate
August repeaters	184	82.5%	136	48	73.9%
October only	39	17.5%	30	9	76.9%
Tot	223		166	57	74.4%

As the above table indicates over 80% of the cohort of candidates for the Spring 2020 (October sitting) Professional Ethics examination were candidates who had attempted in August and were availing themselves of the 'No Detriment' October sitting option. These candidates achieved a passing rate of 73.9%, compared to 76.9%, for the 39 candidates who attempted in October without having attempted in August.

3.23.3

	Attempts	Passes	Passing rate
August Candidates	1489	1173	78.8%
August fails attempting again in October	62	27	43.5%
October only candidates	39	30	76.9%
Tot	1528	1230	80.5%

The above table shows how many candidates were able to pass the Professional Ethics Spring 2020 across both the August and October sittings combined. There were 1489 candidates attempting in August, of whom 1173 passed. Of those who failed in August, 62 attempted again in October and 27 were successful in redeeming their August failures. In addition, the provision of an October sitting allowed 39 candidates who had not attempted in August to take the examination, 30 of whom passed. Hence the cumulative total of those attempting the Professional Ethics examination (those attempting in August and those attempting in October) was 1528, of whom a cumulative total of 1230 passed – producing an overall passing rate for the Spring 2020 sit (August and October combined) of 80.5 %.

## 4. SPRING 2020 (AUGUST AND OCTOBER SITTINGS) CRIMINAL LITIGATION RESULTS

As noted at 2.4 (above) due to the impact of the Covid-19 pandemic the Spring 2020 sitting of the centralised assessments was deferred to August 2020, and an additional opportunity to attempt the examinations as part of that sitting was offered to candidates in October 2020. For ease of reference the results of the August and October sittings are presented separately, notwithstanding that both opportunities come within the scope of the Spring 2020 sitting.

4.1 Criminal Litigation results pre-intervention pass rates – all Providers Spring 2017 to Spring 2020 (August sitting)

Criminal Litigation All Provider pre-intervention	Spring 2020 (August sitting)	Spring 2019	Spring 2018	Spring 2017
MCQ Comparison	68.6	45.9	74.9	77

The table above shows an all-Provider Spring 2020 (August sitting) pre-intervention cohort passing rate of 68.6% for Criminal Litigation, based on a pass standard recommended to the Final Board (as a result of the standard setting process) of 43 out of 75. The increase in the pre-intervention passing rate (22.7%) is noteworthy, not least in the context of the difficulties experienced by some candidates in attempting August 2020 through remotely proctored examinations.

4.2 Pre-intervention histogram of MCQs (August 2020 sitting)

Criminal Litigation Spring 2020 (August sitting) Pre-intervention MCQ All Provider question by question histogram Pass rate %
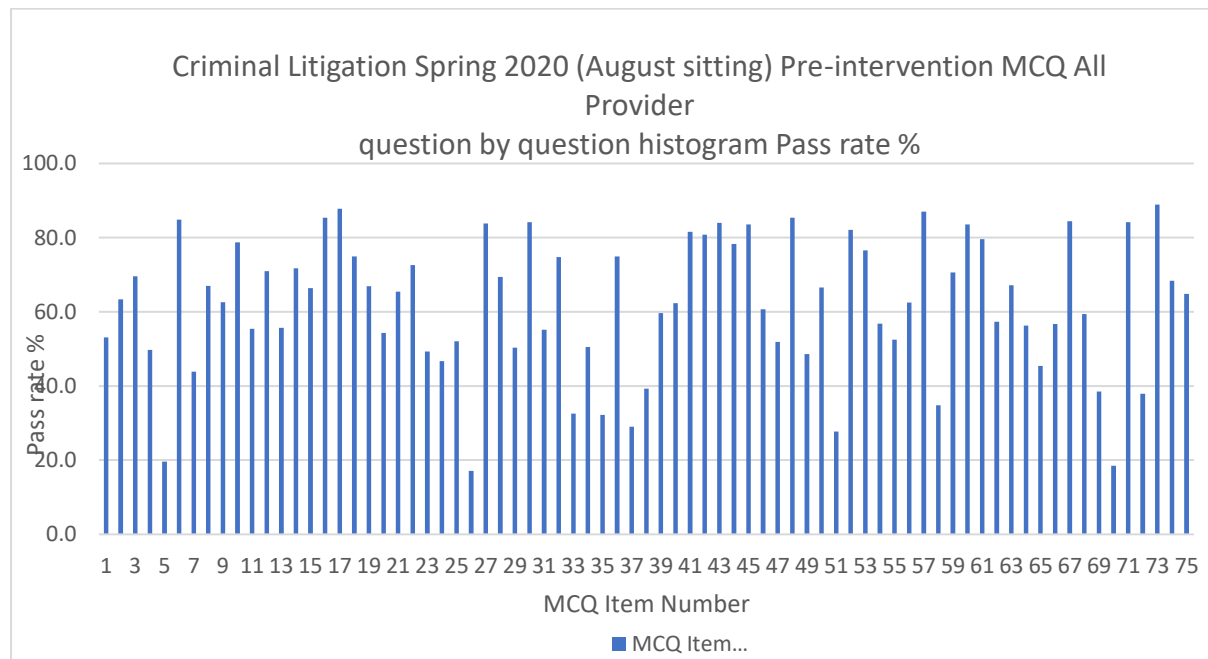
The pre-intervention data shows 11 MCQs with an all-Provider cohort passing rate below 40% (compared to 10 in the Spring 2019 sit). There is no material evidence of candidate performance fall-off when comparing passing rates across the paper.

4.3 Details of Final Board discussions and interventions (August 2020 sitting)

4.3.1   The Final Board noted that the Spring 2020 (August sitting) Criminal Litigation examination was taken by both BPTC and BTT candidates. It was noted that the total number of BPTC candidates sitting was 1,502 and 47 for the BTT cohort.

4.3.2   Following discussions at the Criminal Litigation Subject Board, the Chief Examiner reported one recommended intervention. Question 26 was an SBA relating to the exclusion of evidence under PACE 1984. It was established at the Subject Board that a typographical error had regrettably occurred during the quality assurance process which followed the paper confirmation meetings for this paper. The error was such that distractors [C] and [D] both referenced 's.76', where the correct answer [D] should have stated 's.78'. This had the effect of removing the intended best answer and leaving two distractors the same. It was agreed at the Subject Board that the question as presented did not function as intended and should be removed from the assessment. This was supported by the question statistics as only 17% of candidates had opted for [D], which at any rate was no longer a correct answer, and the question had discriminated very poorly. It was therefore recommended to the Board that Question 26 be discounted from the paper and this recommendation was accepted by the Final Board.

4.3.3   The Psychometrician confirmed that, following this intervention, the passing standard was recalculated as 42/74 (equivalent to 57%), standard deviation as 9.75 and the reliability score as 0.85, which (was noted as being high compared to previous examinations), and the standard error of measurement was 3.76. The Psychometrician observed all of these values to be in line with those of previous cohorts.

4.3.4   The Independent Observer confirmed that she was satisfied with the discussions that had taken place at all Board meetings and with the way in which the Board had been run overall.

| Criminal Litigation All Provider post-intervention	Spring 2020 (August sitting)	Spring 2019	Spring 2018	Spring 2017
MCQ passing rate post-intervention	68.4	61.0	76.9	78.2

The Spring 2020 (August sitting) all-Provider BPTC post-intervention passing rate was 68.4%, up over 7% from the Spring 2019 figure.

4.5 Spring 2020 (August sitting) post-intervention passing rates by Provider
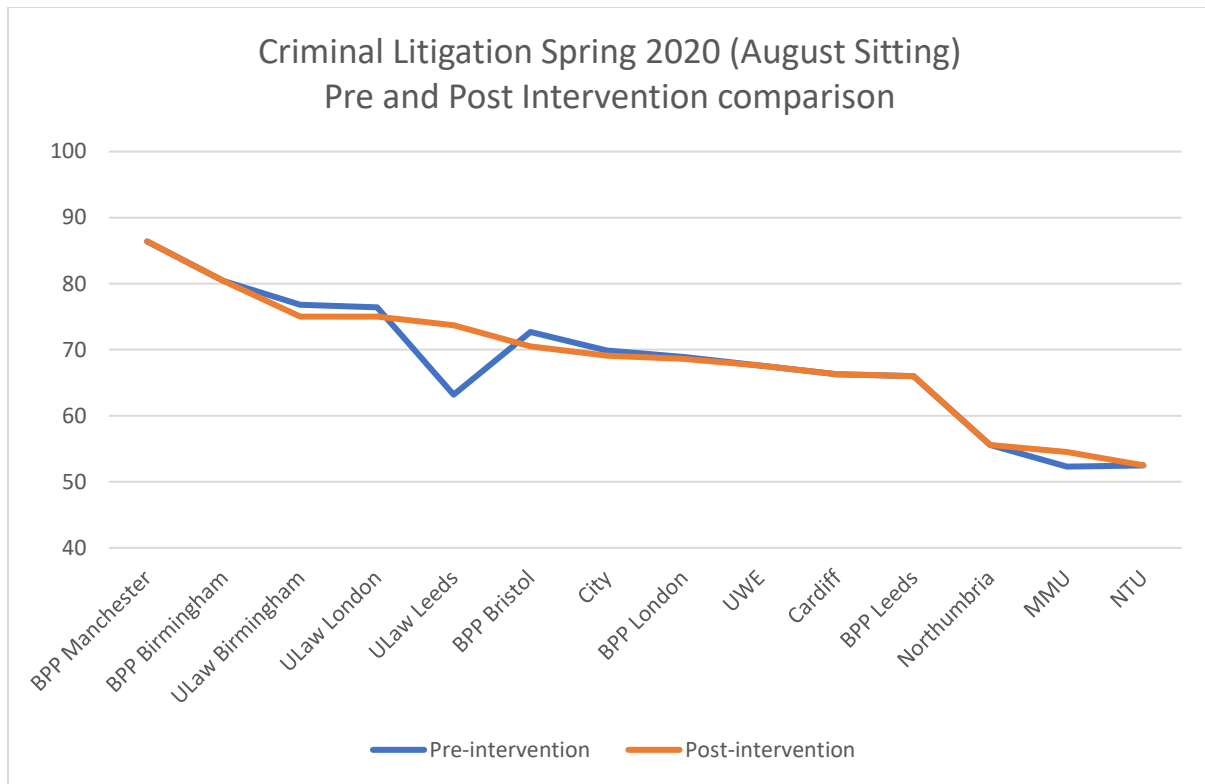
Criminal Litigation Spring 2020 (August Sitting) Pre and Post Intervention comparison

Providers are ranged left to right in order of their post-intervention passing rates. Hence BPP Manchester had the highest Spring 2020 (August sitting) post intervention passing rate at 86.4% and NTU the lowest at 52.5% - a range of over 33%. The intervention in respect of Question 26 had a positive impact on 2 Providers: MMU and ULaw Leeds, the latter seeing its passing rate boosted by over 10%. Interestingly, the intervention had no impact at all on half of the Provider cohorts. BPP Bristol saw the biggest decline, a drop of over 2%. In reviewing data on Provider cohort performance for the August 2020 sit it is important to bear in mind that: (i) whilst all candidates will have been presented with the same questions, the sequencing of questions may have varied; (see 2.4.2 above); further (ii) candidates will have attempted the examinations in a range of settings, including remote proctoring, test centres, and with individual home proctoring.

4.6 Criminal Litigation Spring 2017 to Spring 2020 (August sitting) post-intervention pass rates

Criminal Litigation Spring 2017- Spring 2020 (August sitting) Post-intervention Pass Rates vc MCQ Comparison
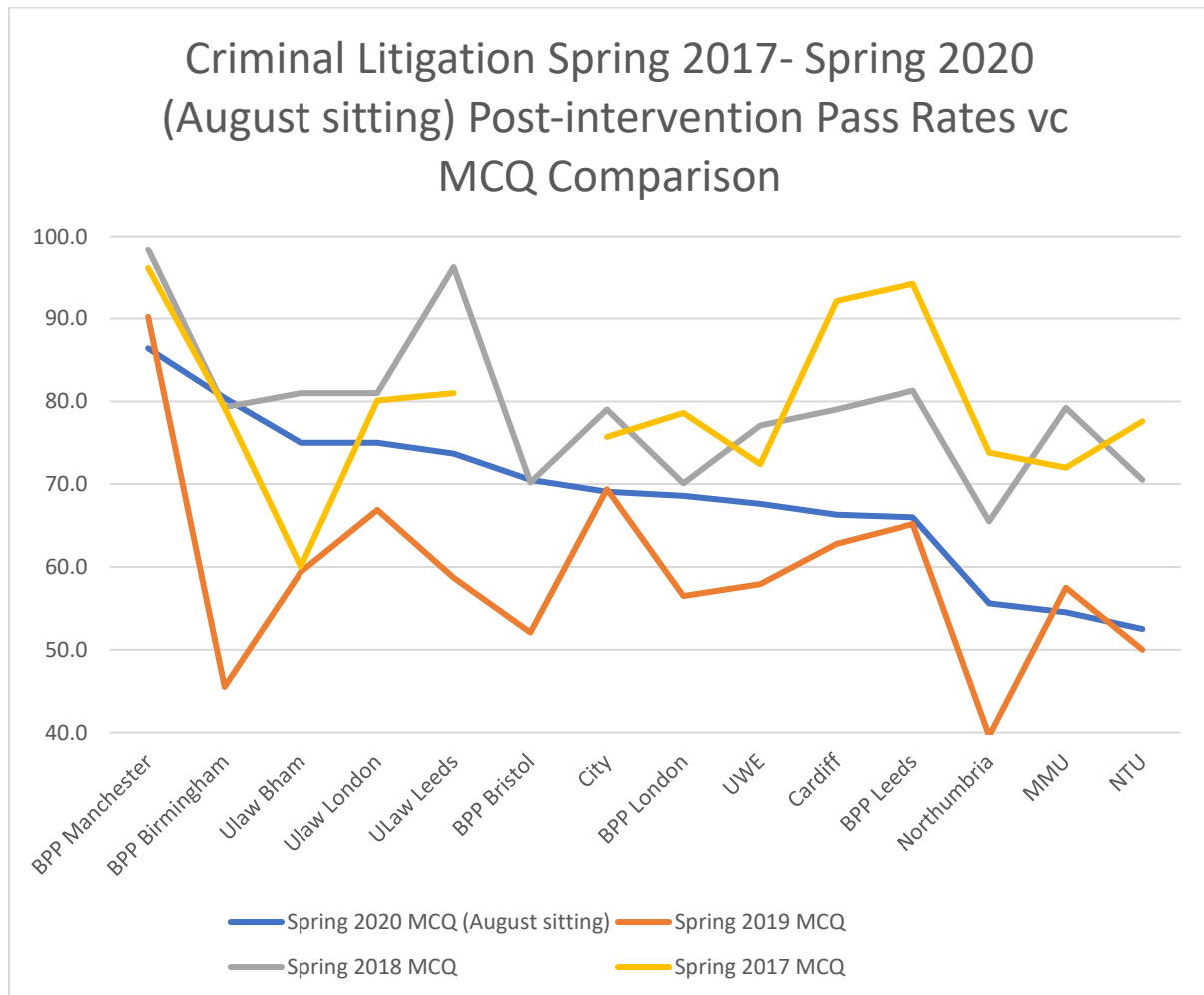
4.6.1 Providers are ranged left to right in order of their Spring 2020 (August sitting) post-intervention passing rates. Data from assessments prior to the Spring 2017 sit has been excluded as it no longer provides a useful point of comparison given the changes to the assessment made with effect from the Spring 2017 sit. The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Criminal Litigation across all four Spring sit cycles of the current form of assessment, with an average cohort passing rate across those three cycles of 92.8%. ULaw Leeds have the second highest average passing rate over the same period at 77.4%. Northumbria have the lowest average passing rate at 58.6%.

4.6.2 Only 3/14 Provider centres reported a decline in passing rates compared to the Spring 2019 sit – the average improvement being over 9%. This figure masks some wide variations, however. Whilst the decline for the BPP Manchester cohort was 3.8%, BPP Birmingham saw a strong recovery with an increase in the passing rate of 34.9%, and BPP Bristol saw an improvement of over 18%. Overall, the improvement in passing rates impacted more on the

seven better performing cohorts (average improvement 12%) as opposed to the lowest performing seven (average improvement 6%).

4.6.3   Comparing changes in Provider cohort performance between Spring 2017 and Spring 2020 (August sitting), all but 2 experienced a decline in their cohort passing rate – the average being 10.9%. Again, there is a marked divide between the top six cohorts in Spring 2020 (August sitting) where the average decline in passing rates compared to Spring 2017 is just 2.1%, compared to the bottom 7 cohorts for the Spring 2020 (August sitting) where the average decline in passing rates compared to Spring 2017 is 17%.

4.7 Overall grade boundary distribution Spring 2020 (August sitting)

| All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
474	470	463	95

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 (above), 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.

4.8 Spring 2020 post-intervention grade boundaries by Provider (August sitting)
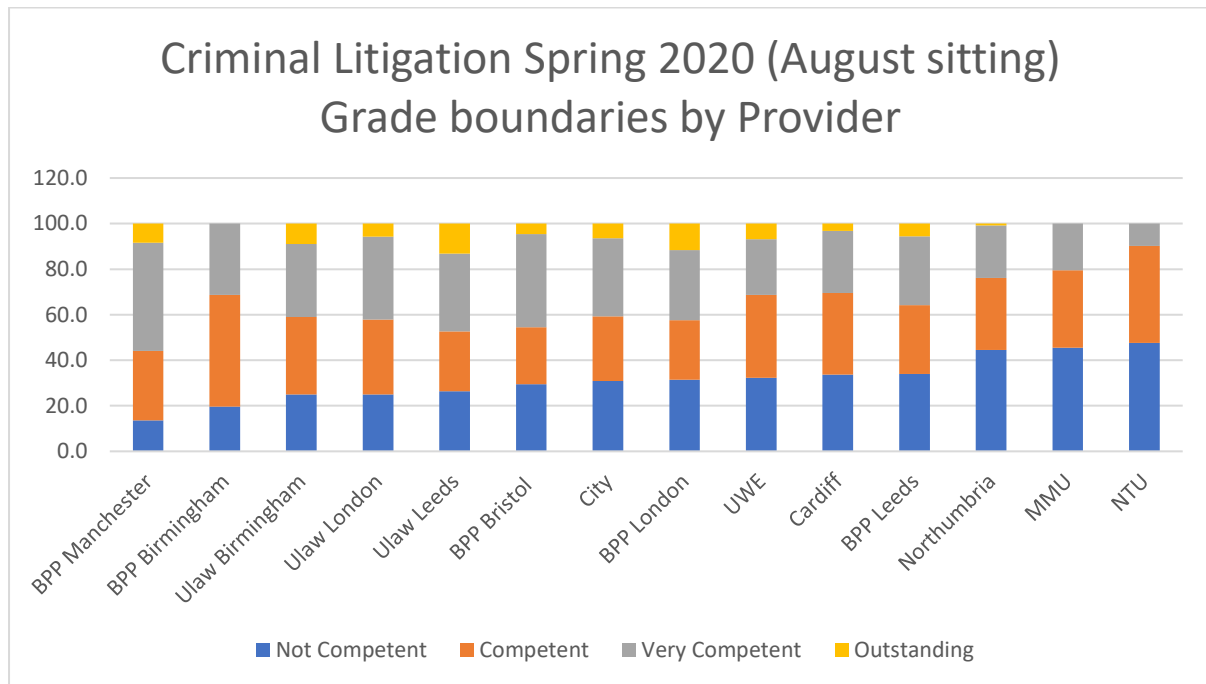
Criminal Litigation Spring 2020 (August sitting)
Grade boundaries by Provider

Providers are ranged from left to right in declining order of Spring 2020 (August sitting) post intervention passing rates, hence the "Not Competent" grouping also rises from left to right left, mapping the increasing failure rate across the weaker Provider cohorts. As can be seen the distribution of the 95 candidates graded as "Outstanding" does not neatly align with the cohort passing, most notably in respect of ULaw Leeds which, despite being only the fifth strongest cohort in Criminal Litigation, saw 13% of its candidates achieve an "Outstanding" grade. Only three Providers, MMU, NTU and BPP Birmingham (second strongest cohort), failed to produce a single candidate graded "Outstanding".

4.9 All-Provider Spring 2017 to Spring 2020 (August sitting) grade boundary trend analysis

Criminal Litigation Grade boundaries trend analysis
Spring 2017 to Spring 2020 (August sitting)
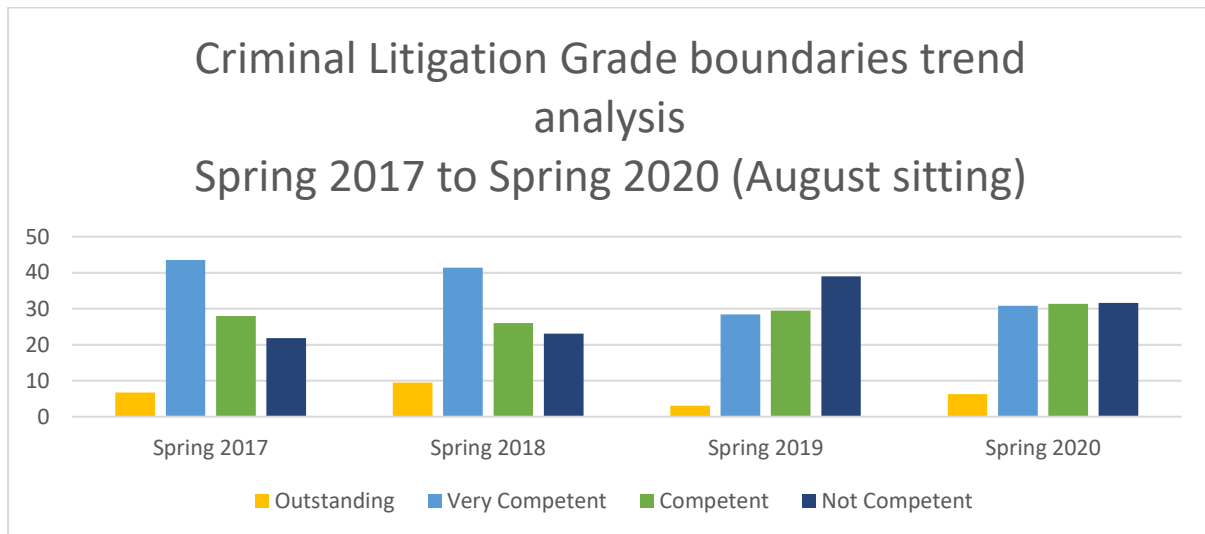
The Spring 2020 (August sitting) sees a doubling in the percentage of candidates graded "Outstanding", but the figure is still modest at 6%. Candidates are distributed almost equally across the other three grade boundaries for this sitting.

4.10 Criminal Litigation results pre-intervention pass rates – all Providers Spring 2017 to Spring 2020 (October sitting)

Criminal Litigation All Provider pre-intervention	Spring (October) 2020	Spring 2019	Spring 2018	Spring 2017
MCQ Comparison	63	45.9	74.9	77.0

The table above shows the all-Provider Spring 2020 (October sitting) pre-intervention cohort passing rate of 63% for Criminal Litigation, based on a pass standard recommended to the Board (as a result of the standard setting process) of 44 out of 75. The passing rate shows a significant improvement compared to Spring 2019.

4.11 Pre-intervention histogram of MCQs (October 2020 sitting)
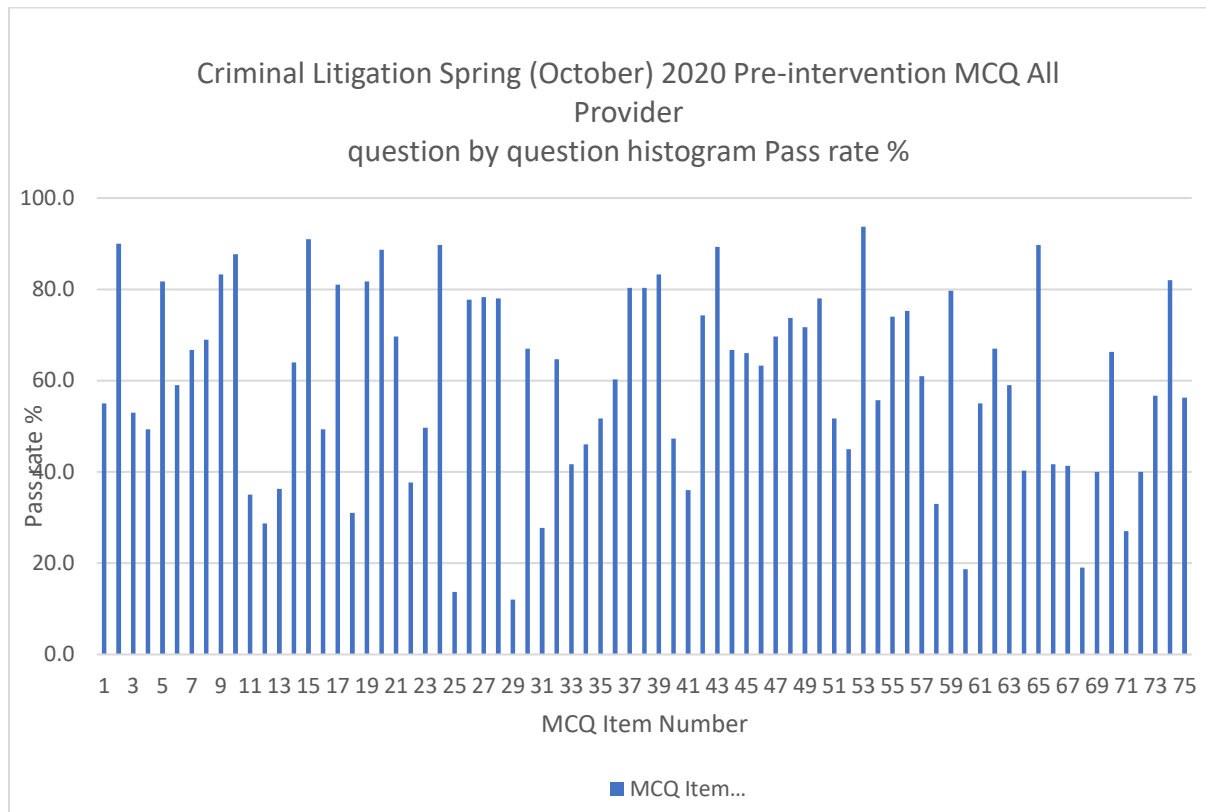
Criminal Litigation Spring (October) 2020 Pre-intervention MCQ All Provider
question by question histogram Pass rate %

The pre-intervention data shows 13 MCQs with an all-Provider cohort passing rate below 40% (compared to 11 in the Spring 2019 sit). There is some evidence of candidate performance fall-off when comparing passing rates across the paper. The average pre-intervention passing rate for MCQs 1-25 is 61.7%, for MCQs 26-50 63.4%, and for MCQs 51 to 75 it is 54.8%.

4.12 Details of Final Board discussions and interventions (October 2020 sitting)

4.12.1 The Final Board noted that the Spring 2020 (October sitting) Criminal Litigation examination was taken by both BPTC and BTT candidates. It was noted that the total number of BPTC candidates sitting was 301 and 7 for the BTT cohort.

4.12.2 Following discussions at the Criminal Litigation Subject Board, the Chief Examiner reported the following recommended interventions.

Question 34: This question was an MCQ relating to appeals to the Court of Appeal. The stem for this question included the first part of each answer, which is a commonly used device in order to allow questions to be more concise. In this instance, the unintended result was that the Crown Court was implied to have ordered each outcome, while in fact two of the correct outcomes had to have been ordered by the Court of Appeal. The examining team agreed that there was therefore no correct answer to this question and

that the question was fatally flawed as a result. It was therefore recommended to the Board that Question 34 be discounted from the paper.

Question 68: This question was an SBA relating to hearsay. The Psychometrician had noted that this question had discriminated poorly with positive correlation on distractor [B], indicating that this option was more popular with stronger candidates than the intended best answer [D]. Provider comments also raised the possibility that [B] and [D] may both have been valid best answers. This was discussed thoroughly at the Subject Board as [D] was the intended best answer, with [B] technically correct but not the best answer. The examining team concluded that there was an element to the fact pattern which could inadvertently have led candidates to [B] as best answer, and thus that the question had not operated as intended. It was therefore recommended to the Board that [B] be credited in addition to [D].

4.12.3 Both recommended interventions were approved by the Final Board. The Psychometrician confirmed that, following this intervention, the passing standard was recalculated as 44/74, the reliability score was 0.81, which was deemed to be acceptable against a benchmark of 0.8, and that the standard error of measurement was acceptable at 3.75. The Board formally approved the recommended pass standard of 44/74.

4.12.4 The Independent Observer confirmed that she was satisfied with the discussions that had taken place at all Board meetings and with the way in which the Board had been run overall.

4.13 Criminal Litigation post-intervention pass rates – all Providers Spring 2017 to Spring 2020 (October sitting)

| Criminal Litigation All Provider post-	Spring (October) 2020	Spring 2019	Spring 2018	Spring 2017
MCQ Comparison	60.1	61.0	76.9	78.2

The Spring 2020 (October sitting) all-Provider BPTC post-intervention passing rate is almost identical to the Spring 2019 figure, but still the lowest since the introduction of the new format for the assessment in 2017.

4.14 Spring 2020 (October sitting) pre- and post-intervention passing rates by Provider
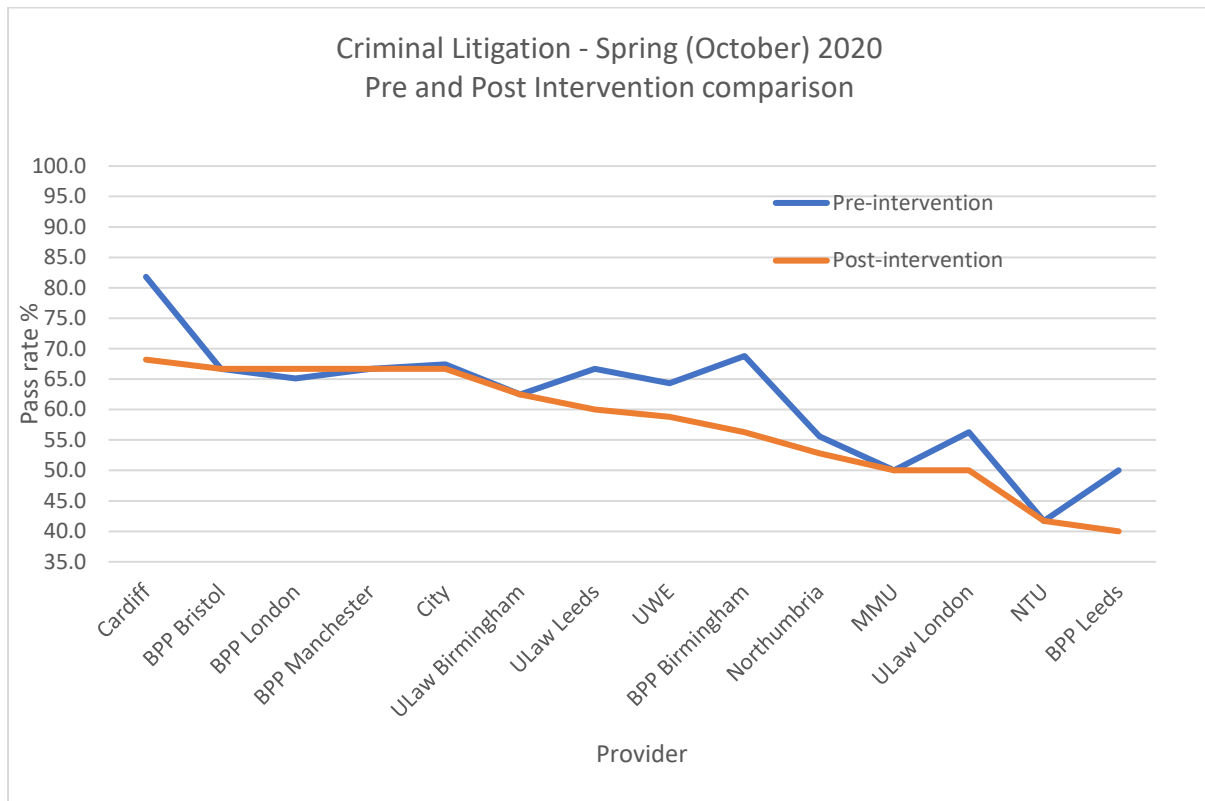
Criminal Litigation - Spring (October) 2020
Pre and Post Intervention comparison

Providers are ranged left to right in order of their post-intervention passing rates. Hence Cardiff had the highest Spring 2020 (October sitting) post intervention passing rate at 68.2% and BPP Leeds the lowest at 40% - a range of over 28%. BPP London was the only Provider cohort to benefit from the interventions, which on average reduced the passing rate by 4%. Cardiff saw the biggest negative impact of over 13%. Overall, the interventions had a slightly bigger impact on the bottom seven Provider cohorts (ranked by post-intervention passing rates) with an average change of -5.3%, compared to the top seven (average change of -2.7%). In reviewing data on Provider cohort performance for the Spring 2020 (October sitting) it is important to bear in mind that some Providers had very small cohorts, and those sitting may have comprised a significant number of deferred or referred candidates.

4.15 Criminal Litigation Spring 2017 to Spring 2020 (October sitting) post-intervention pass rates

Criminal Litigation Spring 2017-2020 (October sitting)
Post-Intervention Pass Rates vs Combined comparison
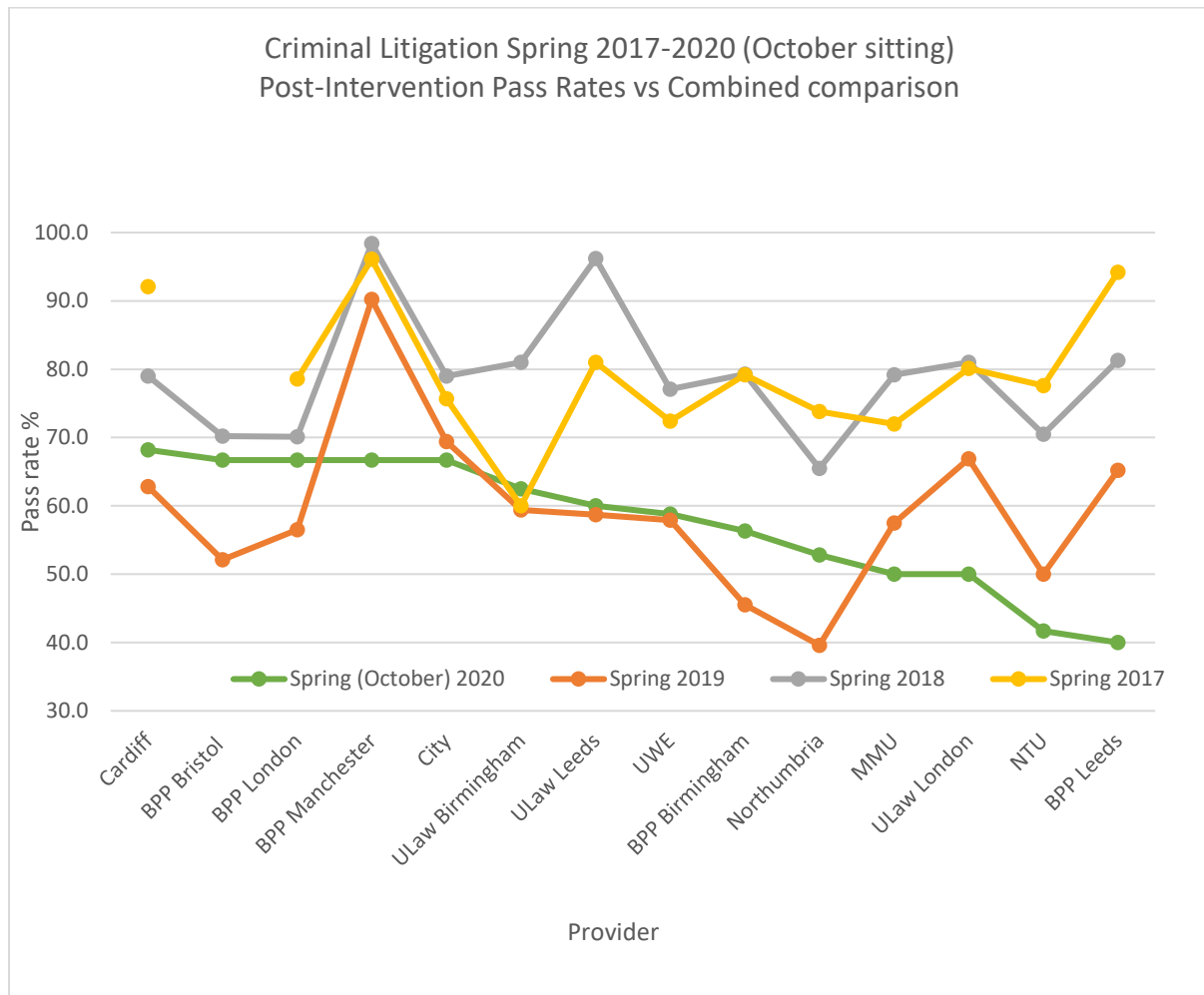
4.15.1 Providers are ranged left to right in order of their Spring 2020 (October sitting) post-intervention passing rates. Data from assessments prior to the Spring 2017 sit has been excluded as it no longer provides a useful point of comparison given the changes to the assessment made with effect from the Spring 2017 sit. The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Criminal Litigation across three out of four Spring sit cycles of the current form of assessment, with an average cohort passing rate across those three cycles of 87.9%. Cardiff has the second highest average passing rate over the same period at 75.5%. Northumbria have the lowest average passing rate at 57.9%.

4.15.2 Six Provider centres reported a decline in passing rates compared to the Spring 2019 sit – the average change being a decline of 1.8%. This figure masks some wide variations, however. Whilst the decline for the BPP Leeds cohort was 22.2%, Northumbria saw a healthy recovery with an increase in the passing rate of 13.2%, and BPP Birmingham saw an improvement of over 10.8%. Overall, the change in passing rates from Spring 2019 to 2020 (October sitting) impacted positively on the seven better performing cohorts

(average improvement 1.2%) as opposed to the lowest performing seven (average decline 4.7%).

4.15.3 Comparing changes in Provider cohort performance between Spring 2017 and Spring 2020 (October sitting), all but 1 experienced a decline in their cohort passing rate – the average being 22.5%. Again, there is a marked divide between the top six cohorts in Spring 2020 (October sitting) where the average decline in passing rates compared to Spring 2017 is 15%, compared to the bottom 7 cohorts for the Spring 2020 (October sitting) where the average decline in passing rates compared to Spring 2017 is 28%.

4.15.4 In comparing data on Provider cohort performance for the Spring 2020 (October sitting) with previous Spring sittings it is important to bear in mind that, for the Spring 2020 (October sitting), some Providers had very small cohorts, and those sittings may have comprised a significant number of deferred or referred candidates, which is not normally the case for Spring sittings.

4.16 Overall grade boundary distribution Spring 2020 (October sitting)

All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
122	99	82	3

4.16.1 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 (above), 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.

4.17 Spring 2020 post-intervention grade boundaries by Provider (October sitting)

Criminal Litigation Spring (October) 2020
Grade boundaries by Provider
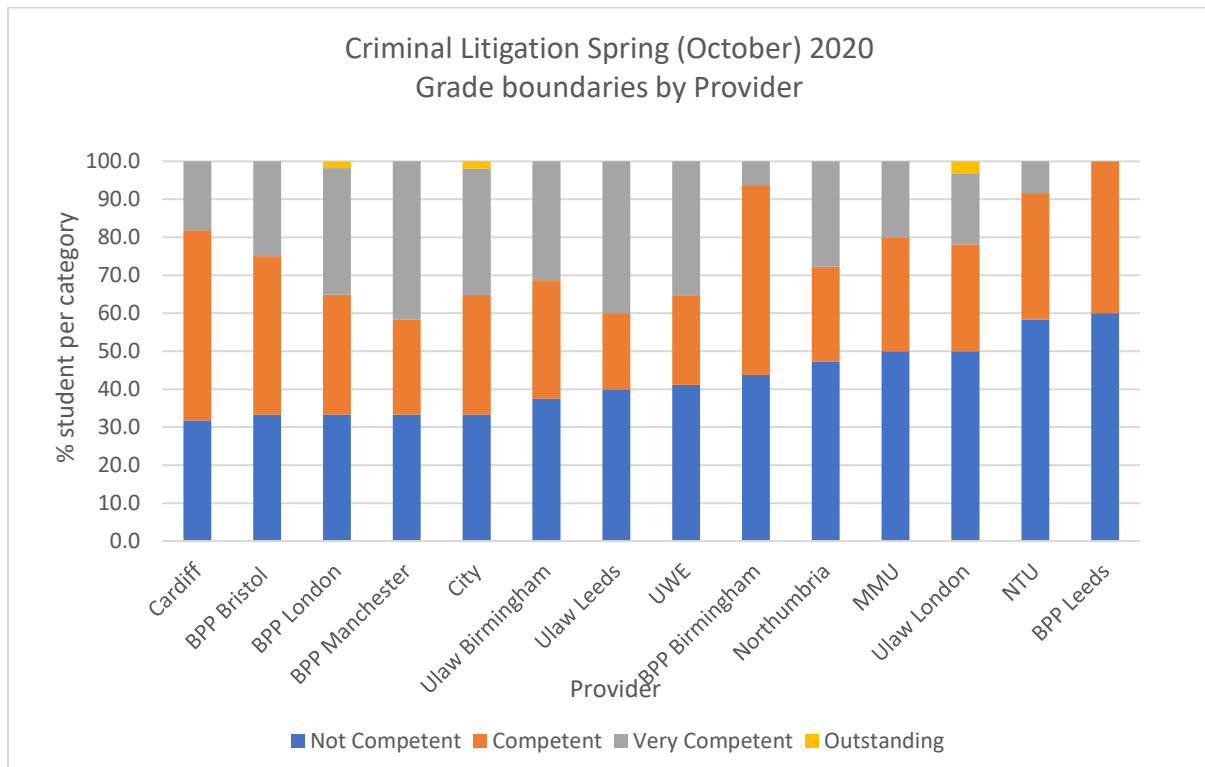
4.17.1 Providers are ranged from left to right in declining order of Spring 2020 (October sitting) post intervention passing rates, hence the "Not Competent" grouping also rises from left to right left, mapping the increasing failure rate across the weaker Provider cohorts. With only 3 candidates across 3 Providers graded as "Outstanding" it is more useful to examine the distribution of the "Very Competent" grades. Interestingly, perhaps given the nature of the cohorts for this sitting, the distribution of the "Very Competent" grades does not map as might have been predicted against overall passing rates. Hence, whilst Cardiff, as the strongest cohort, has 18% of its candidates achieving "Very Competent", fourth-ranked BPP Manchester have 47% (on very low numbers). Tenth placed Northumbria achieve 27% at this grade.

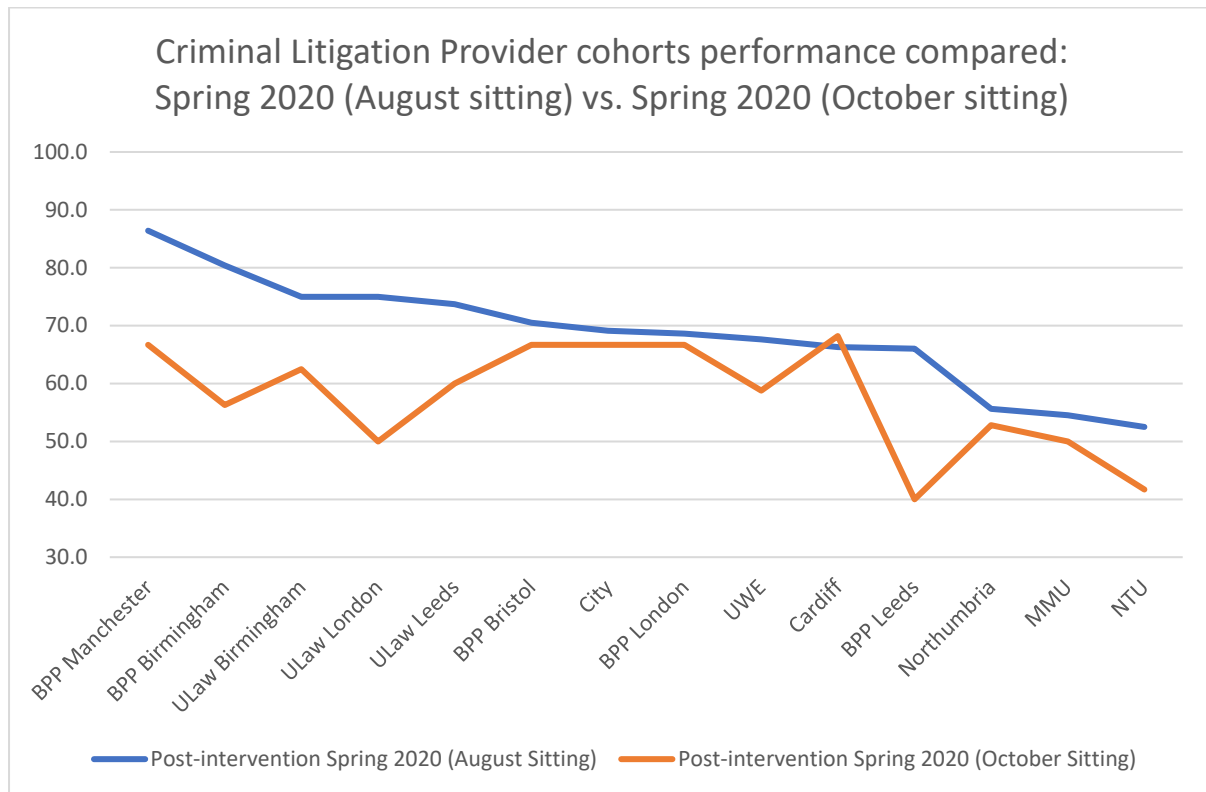## 4.18 All-Provider Spring 2017 to Spring 2020 (October sitting) grade boundary trend analysis
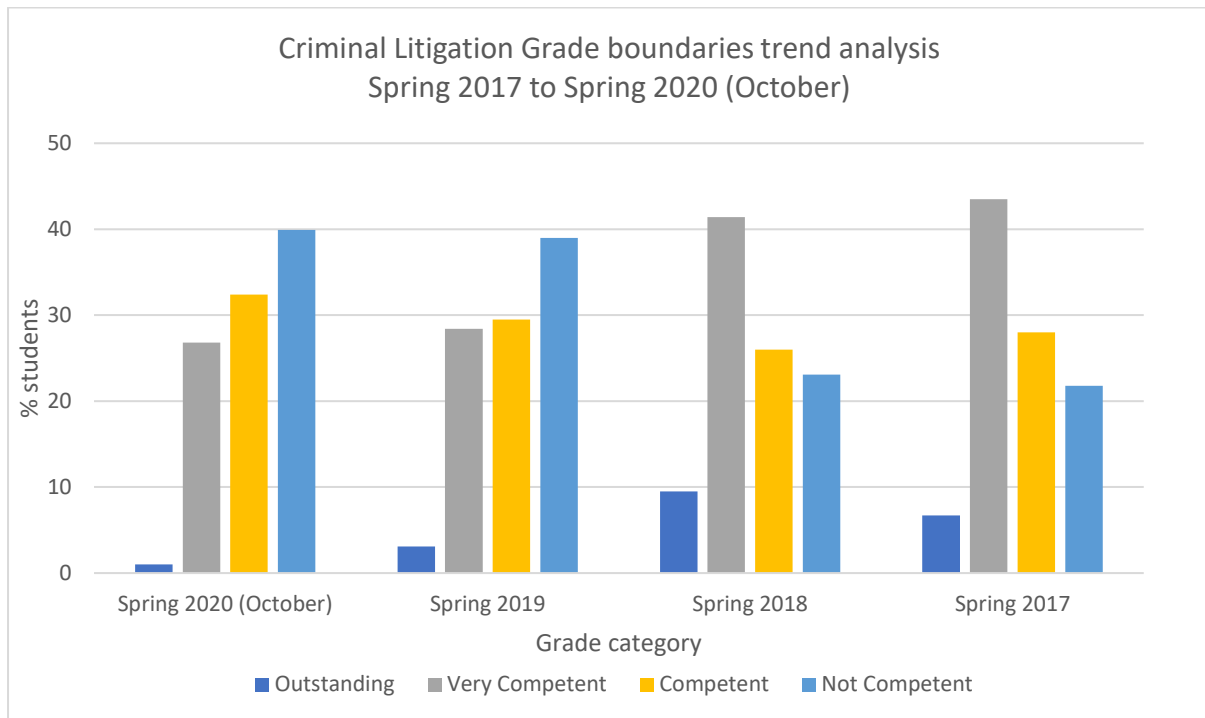
The Spring 2020 (October sitting) sees a continuing decline in the percentage of candidates graded "Outstanding" and in the percentage of candidates graded "Very Competent". As noted above, however, care is needed in comparing the Spring 2020 (October sitting) results with previous Spring sits due to the likely make up of the candidate cohort.

4.19 Criminal Litigation results August and October 2020 sittings compared

| Criminal Litigation	2020 Spring Sit (August)	2020 Spring Sit (October)	Variance October sit vs. August
Number of Candidates	1502	306	-1196
Passing MCQ	68.40%	59.70%	-8.70%
Passing Overall	68.40%	59.70%	-8.70%

As can be seen from the two sets of results above, despite the very different arrangements in place for the Spring 2020 (August sitting), and the much smaller cohort of candidates attempting the Criminal Litigation assessment in the Spring 2020 (October sitting), the passing rates across both sittings were within a 9% range.

4.20 Criminal Litigation passing rates August and October 2020 sittings Provider cohort performance compared

Criminal Litigation Provider cohorts performance compared: Spring 2020 (August sitting) vs. Spring 2020 (October sitting)

— Post-intervention Spring 2020 (August Sitting) — Post-intervention Spring 2020 (October Sitting)
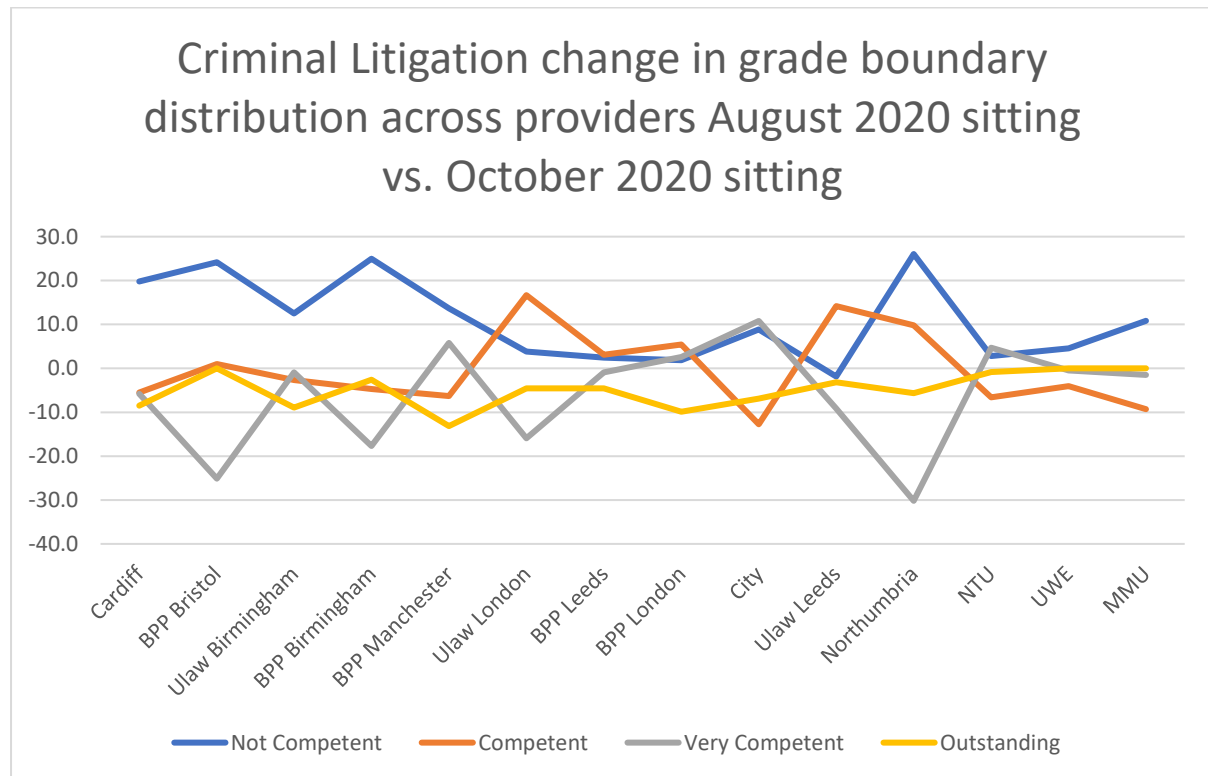
4.20.1 Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates. Whilst BPP Manchester provided the strongest cohort for the Spring 2020 (August sitting), and Cardiff the strongest for the Spring 2020 (October sitting), BPP Manchester had the highest average passing rate across both sittings (76%). Cardiff was the only Provider to achieve a higher cohort passing rate in the Spring 2020 (October sitting), compared to the Spring 2020 (August sitting). The biggest negative variance comparing October to August was at BPP Leeds (down 26%) but cohort numbers there were small. The average variance was a decline of 11%.

4.21 Criminal Litigation grade boundary distribution August and October 2020 sittings compared

Criminal Litigation grade boundary distribution August 2020 vs October 2020 sittings
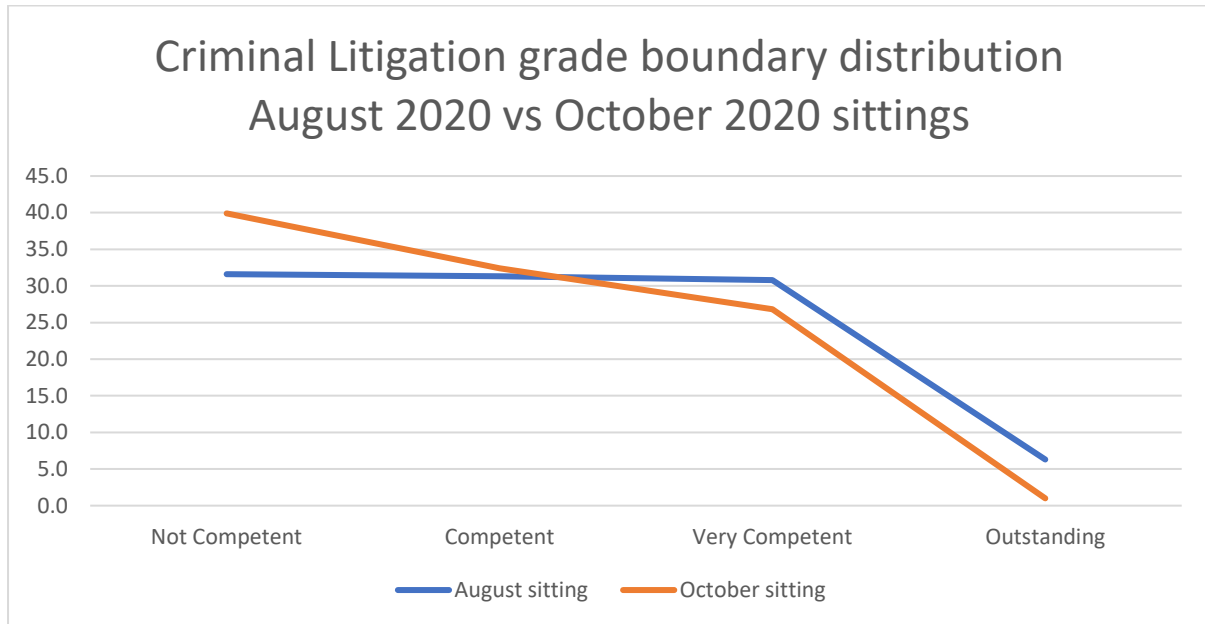
The performance profile for the October sitting shows a lower percentage of candidates being graded as "Very Competent" or "Outstanding" based on the outcome of the October examination. This may be a reflection of the fact that the majority of candidates would have been attempting the examination for a second time.

4.22 Change in distribution of Criminal Litigation grade boundaries by Provider between August 2020 and October 2020

Criminal Litigation change in grade boundary distribution across providers August 2020 sitting vs. October 2020 sitting

Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates. The data for Cardiff, for example, shows that as regards the positive grade boundaries (i.e., excluding "Not Competent") its October sitting candidates failed to better the performance of its August cohort. No Provider saw an increase in the percentage of candidates graded "outstanding" in October compared to August, and only 4 saw an increase in the "Very Competent" grading. Care must be taken in interpreting these figures given the relatively small size of the candidate cohort at some Provider centres for the October 2020 sitting.

4.23 Criminal Litigation candidate performance across both August and October 2020 sittings

Crime	No		No
Number of August Candidates	1502	Number of candidates attempting both August & October	208
Number of August Passing	1028	August pass attempted October	136
		August pass & passed in October	104
		August pass Failed in October	32
		August pass & passed in October with better result than August	51
Number of August Fail	474		
		August Fail attempted October	72
		August fail passed in October	18
		August fail & failed in October	54
Number of October only candidates	98		
Number of October only candidates passing in October	62		
Number of October only candidates failing in October	36		

4.23.1 This table shows all attempts by candidates at the Spring 2020 Criminal Litigation examination across the August and October sittings. Candidates who attempted the examination in August were advised that they could attempt the examination again in October on a 'No Detriment' basis – i.e., they would not forfeit their August result if it transpired that it was better than their October result, but would be credited with their October result if this proved to be better than their August result. 208 candidates availed themselves of this opportunity. Of the 104 candidates who passed in August and in October, 51 improved on the grade obtained in the August sitting, and 18 who failed in August passed in October, meaning that the 'No Detriment' rule benefitted 69 candidates.

4.23.2

October candidates		Split	Pass	Fail	Passing rate
August repeaters	208	68.0%	122	86	58.7%
October only	98	32.0%	62	36	63.3%
Tot	306		184	122	60.1%

As the above table indicates two-thirds of the cohort of candidates for the Spring 2020 (October sitting) Criminal Litigation examination were candidates who had attempted in August and were availing themselves of the 'No Detriment' October sitting option. These candidates achieved a passing rate of 58.7%, compared to 63.3% for the 98 candidates who attempted in October without having attempted in August.

4.23.3

	Attempts	Passes	Passing rate
August Candidates	1502	1028	68.4%
August fails attempting again in October	72	18	25.0%
October only candidates	98	62	63.3%
Tot	1600	1108	69.3%

The above table shows how many candidates were able to pass the Criminal Litigation Spring 2020 across both the August and October sittings combined. There were 1502 candidates attempting in August, of whom 1028 passed. Of those who failed in August, 72 attempted again in October and 18 were successful in redeeming their August failures. In addition, the provision of an October sitting allowed 98 candidates who had not attempted in August to take the examination, 62 of whom passed. Hence the cumulative total of those attempting the Criminal Litigation examination (those attempting in August and those attempting in October) was 1600, of whom a cumulative total of 1108 passed – producing an overall passing rate for the Spring 2020 sit (August and October combined) of 69.3%.

5. SPRING 2020 (AUGUST AND OCTOBER SITTINGS) CIVIL LITIGATION RESULTS

As noted at 2.4 (above) due to the impact of the Covid-19 pandemic the Spring 2020 sitting of the centralised assessments was deferred to August 2020, and an additional opportunity to attempt the examinations as part of that sitting was offered to candidates in October 2020. For ease of reference the results of the August and October sittings are presented separately, notwithstanding that both opportunities come within the scope of the Spring 2020 sitting.
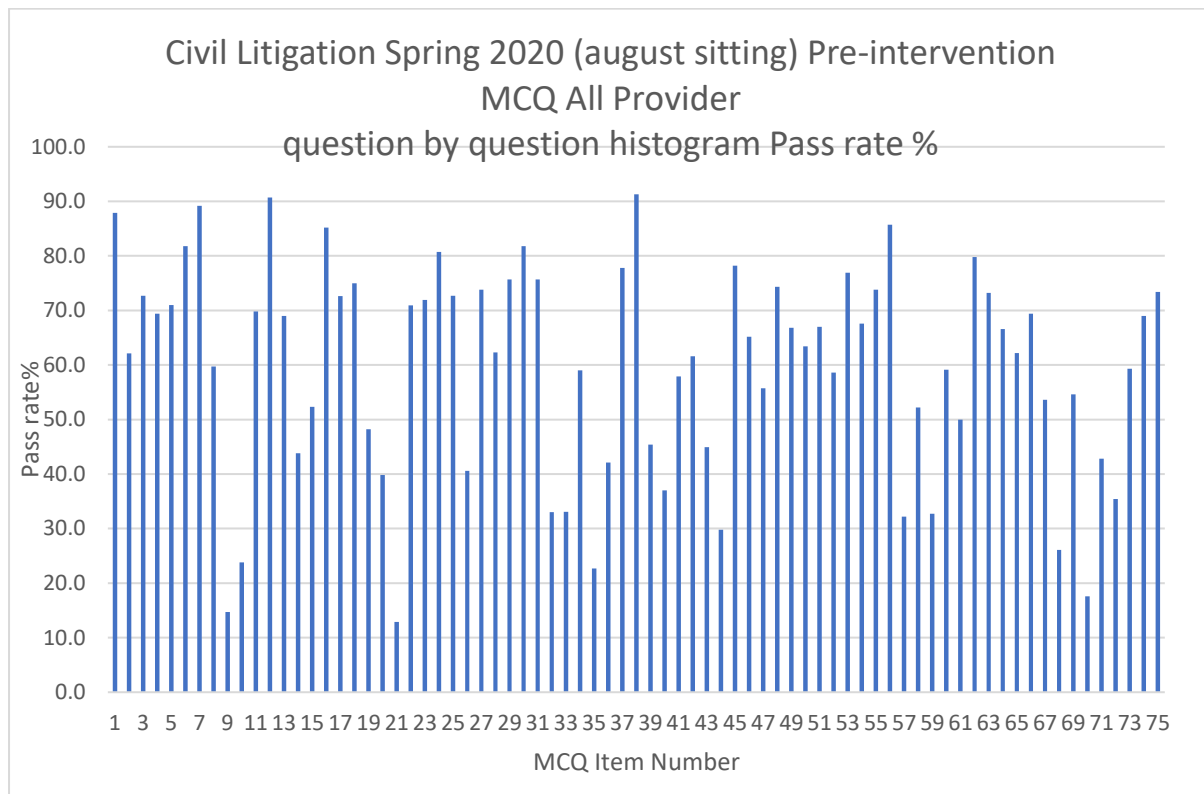
5.1 Civil Litigation results pre-intervention pass rates – all Providers Spring 2017 to Spring 2020 (August sitting)

Civil Litigation All Provider pre-intervention	Spring 2020 (August sitting)	Spring 2019	Spring 2018	Spring 2017
MCQ passing rate pre-intervention	62.2%	49.9%	63.9%	59.3%

The table above shows the BPTC all-Provider Spring 2020 (August sitting) pre-intervention cohort passing rate of 62.2% for Civil Litigation, based on a pass standard recommended to the Final Board (as a result of the standard setting process) of 42 out of 75. The increase in the pre-intervention passing rate (12%) is noteworthy given that candidates had to adapt to the requirements of on-line assessments for the August 2020 sitting, and is very much in line with pre-intervention passing rates for Spring 2018 and Spring 2017.

5.2 Pre-intervention histogram of MCQs (August 2020 sitting)

Civil Litigation Spring 2020 (august sitting) Pre-intervention MCQ All Provider question by question histogram Pass rate %

The pre-intervention data shows 14 MCQs with an all-Provider cohort passing rate below 40% (up from ten in the Spring 2019 sit). Candidates performed slightly more strongly across the first 25 MCQs (63.5% average passing rate) compared to the performance across MCQs 26-50 (58% average passing rate) and MCQs 51-75 (57.6% average passing rate).

5.3 Details of Final Board discussions and interventions (August 2020 sitting)

5.3.1 The Final Board noted that the Spring 2020 (August sitting) Civil Litigation examination was taken by both BPTC and BTT candidates.

5.3.2 Following discussions at the Civil Litigation Subject Board, the Chief Examiner reported the following recommended interventions.

Question 49: This SBA question related to whether a party had the right to withhold inspection of a report on the grounds of legal professional privilege. The point biserial for this question was 0.23 (benchmark 0.25) and thus it had not discriminated particularly well but did not attract any further initial comments from the Psychometrician. However, one Provider noted that, depending on how the fact pattern was interpreted, there was some scope for two viable 'best' answers. This was discussed by the Board and it was agreed that a second, unintended interpretation of the fact pattern was possible, which may have led candidates to infer that the report was privileged and that [B] was therefore a correct answer. It was therefore recommended to the Board that [B] be credited in addition to [C].

Question 57: This SBA question related to how the court would deal with an application to strike out a defence which amounted to a bare denial. The statistics provided some grounds for further investigation at the Subject Board given that the question discriminated poorly, with a point biserial of 0.19, and 60% of candidates opting for the incorrect distractor [A]. One Provider also raised the issue that it could be inferred from the fact pattern that the defence was capable of being remedied, thereby avoiding striking out. This was discussed at length by the Subject Board, during which it was ascertained that there were two potential interpretations of the fact pattern: the intended interpretation, leading to [B] as the best answer; or, that the location of the denial was unclear, possibly leading to [A] as the best answer. It was therefore recommended to the Board that [A] be credited in addition to [B].

5.3.3 Both recommended interventions were approved by the Final Board. The Psychometrician confirmed that the standard setting process had produced a recommended passing standard of 42/75. It was established at the Subject Board meeting that the standard setting process had been effective, and the Board had therefore endorsed this recommendation. The Chief Examiner confirmed that the version of the paper used for standard setting did not have the topics presented to the standard setters in syllabus order (it was noted that online examinations were set in a randomised order), and that there were an appropriate number of standard setters for this paper. The Final Board confirmed a passing standard of 42/75 (equivalent to 56%).

5.3.4 With the recommended interventions, the post-intervention mean score was 44.76/75 (59.68%). The standard deviation was 10.56, and the range of scores was 8 to 71, though it was stressed that this only included candidates who were presented with all 75 questions. The Psychometrician reported a reliability score of 0.88, which was noted to be strong and well exceeding the acceptable minimum of 0.80. The standard error of measurement was also reported to be in line with previous years at 3.73 (4.98%).

5.3.5 The Independent Observer confirmed that she was satisfied with the discussions that had taken place at all Board meetings and with the way in which the Board had been run overall.

5.4 Civil Litigation post-intervention pass rates – all Providers Spring 2017 to Spring 2020 (August sitting)

| Civil Litigation All Provider post-intervention	Spring 2020 (August sitting)	Spring 2019	Spring 2018	Spring 2017
MCQ passing rate post-intervention	64.6%	63.2%	66.9%	60.2%

The Spring 2020 (August sitting) all-Provider BPTC post-intervention passing rate was 64.6%, very much in line with the previous 3 Spring sittings.

5.5 Spring 2020 (August sitting) pre- and post-intervention passing rates by Provider
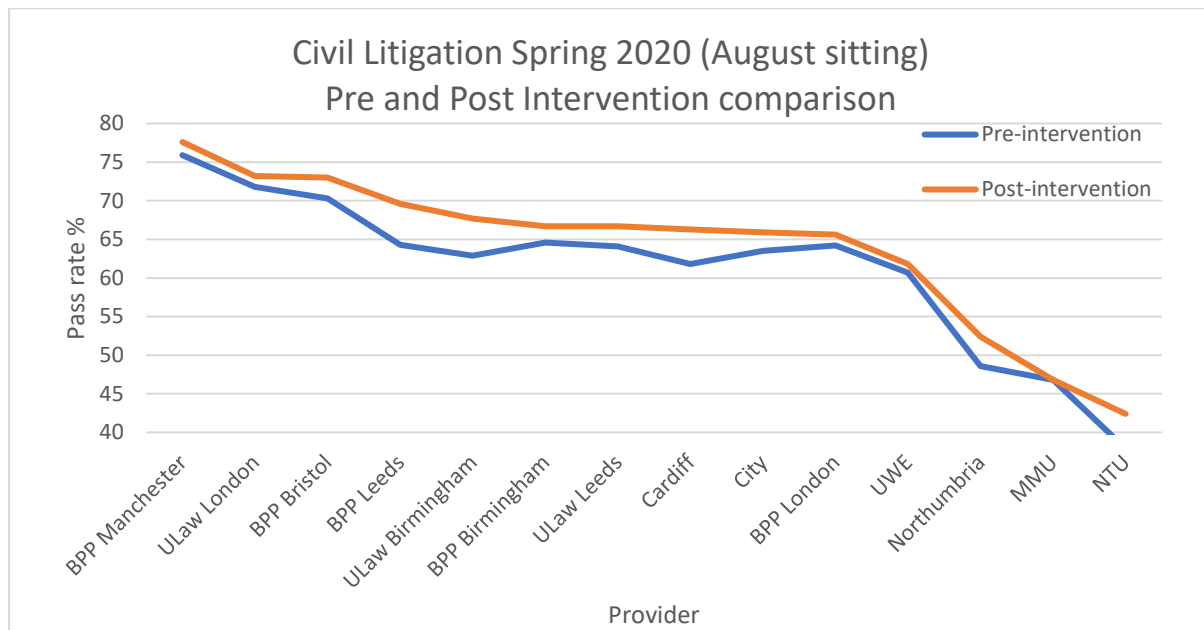
Civil Litigation Spring 2020 (August sitting) Pre and Post Intervention comparison

Providers are ranged left to right in order of their Spring 2020 (August sitting) post-intervention passing rates. Hence BPP Manchester had the highest Spring 2020 (August sitting) post intervention passing rate at 77.6% and NTU the lowest at 42.4% - a range of over 35% (compared to 33% in Criminal litigation and a 24.8% range in Professional Ethics). The two agreed interventions had a positive impact on the passing rates for all Provider cohorts apart from MMU where it remained unchanged, the average uplift in passing rates being 2.7%. BPP Leeds saw the biggest positive impact of over 5.3%. Overall, the interventions had a largely similar impact across both the top seven Provider cohorts (ranked by post-intervention passing rates) and the bottom seven. In reviewing data on Provider cohort performance for the August 2020 sit it is important to bear in mind that: (i) whilst all candidates will have been presented with the same questions, the sequencing of questions may have varied; (see 2.4.2 above); further (ii) candidates will have attempted the examinations in a range of settings, including remote proctoring, test centres, and with individual home proctoring.

5.6 Civil Litigation Spring 2017 to Spring 2020 (August sitting) post-intervention pass rates

Civil Litigation Spring 2017-2020 (August sitting) Post intervention Pass Rates
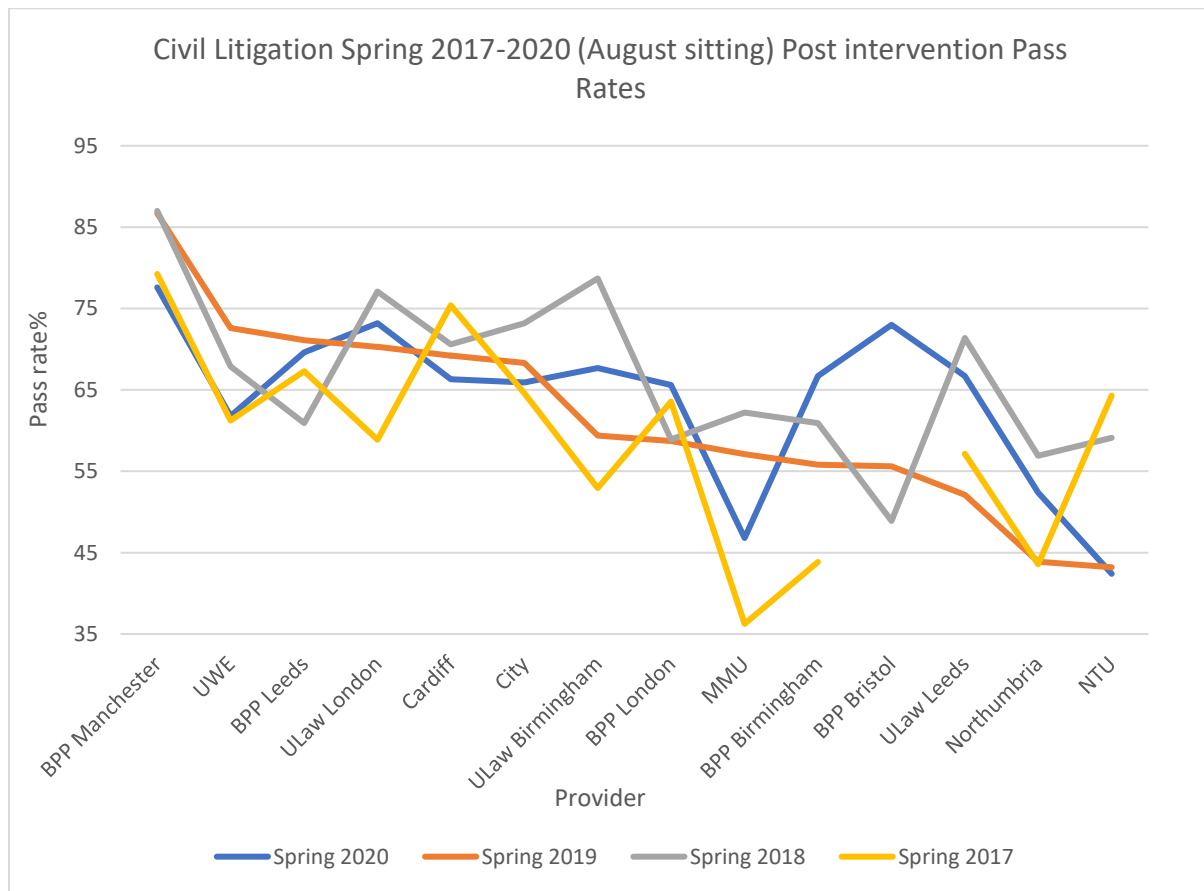
5.6.1 Providers are ranged left to right in order of their Spring 2020 (August sitting) post-intervention passing rates. Data from assessments prior to the Spring 2017 sit has been excluded as it no longer provides a useful point of comparison given the changes to the assessment made with effect from the Spring 2017 sit. The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Civil Litigation across all four Spring sit cycles of the current form of assessment, with an average cohort passing rate across those three cycles of 82.6%. Cardiff achieves the second highest average passing rate over the same period at 70.4%. Northumbria have the lowest average passing rate at 49.2%.

5.6.2 Half of the Provider centres reported an improvement in passing rates compared to the Spring 2019 sit – the average improvement being a marginal 2%. This figure masks some wide variations, however. Whilst both UWE and MMU saw a decline of over 10%, BPP Bristol saw an increase of over Manchester cohort was 3.8%, BPP Birmingham saw a strong recovery with an increase in the passing rate of 34.9%, and BPP Bristol saw an improvement of over 17%, and ULaw Leeds an improvement of over 14%. Overall, the improvement in passing rates failed to have any impact on the top seven

cohorts (average drop in passing rates 2%) and was clustered on the bottom 7 cohorts (average improvement 6.7%).

5.6.3 Comparing changes in Provider cohort performance between Spring 2017 and Spring 2020 (August sitting), all but 3 experienced an improvement in passing rates - the average being 9.7%. There is a small divide between the top six cohorts in Spring 2020 (August sitting) where the average increase compared to Spring 2017 is just 1.3%, as against the bottom 7 cohorts for the Spring 2020 (August sitting) where the average increase in passing rates compared to Spring 2017 was 6.7%.

5.7 Overall grade boundary distribution Spring 2020 (August sitting)

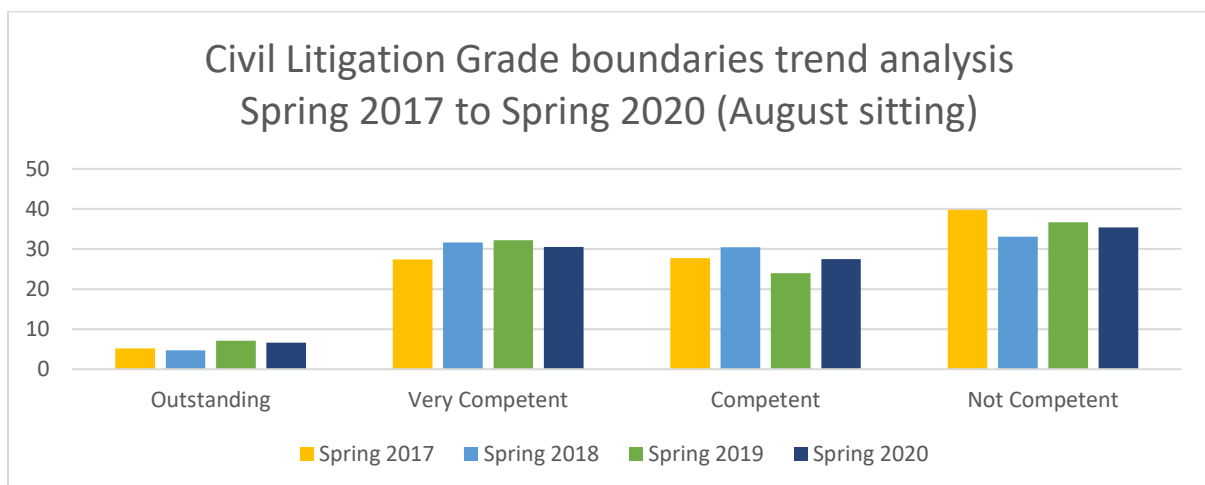| All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
533	414	460	100

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 (above), 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.

5.8 Spring 2020 post-intervention grade boundaries by Provider (August sitting)
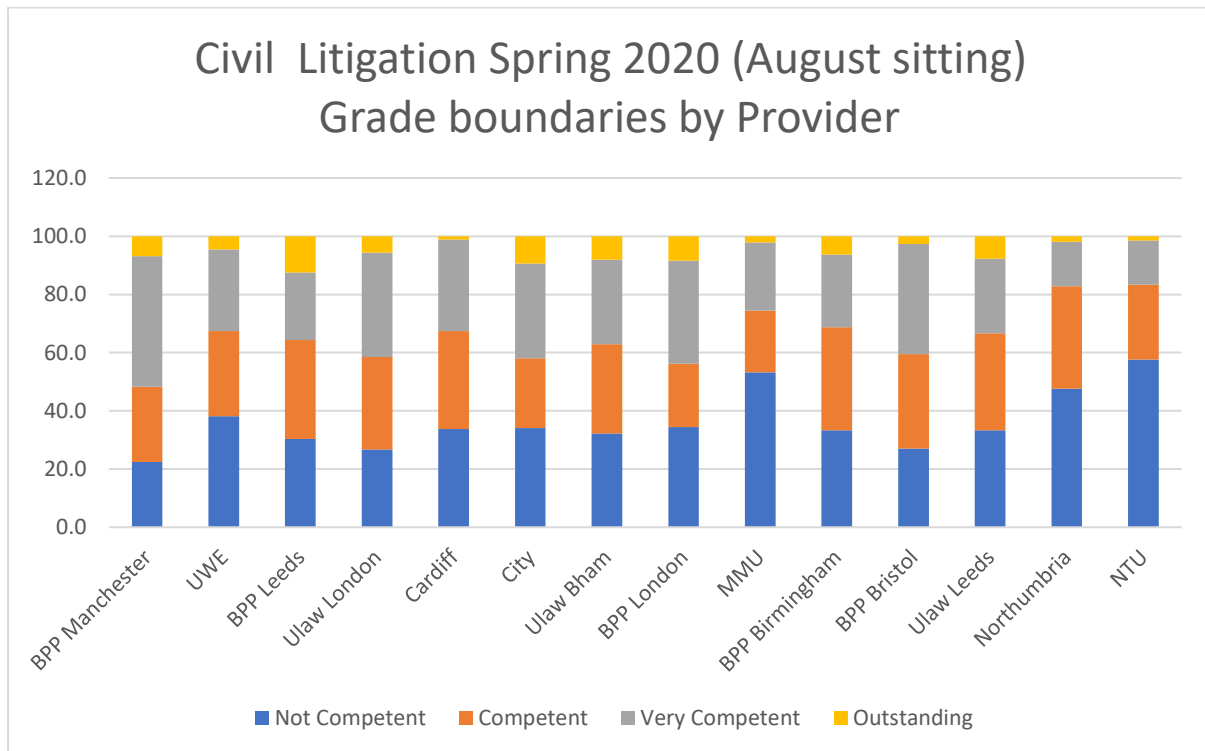
Civil Litigation Spring 2020 (August sitting)
Grade boundaries by Provider

Providers are ranged from left to right in declining order of Spring 2020 (August sitting) post intervention passing rates, hence the "Not Competent" grouping also rises from left to right left, mapping the increasing failure rate across the weaker Provider cohorts. As can be seen from the above table, whilst every Provider cohort had at least 1 candidate graded "Outstanding", the distribution of those 99 as "Outstanding" candidates does not neatly align with the cohort passing rate – for example third placed BPP Leeds has over 12% of candidates graded "Outstanding".

5.9 All-Provider Spring 2017 to Spring 2020 (August sitting) grade boundary trend analysis

Civil Litigation Grade boundaries trend analysis
Spring 2017 to Spring 2020 (August sitting)

The overall grade boundary distribution is stable - the Spring 2020 (August sitting) sees a slight drop in the percentage of candidates graded "Outstanding" (down from 7.1% to 6.6%), and the percentage graded "Very Competent" also dips by 2%.

5.10 Civil Litigation results pre-intervention pass rates – all Providers Spring 2017 to Spring 2020 (October sitting)

Civil Litigation All Provider pre-intervention	Spring (October) 2020	Spring 2019	Spring 2018	Spring 2017
MCQ Comparison	62.2%	49.9%	63.9%	59.3%

The table above shows the all-Provider Spring 2020 (October sitting) pre-intervention cohort passing rate of 62.2% for Civil Litigation, based on a pass standard recommended to the Board (as a result of the standard setting process) of 42/75. The outcome suggests a good recovery in the pre-intervention passing rate compared to Spring 2019 and is broadly in line with the Spring 2018 and 2017 sittings.

5.11 Pre-intervention histogram of MCQs (October 2020 sitting)
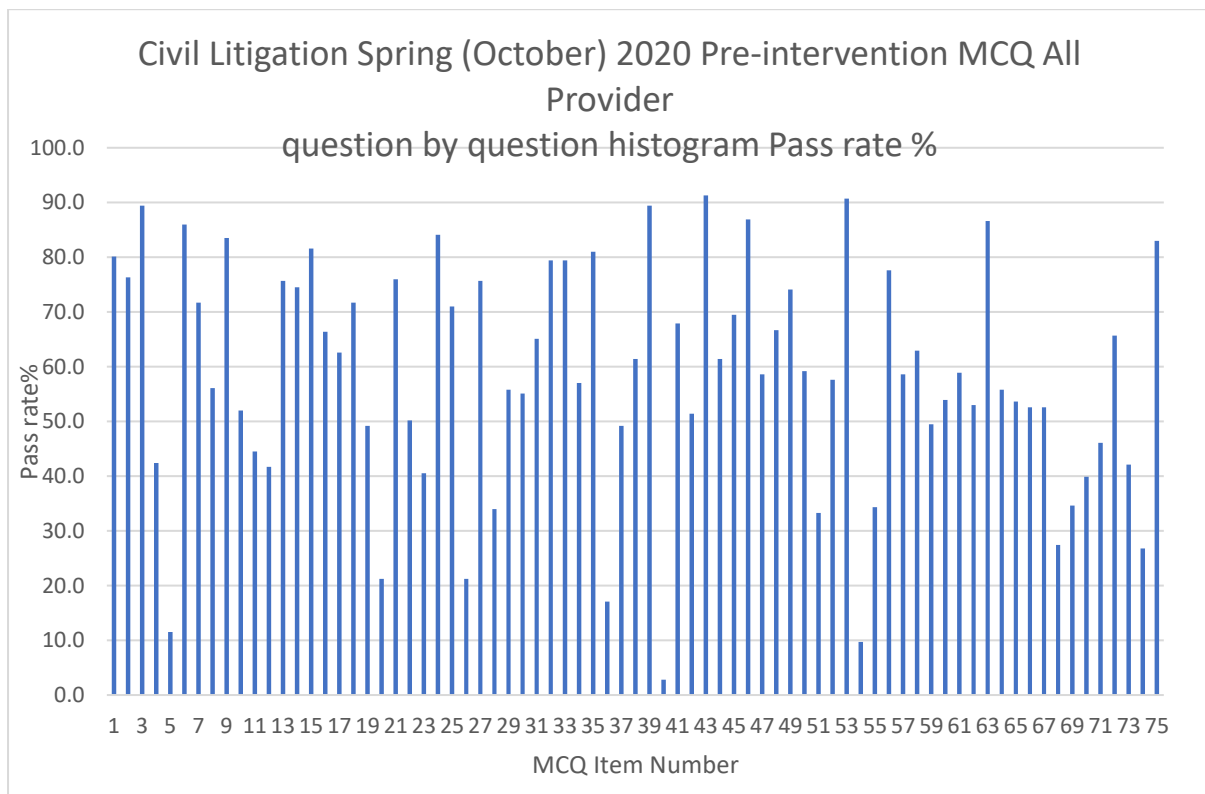
The pre-intervention data shows 13 MCQs with an all-Provider cohort passing rate below 40% (down from 14 in the Spring 2019 sit). Candidates performed significantly better across the first 2 tranches of MCQs (62.4% and 60.4% average passing rates) compared to their performance across MCQs 51-75 (52.3% average passing rate).

5.12 Details of Final Board discussions and interventions (October 2020 sitting)

The Psychometrician advised the Final Board that the relatively small cohort size of 320 was still suitable for determining a dependable reliability score. With no interventions as recommended by the Subject Board, the Psychometrician reported a reliability score of 0.85, which exceeded the benchmark of 0.80. The mean score was 43.85 (57.4%), which was observed to be only slightly decreased from 44.76% for the August exams. The range of scores was 17 to 71, and the standard error of measurement was 3.73. The Final Board accepted the recommendation that no interventions were necessary and confirmed the recommended pass standard of 42/75. The Independent Observer confirmed that she had no concerns with how the Board had been conducted and endorsed the decisions reached.

5.13 Civil Litigation post-intervention pass rates – all Providers Spring 2017 to Spring 2020 (October sitting)

Civil Litigation All Provider post-intervention	Spring (October) 2020	Spring 2019	Spring 2018	Spring 2017
MCQ Comparison	62.2%	63.2%	66.9%	60.2%

5.14 Spring 2020 (October sitting) post-intervention passing rates by Provider
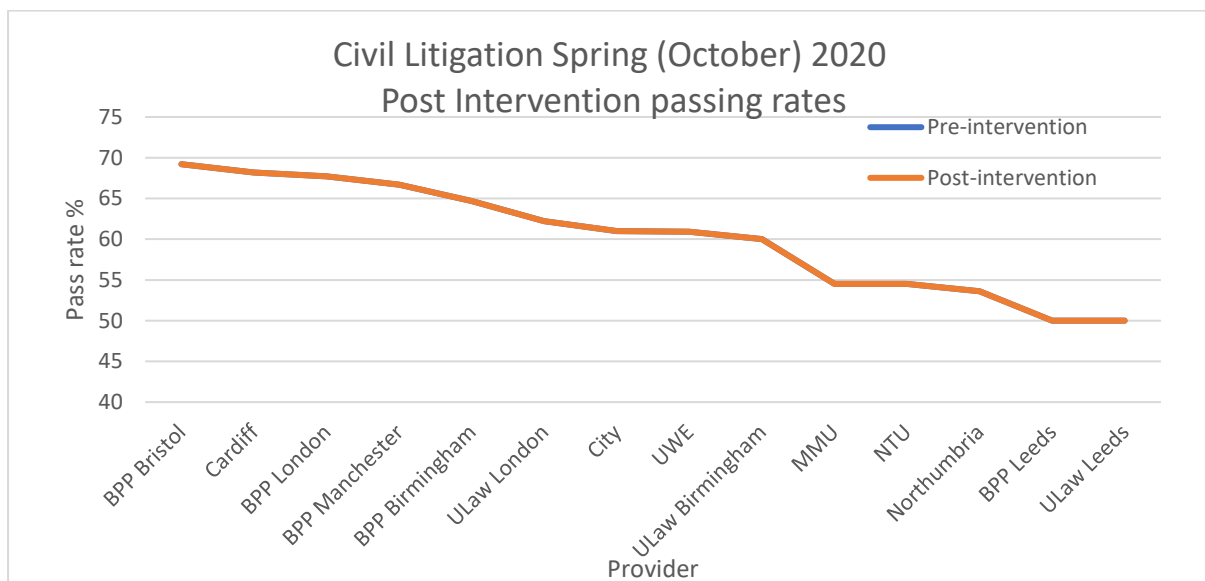
Providers are ranged left to right in order of their post-intervention passing rates. Hence BPP Bristol had the highest Spring 2020 (October sitting) post intervention passing rate at 69.2% and ULaw Leeds the lowest at 40% - a range of over 29. As no interventions were necessary there is no pre- and post-intervention comparison data. In reviewing data on Provider cohort performance for the Spring 2020 (October sitting) it is important to bear in mind that some Providers had very small cohorts, and those sitting may have comprised a significant number of deferred or referred candidates.

5.15 Civil Litigation Spring 2017 to Spring 2020 (October sitting) post-intervention pass rates

Civil Litigation Spring 2017-2020 (October Sitting) Post-Intervention Pass Rates vs MCQ comparison
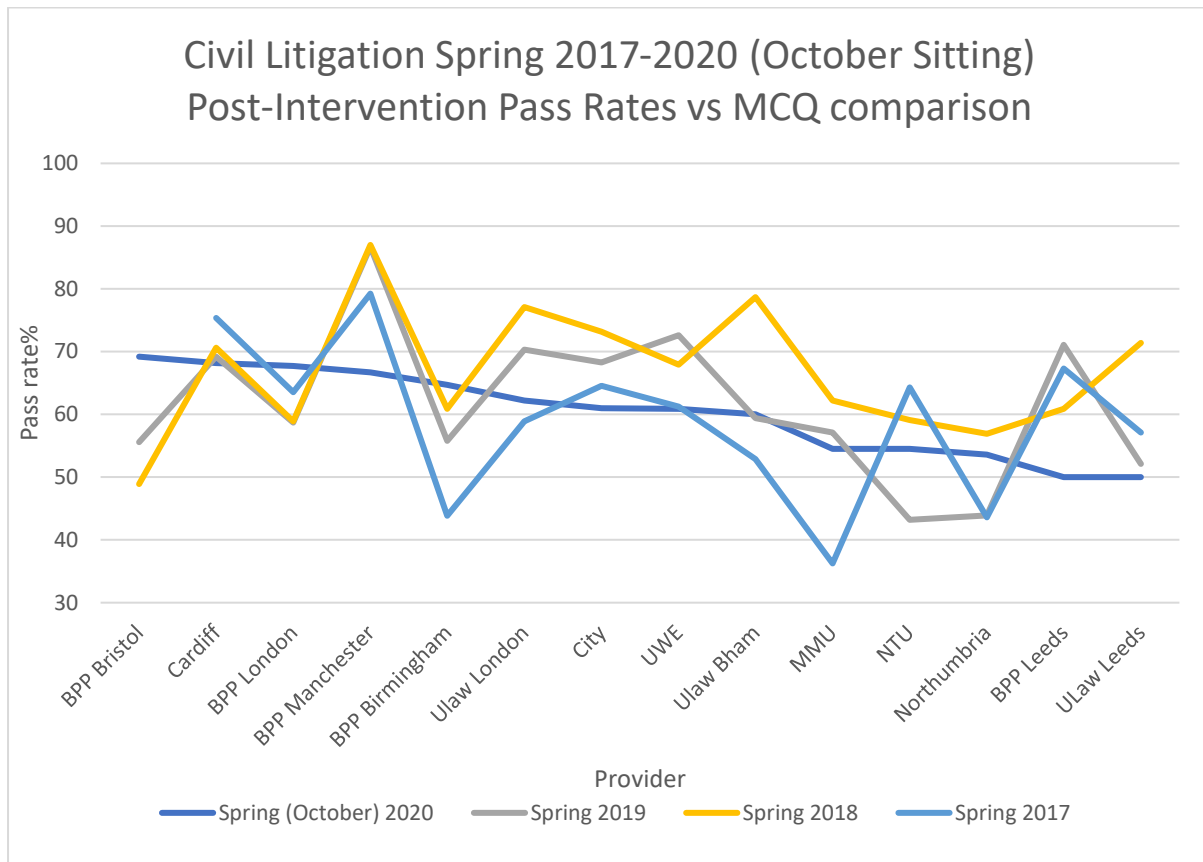
5.15.1 Providers are ranged left to right in order of their Spring 2020 (October sitting) post-intervention passing rates. Data from assessments prior to the Spring 2017 sit has been excluded as it no longer provides a useful point of comparison given the changes to the assessment made with effect from the Spring 2017 sit. The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Civil Litigation across all four Spring sit cycles of the current form of assessment, with an average cohort passing rate across those three cycles of 79.9%. Cardiff achieves the second highest average passing rate over the same period at 70.8%. Northumbria have the lowest average passing rate at 49.5%.

5.15.2 Eight of the Provider cohorts reported a decline in passing rates compared to the Spring 2019 sit – the average drop being a marginal 1.5%. This figure masks some wide variations, however. Whilst both BPP Manchester and BPP Leeds saw a decline of over 20%, BPP Bristol was up 13% and NTU up 11%. Overall, the decline in the average passing rate compared to Spring 2019 impacted slightly more on the bottom 7 cohorts (-2.3%) compared to the top 7 cohorts (-0.7%).

5.15.3 Comparing changes in Provider cohort performance between Spring 2017 and Spring 2020 (August sitting), shows six Provider cohorts achieving better passing rates in the Spring 2020 (October sitting) with the overall average passing rate barely changing.

5.16 Overall grade boundary distribution Spring 2020 (October sitting)

| All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
124	112	83	9

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 (above), 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.

5.17 Spring 2020 post-intervention grade boundaries by Provider (October sitting)
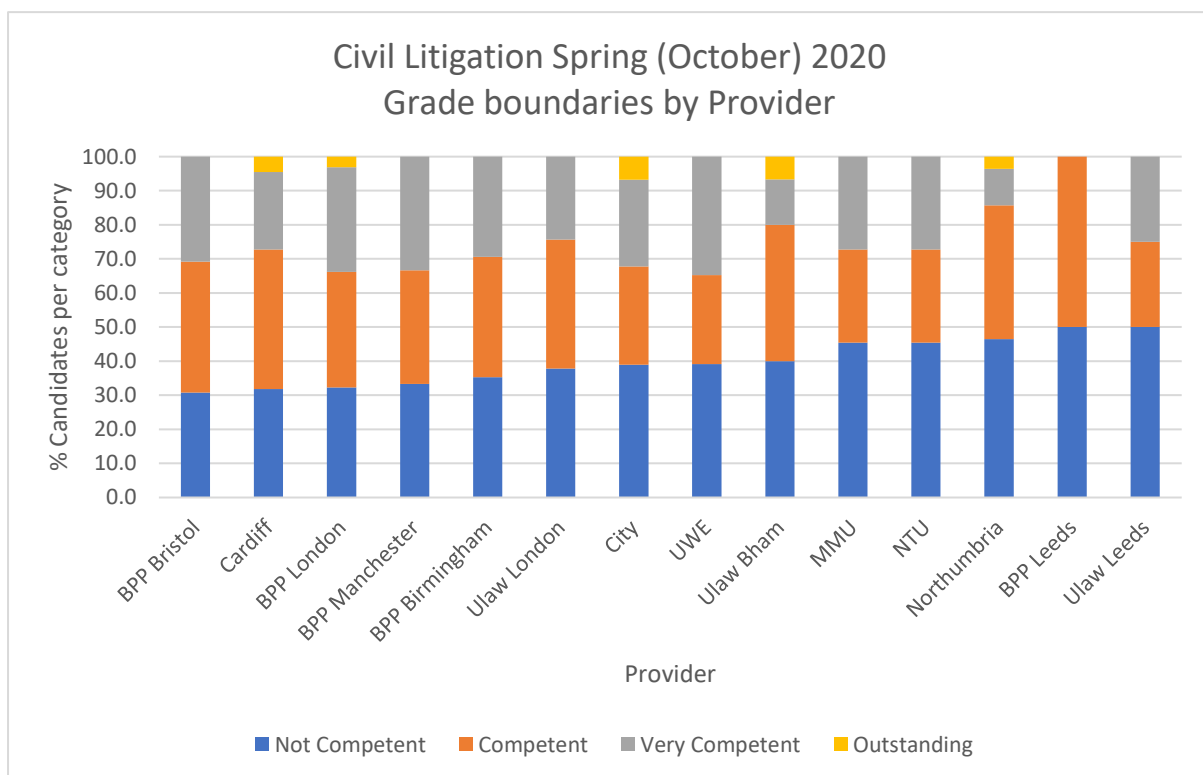
Civil Litigation Spring (October) 2020
Grade boundaries by Provider

Providers are ranged from left to right in declining order of Spring 2020 (October sitting) post intervention passing rates, hence the "Not Competent" grouping also rises from left to right left, mapping the increasing failure rate across the weaker Provider cohorts. As can be seen from the above table, only 5 Provider cohorts had a candidate achieving the "Outstanding" grade, and these were distributed across cohorts ranked from 2nd to 12th. The usual caution is needed in interpreting this data due to a smaller and less homogeneous cohort sitting in October 2020, compared to August 2020 or other typical Spring sittings. For example, the strongest cohort had 30% of candidates graded "Very Competent" whilst the weakest still had 25% achieving that grade.

5.18 All-Provider Spring 2017 to Spring 2020 (October sitting) grade boundary trend analysis
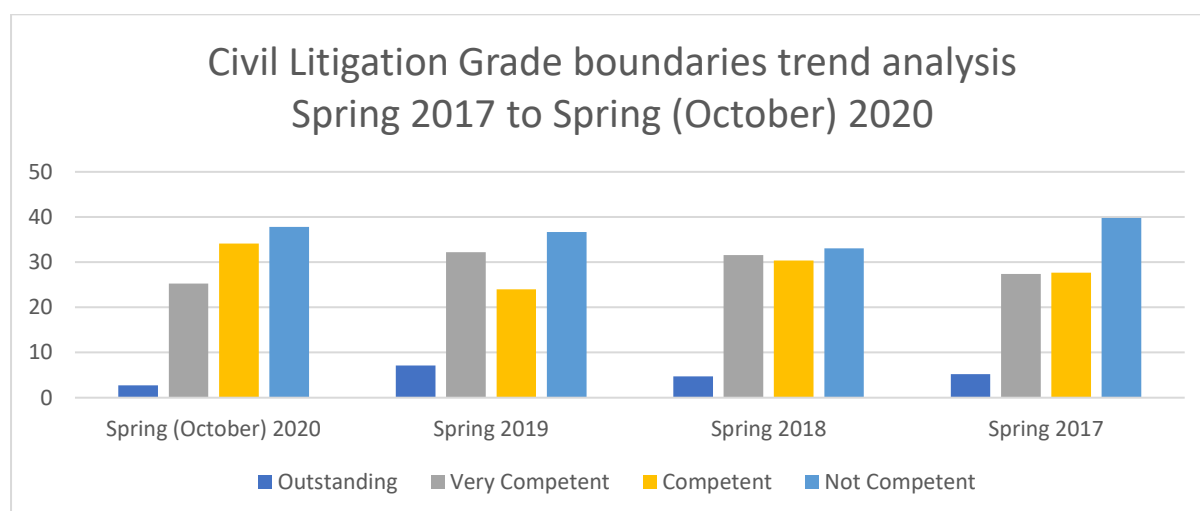
The Spring 2020 (October sitting) sees a 5% drop in candidates achieving the "Outstanding" grade compared to Spring 2019, the 2.7% figure being the lowest since the introduction of the current form of assessment in 2017, but as noted above this may reflect the nature of the cohort participating in the October sitting. The decline is mirrored in respect of the "Very Competent" grading as well which dips by 7%

5.19 Civil Litigation results August and October 2020 sittings compared

Civil Litigation	2020 Spring Sit (August)	2020 Spring Sit (October)	Variance October sit vs. August
Number of Candidates	1502	328	-1174
Passing MCQ	64.60%	62.20%	-2.40%
Passing Overall	64.60%	62.20%	-2.40%

As can be seen from the two sets of results above, despite the very different arrangements in place for the Spring 2020 (August sitting), and the much smaller cohort of candidates attempting the Civil Litigation assessment in the Spring 2020 (October sitting), the passing rates across both sittings were within a 3% range.

5.20 Civil Litigation passing rates August and October 2020 sittings Provider cohort performance compared

Civil Litigation Provider cohorts performance compared:
Spring 2020 (August sitting) vs. Spring 2020 (October sitting)
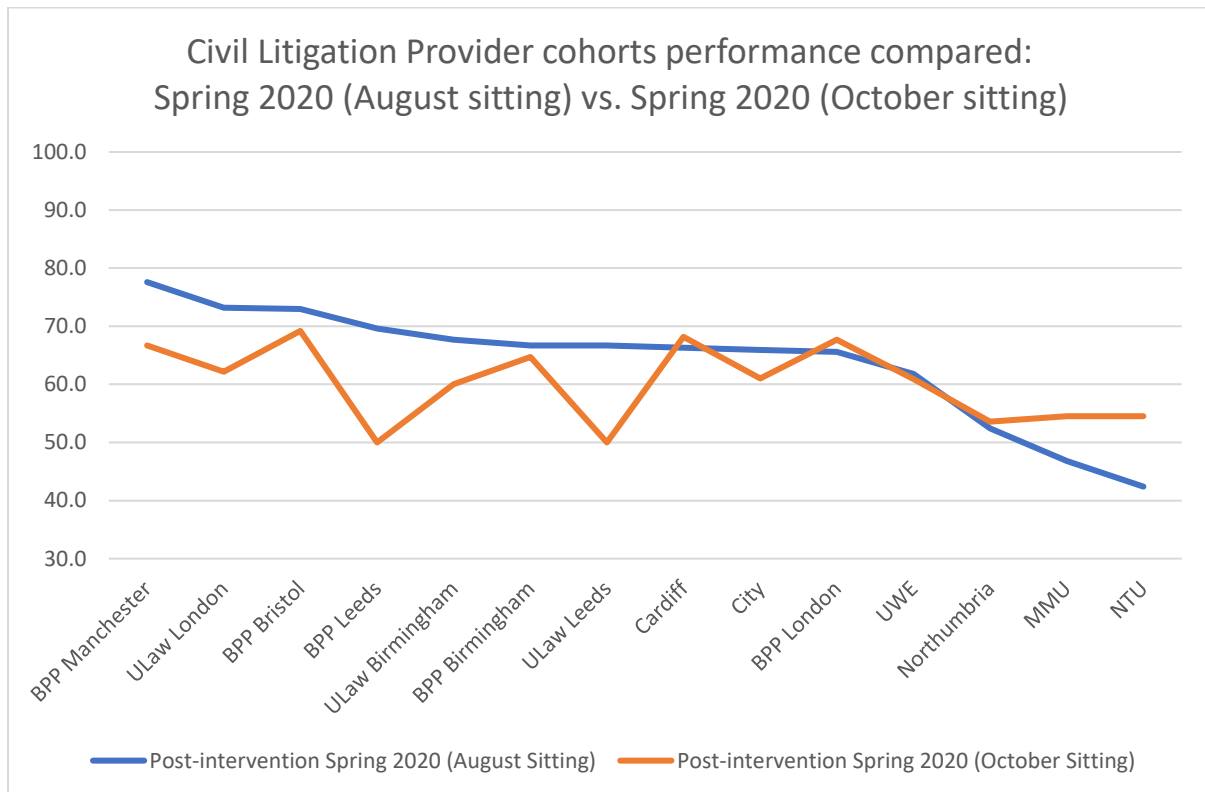
Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates. Whilst BPP Manchester provided the strongest cohort for the Spring 2020 (August sitting), and BPP Bristol the strongest for the Spring 2020 (October sitting), BPP Manchester had the highest average passing rate across both sittings (72.2%). Five Provider cohorts had a higher passing rate in the October sitting compared to the August sitting, with a clear pattern of those Providers with the weaker August sit cohorts doing better in October. For example, the weakest August sitting cohort, NTU, recorded a 12% improvement in its passing rate in the October sitting. The usual caveats regarding smaller less homogeneous cohorts attempting in October apply.

5.21 Civil Litigation grade boundary distribution August and October 2020 sittings compared

Civil Litigation grade boundary distribution August 2020 vs October 2020 sittings
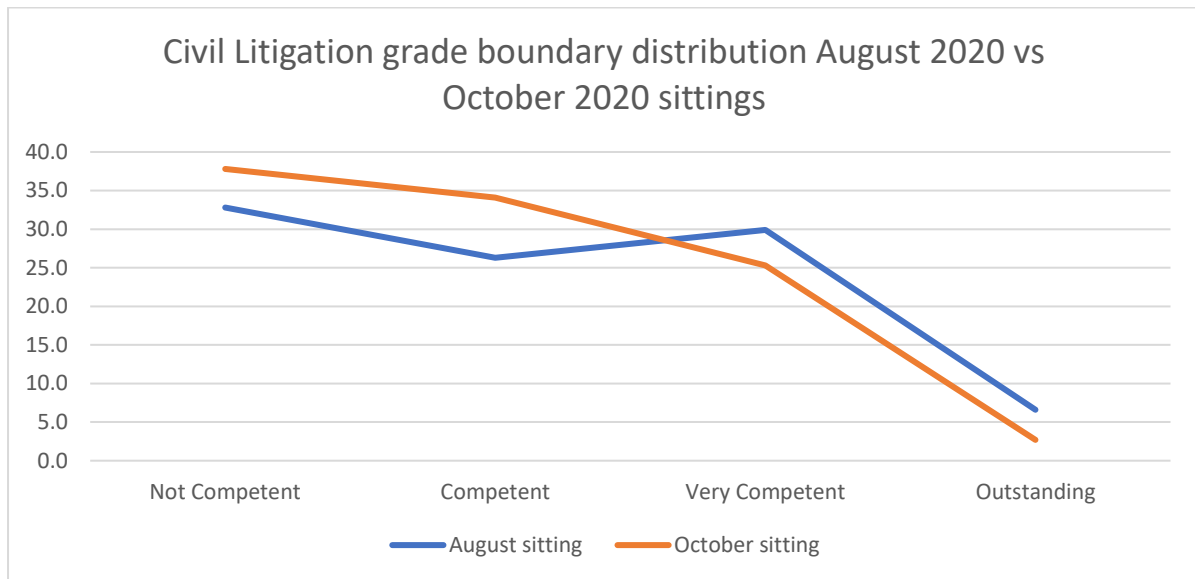
The performance profile for the October sitting shows a lower percentage of candidates being graded as "Very Competent" or "Outstanding" based on the outcome of the October examination. This may be a reflection of the fact that the majority of candidates would have been attempting the examination for a second time.

5.22 Change in distribution of Civil Litigation grade boundaries by Provider between August 2020 and October 2020
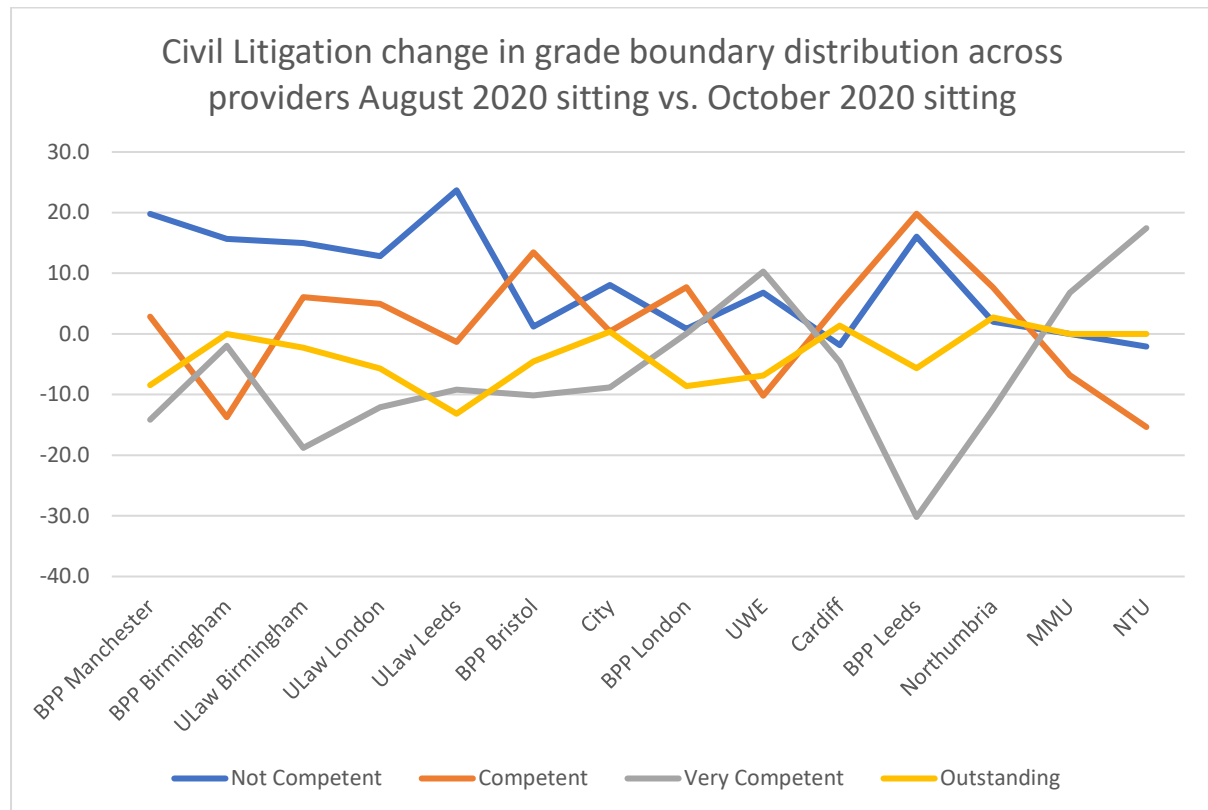
Civil Litigation change in grade boundary distribution across providers August 2020 sitting vs. October 2020 sitting

Providers are ranged left to right in order of their Spring 2020 (August sit) passing rates. The data for BPP Manchester, for example, shows that it had 19.8% more candidates rated "Not Competent" in Civil Litigation in the October sitting compared to the August sitting, and 14% fewer rated "Very Competent". Only three Providers record October cohorts improving on the percentage graded "Outstanding" compared to the August sitting, and only three achieve the same outcome as regards the "Very Competent" grading (no Provider manages both). Care must be taken in interpreting these figures given the relatively small size of the candidate cohort at some Provider centres for the October 2020 sitting.

5.23 Civil Litigation Candidate performance across both August and October 2020 sittings

Civil	No		No
Number of August Candidates	1507	Number of candidates attempting both August & October	210
Number of August Passing	974	August pass attempted October	127
		August pass & passed in October	106
		August pass Failed in October	21
		August pass & passed in October with better result than August	56
Number of August Fail	553		
		August Fail attempted October	83
		August fail passed in October	21
		August fail & failed in October	62
Number of October only candidates	118		
Number of October only candidates passing in October	77		
Number of October only candidates failing in October	41		

5.23.1 This table shows all attempts by candidates at the Spring 2020 Civil Litigation examination across the August and October sittings. Candidates who attempted the examination in August were advised that they could attempt the examination again in October on a 'No Detriment' basis – i.e., they would not forfeit their August result if it transpired that it was better than their October result, but would be credited with their October result if this proved to be better than their August result. A total of 210 candidates availed themselves of this opportunity. Of the 127 candidates who passed in August and in October, 56 improved on the grade obtained in the August sitting, and 21 who failed in August passed in October, meaning that the 'No Detriment' rule benefitted 77 candidates.

5.23.2

October candidates		Split	Pass	Fail	Passing rate
August repeaters	210	68.6%	127	83	60.5%
October only	118	38.6%	77	41	65.3%
Tot	328		204	124	62.2%

As the above table indicates just over two-thirds of the cohort of candidates for the Spring 2020 (October sitting) Civil Litigation examination were candidates who had attempted in August and were availing themselves of the 'No Detriment' October sitting option. These candidates achieved a passing rate of 60.5%, compared to 65.3%, for the 118 candidates who attempted in October without having attempted in August.

5.23.3

	Attempts	Passes	Passing rate
August Candidates	1507	974	64.6%
August fails attempting again in October	83	21	25.3%
October only candidates	118	77	65.3%
Tot	1625	1072	66.0%

The above table shows how many candidates were able to pass the Civil Litigation Spring 2020 across both the August and October sittings combined. There were 1507 candidates attempting in August, of whom 974 passed. Of those who failed in August, 83 attempted again in October and 21 were successful in redeeming their August failures. In addition, the provision of an October sitting allowed 118 candidates who had not attempted in August to take the examination, 77 of whom passed. Hence the cumulative total of those attempting the Civil Litigation examination (those attempting in August and those attempting in October) was 1625, of whom a cumulative total of 1072 passed – producing an overall passing rate for the Spring 2020 sit (August and October combined) of 66%.

6. BAR TRANSFER TEST RESULTS

The results for Bar Transfer test ('BTT') candidates attempting the Spring 2020 (August sitting) and Spring 2020 (October sitting) BTT assessments were considered by the relevant Spring 2020 Subject Exam Boards and Final Boards. For the Spring 2020 sittings (August and October), all BTT candidates attempted the same centrally assessed exam papers as the BPTC candidates.

6.1 BTT Spring 2020 results (August sitting)

Subject	Number of BTT candidates	Spring 2020 (August sitting) pre-intervention passing rate the BTT cohort	Spring 2019 (April sitting) post-intervention passing rate the BTT cohort
Professional Ethics	56	57.6%	57.6%
Civil Litigation	46	43.5%	45.7%
Criminal Litigation	47	48.9%	51.1%

6.2 BTT Spring 2020 results (October sitting)

Subject	Number of BTT candidates	Spring 2020 (October sitting) pre-intervention passing rate the BTT cohort	Spring 2019 (April sitting) post-intervention passing rate the BTT cohort
Professional Ethics	10	50.0%	50.0%
Civil Litigation	11	45.5%	45.5%
Criminal Litigation	7	42.9%	42.9%

7. COMPARING POST-INTERVENTION PASSING RATES ACROSS SUBJECT AREAS SPRING 2020 (AUGUST SITTING)

7.1 Centralised assessment post-intervention passing rates compared Spring 2020 (August sitting)

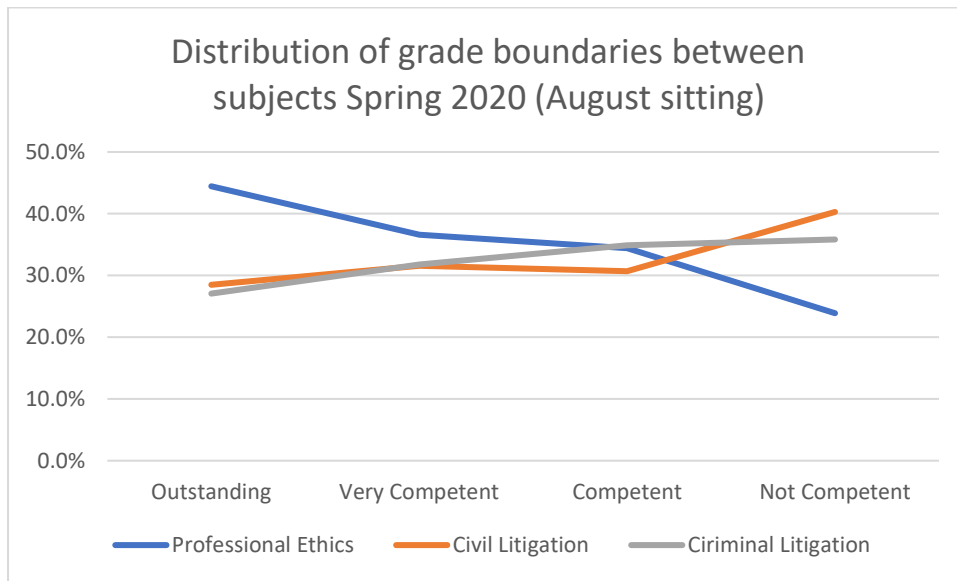|	2020 Spring (August sitting)
Professional Ethics	
Number of Candidates	1489
Passing Overall	78.8%
Civil Litigation and Evidence	
Number of Candidates	1507
Passing Overall	64.6%
Criminal Litigation, Evidence and Sentencing	
Number of Candidates	1502
Passing Overall	68.4%

These figures indicate a fairly narrow range of passing rates (10%) for the three centralised examinations in respect of the Spring 2020 (August sitting).

7.2 Centralised assessment grade boundaries compared Spring 2020 (August sitting)

	Professional Ethics Spring 2020 (August sitting)	Civil Litigation Spring 2020 (August sitting)	Criminal Litigation Spring 2020 (August sitting)
Outstanding	10.5%	6.6%	6.3%
Very Competent	37.1%	30.5%	30.8%
Competent	31.2%	27.5%	31.3%
Not Competent	21.2%	35.4%	31.6%

This table shows the percentage of candidates being awarded "Outstanding", "Very Competent", "Competent" and "Not Competent" across the three centralised assessment for the Spring 2020 (August sitting). Grade boundary distribution across the three centralised assessments is fairly consistent apart from the slightly higher percentage of candidates achieving an "Outstanding" grade in Professional Ethics.

7.3 Distribution of Spring 2020 (August sitting) grade boundaries between subjects

This table shows how the total number of grades at each level were distributed across the three centralised assessments. Combining all candidate attempts at the Spring 2020 (August sitting) assessments produces a figure of 4478 individual candidate attempts. Candidate numbers for each centralised assessment vary, so Professional Ethics accounted for 32.8% of these attempts, whilst Civil Litigation accounted for 33.7%. Using the proportions, it is then possible to look at the distribution of the various grade boundaries achieved across the three centralised examinations. This shows that, for example, 45% of the "Outstanding" grades were achieved in Professional Ethics, despite Professional Ethics candidates, as a cohort, accounting for only 32.8% of candidates across the three assessments. To that extent Professional Ethics 'overperformed' in generating candidates graded 'Outstanding'. The percentage distribution of both the "Very Competent" and "Competent" grades across the three centralised assessments aligns more closely to the percentage of candidates attempting each examination.

7.4 Centralised assessment post-intervention passing rate trends Spring 2017 to Spring 2020 (August sitting)
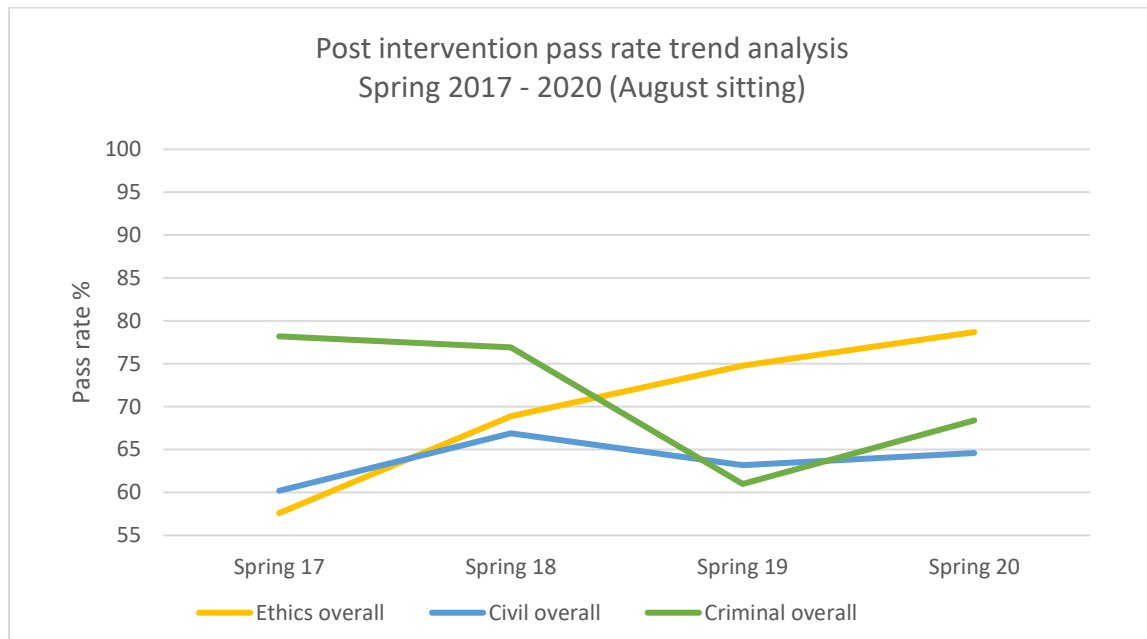
Across the 4 Spring sit cycles detailed in the above chart Criminal Litigation has the highest average post-intervention passing rate at 71.1% followed by Professional Ethics at 70% and Civil litigation at 63.7%. For the last two sittings the post-intervention passing rates have all been within a 14% range.

8. COMPARING POST-INTERVENTION PASSING RATES ACROSS SUBJECT AREAS SPRING 2020 (OCTOBER SITTING)

8.1 Centralised assessment post-intervention passing rates compared Spring 2020 (October sitting)

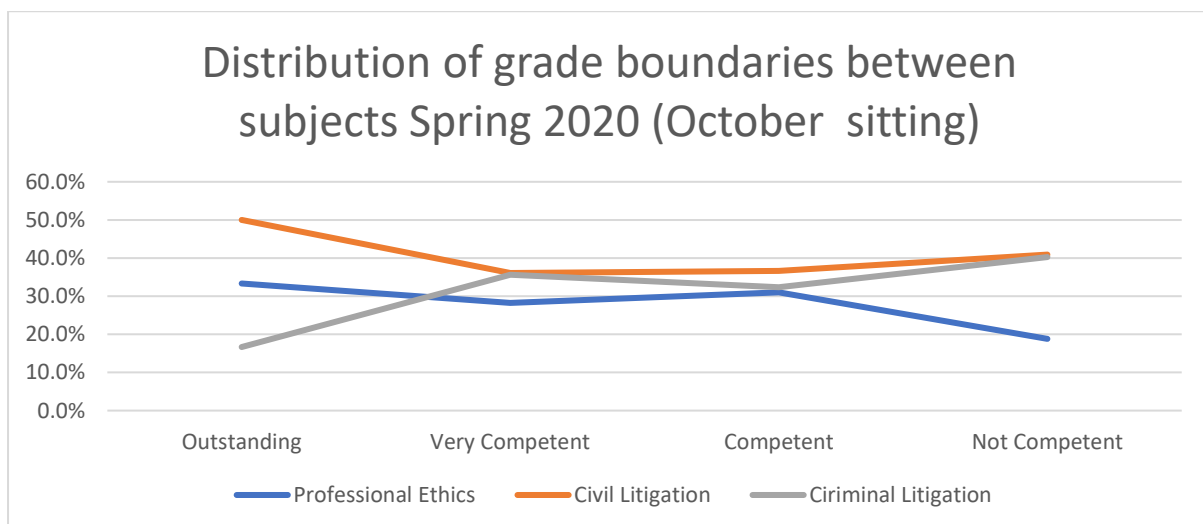|	2020 Spring (October sitting)
Professional Ethics	
Number of Candidates	223
Passing Overall	74.4%
Civil Litigation and Evidence	
Number of Candidates	328
Passing Overall	62.2%
Criminal Litigation, Evidence and Sentencing	
Number of Candidates	306
Passing Overall	61.1%

These figures indicate wider range of passing rates (13%) for the three centralised examinations in respect of the Spring 2020 (October sitting) compared to the Spring 2020 (August sitting) – probably reflecting the less homogeneous nature of the candidates compared with August with more candidates attempting the assessments for a second time.

8.2 Centralised assessment grade boundaries compared Spring 2020 (October sitting)

	Professional Ethics Spring 2020 (October sitting)	Civil Litigation Spring 2020 (October sitting)	Criminal Litigation Spring 2020 (October sitting)
Outstanding	2.7%	2.7%	1%
Very Competent	29.1%	25.3%	26.8%
Competent	42.6%	34.1%	32.4%
Not Competent	25.6%	37.8%	39.9%

8.2.1   This table shows the percentage of candidates being awarded "Outstanding", "Very Competent", "Competent" and "Not Competent" across the three centralised assessment for the Spring 2020 (October sitting). Grade boundary distribution across the three centralised assessments is fairly consistent apart from the slightly higher percentage of candidates achieving a "Competent" grade in Professional Ethics (with the consequent reduction in "Not Competent" grades).

8.3 Distribution of Spring 2020 (October sitting) grade boundaries between subjects

This table shows how the total number of grades at each level were distributed across the three centralised assessments. Combining all candidate attempts at the Spring 2020 (October sitting) assessments produces a figure of 857 individual candidate attempts. Candidate numbers for each centralised assessment vary, so Professional Ethics accounted for 26% of these attempts, whilst Civil Litigation

accounted for 38.3%. Using the proportions, it is then possible to look at the distribution of the various grade boundaries achieved across the three centralised examinations. This shows that, for example, 50% of the "Outstanding" grades were achieved in Civil Litigation, despite the Civil Litigation candidates, as a cohort, accounting for only 38.3% of candidates across the three assessments. By that measure, the Criminal litigation cohort underperformed in the sense that it accounted for only 16% of the "Outstanding" grades whilst accounting for 36% of the total number of candidates sitting in October. The percentage distribution of both the "Very Competent" and "Competent" grades across the three centralised assessments aligns more closely to the percentage of candidates attempting each examination.

8.4 Centralised assessment post-intervention passing rate trends Spring 2017 to Spring 2020 (October sitting)

Post intervention pass rate trend analysis Spring 2017 - 2020 (October sitting)
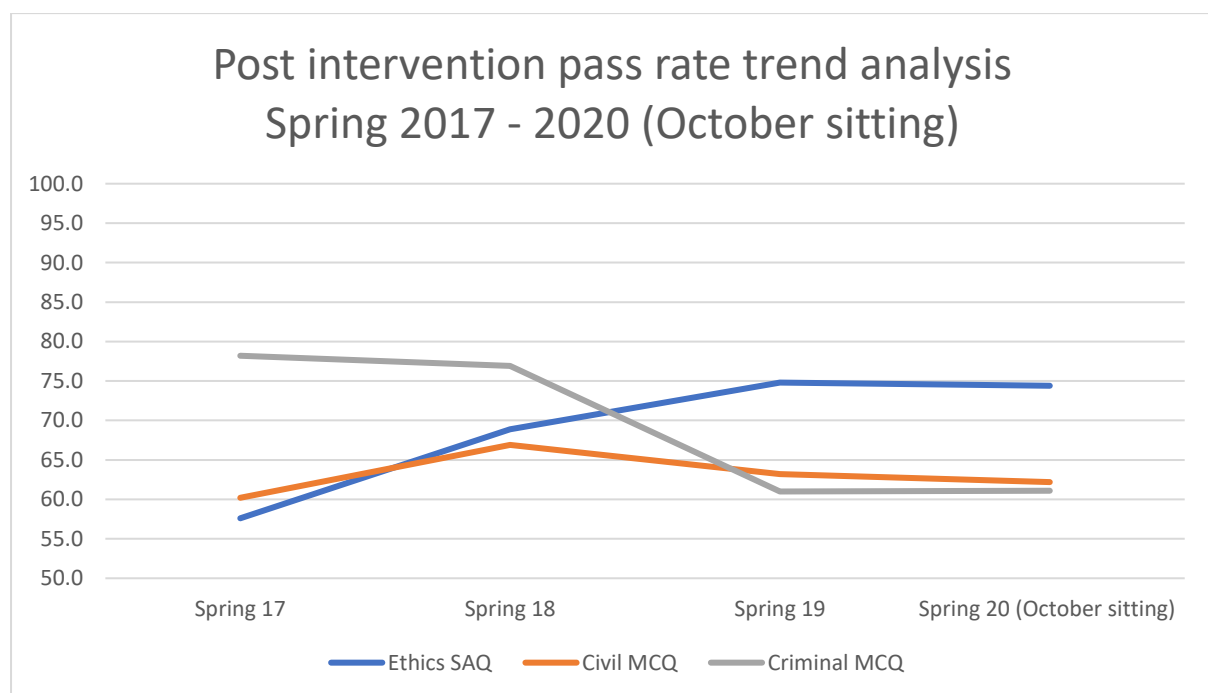
8.5.1   Across the 4 Spring sit cycles detailed in the above chart Criminal Litigation has the highest average post-intervention passing rate at 69.3% followed by Professional Ethics at 68.9% and Civil litigation at 63.1%. The range between the lowest and highest passing rate for Spring 2020 (October sitting) is very much in line with the 13% figure seen in the Spring 2019 sit.

9. COMPARING SPRING 2020 (AUGUST SITTING) RESULTS ACROSS PROVIDERS

9.1 Spring 2020 (August sitting) post-intervention passing rates by Provider
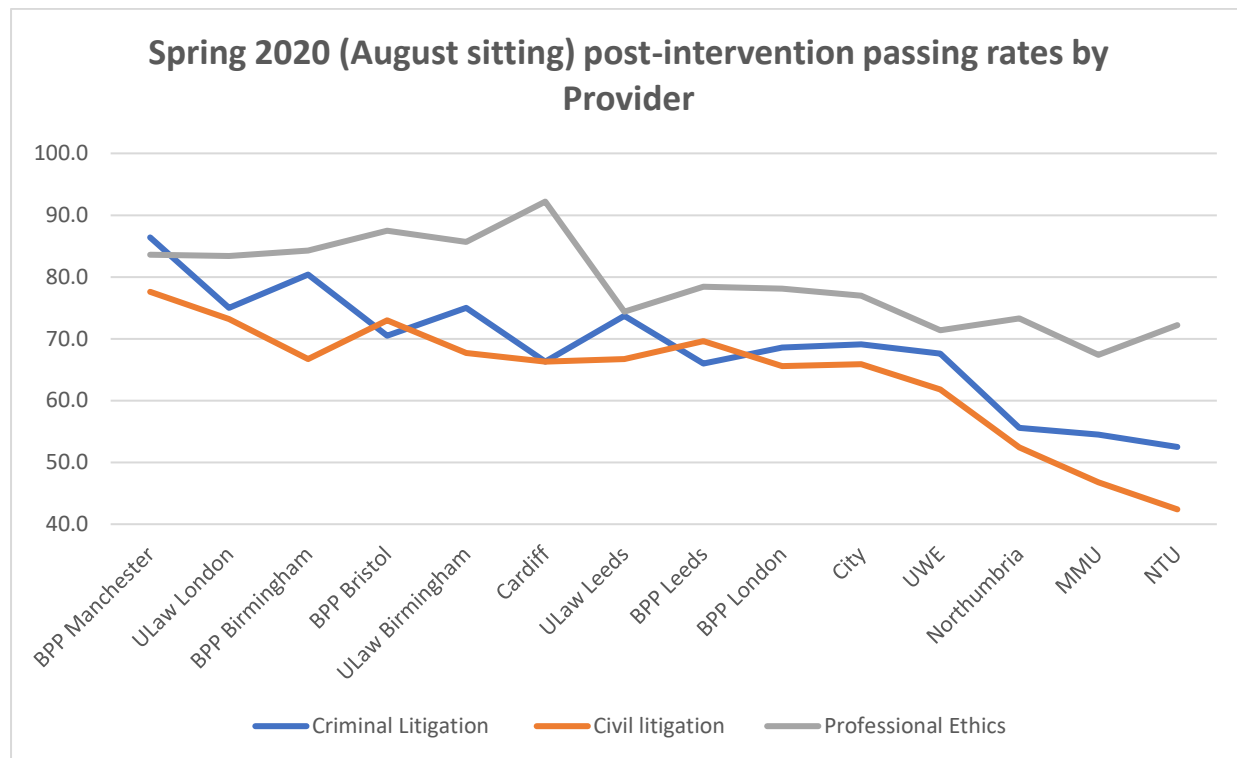
Providers are ranged left to right according to the average post-intervention passing rate achieved by their cohorts across all three subject areas in the Spring 2020 (August sitting) of the centralised assessments. BPP Manchester is the highest performing cohort in two out of the three centralised assessments with an average passing rate across the three subject areas of 82.5% and NTU the lowest at 55.7% (weakest cohort in 2 out of 3 subject areas). The highest post-intervention cohort passing rate in any of the centrally examined subject areas was achieved by Cardiff with a 92% passing rate in respect of Professional Ethics. The lowest Provider cohort performance across any centrally examined subject areas was achieved by NTU where only 42% passed Civil Litigation. Every Provider cohort, except BPP Manchester achieved their best performance in Professional Ethics. The correlation between Provider cohort performance in the two litigation subject areas is striking, and in only two instances does a Provider's cohort performance in Civil Litigation exceed the performance in Criminal Litigation.

9.2 Analysis of grade boundary distribution within each Provider cohort Spring 2020 (August sitting)
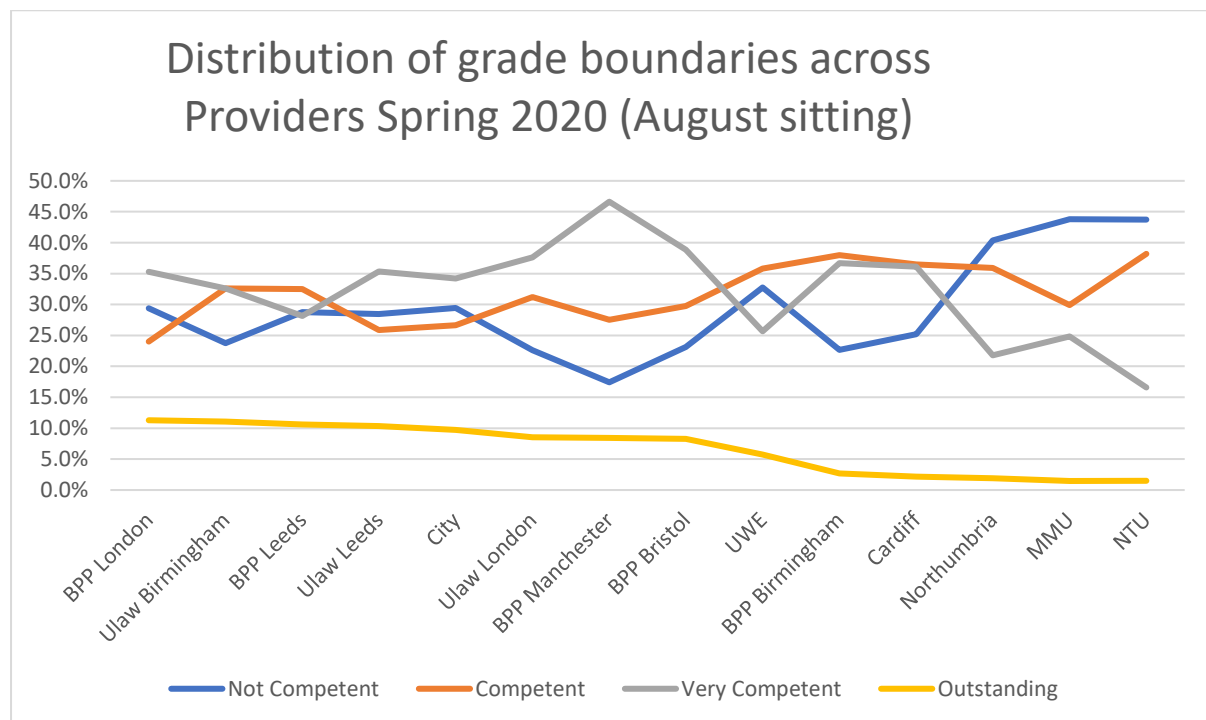
The data in the above table shows the spread of candidates at each Provider achieving a grade of "Outstanding", "Very Competent", "Competent" or "Not Competent" in one of the three centralised assessments in the Spring 2020 (August sitting). By way of example, if a Provider had 60 candidates and each candidate attempted the three centralised assessments there would be 180 instances of candidates attempting the centralised assessments at that Provider. If, across all three centralised assessments there were 18 instances at that Provider 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 Provider 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 that at BPP London (where there were 833 instances of a candidate attempting a centralised assessment), 11.3% of those instances resulted in candidates achieving an "Outstanding" grade (the highest percentage across all Providers), 35% resulted in candidates achieving a "Very Competent" grade, 24% a "Competent" grade and in 29% of instances a "Not Competent" grade. BPP Manchester had, by some margin, the highest proportion of candidates at any provider achieving the 'Very Competent' grade – 46% across 178 instances of assessment. NTU perhaps had the weakest cohort in this respect, of 199 instances of assessment only 1.5% resulted in an "Outstanding" grade, and only 16% "Very Competent".

9.3 Distribution of grade boundaries across Provider cohorts Spring 2020 (August sitting)

For the Spring 2020 (August sitting) sitting there were 4498 instances of BPTC candidates attempting the three centralised assessments. The table below illustrates the proportion of that 4498 represented by the candidates at each Provider. Hence BPP Birmingham, with 150 instances of candidates attempting the centralised assessments, contributed 3.3% of the 4498 total instances of assessment. The two right hand columns indicate the proportion of the overall total of "Very Competent" and "Outstanding" grades awarded to candidates at each Provider. On this basis it can be seen that, whilst BPP Birmingham contributes 3.3% of assessment instances, its candidates are (over) achieving with 3.7% of the "Very Competent" grades awarded across all Providers, and (relatively) under-achieving by securing only 1.1% of all "Outstanding" grades. The red/green colour coding indicates whether a cohort has under or over-achieved in this regard.

	Instances	% of instances	% of Very Competents	% of Outstandings
BPP Birmingham	150	3.3%	3.7%	1.1%
BPP Bristol	121	2.7%	3.2%	2.8%
BPP Leeds	160	3.6%	3.0%	4.8%
BPP London	833	18.5%	19.9%	26.8%
BPP Manchester	178	4.0%	5.6%	4.3%
Cardiff	274	6.1%	6.7%	1.7%
City	1108	24.6%	25.7%	30.8%
MMU	137	3.0%	2.3%	0.6%
Northumbria	312	6.9%	4.6%	1.7%
NTU	199	4.4%	2.2%	0.9%
Ulaw Birmingham	181	4.0%	4.0%	5.7%
Ulaw Leeds	116	2.6%	2.8%	3.4%
Ulaw London	433	9.6%	11.0%	10.5%
UWE	296	6.6%	5.1%	4.8%

### 9.4 Ranking of Provider cohorts Spring 2020 (August sitting)

9.4.1   Provider cohort performance can also be compared in terms of the ranking position of each Provider cohort in each of the centrally assessed areas. For these purposes, a Provider cohort ranked first in one of the three centrally assessed subjects is awarded 1 point, and a Provider cohort ranked last out of 14 is awarded 14 (hence the lower the total the stronger the Provider's cohort). On this basis, the Spring 2020 (August sitting), Provider cohorts can be ranked as per the table below (Spring 2019 rankings and change provided for reference), revealing that, for the Spring 2020 (August sitting) BPP Manchester retains its top rating and NTU emerges as the weakest. BPP Birmingham and BPP Bristol are the most improved Provider cohorts, each moving up 7 places, and BPP drops the most, six places. Care should be taken in interpretating these figures as they are not weighted to reflect candidate numbers.

Provider	Rank Spring 2020 (August sitting)	Ranking score Spring 2020 (August sitting)	Ranking score Spring 2019	Change in score	Rank Spring 2019	Change in rank order Spring 2020 (August sitting) vs. Spring 2019
BPP Manchester	1	7	3	4	1	0
ULaw London	2	11	10	1	3	1
ULaw Bham	3	11	21	-10	7	4
BPP Bristol	4	11	33	-22	11	7
BPP Birmingham	5	12	35	-23	12	7
Cardiff	6	19	15	4	5	-1
Ulaw Leeds	7	21	28	-7	9	2
BPP Leeds	8	22	9	13	2	-6
City	9	25	12	13	4	-5
BPP London	10	26	24	2	8	-2
UWE	11	33	17	16	6	-5
Northumbria	12	35	41	-6	14	2
MMU	13	40	28	12	10	-3
NTU	14	40	39	1	13	-1

9.4.2 If the Provider cohort results are aggregated to show performance by Provider group rather than study centre (i.e., combining the passing rates across all branches operated by Providers), the ULaw group of Provider cohorts emerges as the most consistently successful across the Spring 2020 (August sitting) examinations. Care should be taken in interpretating these figures as they are not weighted to reflect candidate numbers.

| Provider	Rank Spring 2020 (August sitting)	Ranking score Spring 2020 (August sitting)	Ranking score Spring 2019	Change in score	Rank Spring 2019	Change in rank order Spring 2020 (August sitting) vs. Spring 2019
ULaw London	2	11	10	1	3	1
ULaw Bham	3	11	21	-10	7	4
Ulaw Leeds	7	21	28	-7	9	2
Ulaw Group	4	14.3	19.7	-5.3	6.3	2.3
BPP Manchester	1	7	3	4	1	0
BPP Bristol	4	11	33	-22	11	7
BPP Birmingham	5	12	35	-23	12	7
BPP Leeds	8	22	9	13	2	-6
BPP London	10	26	24	2	8	-2
BPP Group	5.6	15.6	20.8	-5.2	6.8	1.2
Cardiff	6	19	15	4	5	-1
City	9	25	12	13	4	-5
Pre-'92 Universities	7.5	22	13.5	8.5	4.5	-3
UWE	11	33	17	16	6	-5
Northumbria	12	35	41	-6	14	2
MMU	13	40	28	12	10	-3
NTU	14	40	39	1	13	-1
Post-92 University Group	12.5	37	31.25	5.75	10.75	-1.75

9.5 Changes in post-intervention passing rates Spring 2018 to 2020 (August sitting)
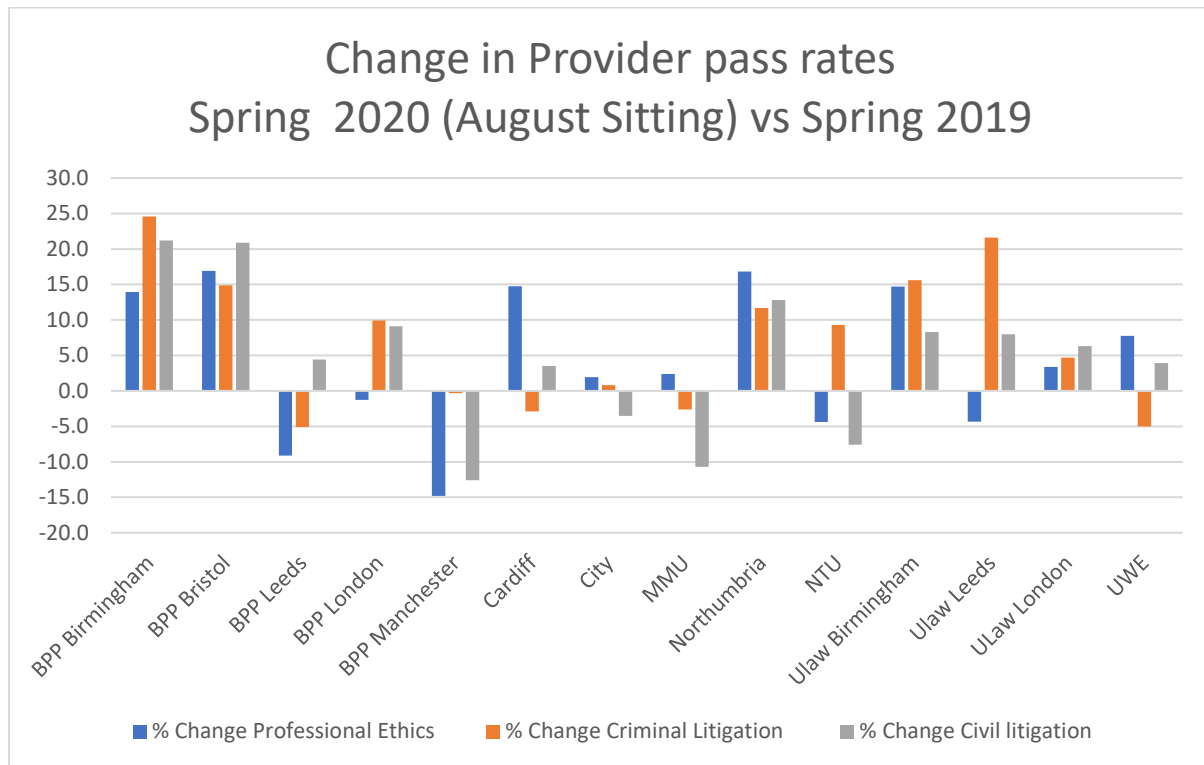
This table looks at the year-on-year change in post-intervention Provider cohort passing rates across the three centrally assessed area comparing the Spring 2019 and Spring 2020 (August sitting) results for BPTC candidates. The figures show that 4 Provider cohorts managed to increase their passing rates across all three subject areas (none achieved this in Spring 2019). Only one Provider cohort (BPP Manchester) saw a year-on-year decline across all three subject areas. The average change across the subject areas was: Professional Ethics up 4.2%; Civil Litigation up 3.5%, and Criminal Litigation down 5%. Looking at the changes in post-intervention passing rates across all three subjects at each Provider (i.e., aggregating the rise and fall in passing rates) shows that 9 Provider cohorts managed to achieve net rises in their aggregated passing rates compared to Spring 2019 (BPP Birmingham up over 59%). At subject level, the highest year-on-year improvement was achieved by BPP Birmingham in respect of Criminal Litigation (up 24.6%), whilst the biggest reverse was experienced by BPP Manchester in Professional Ethics (-14.8%).
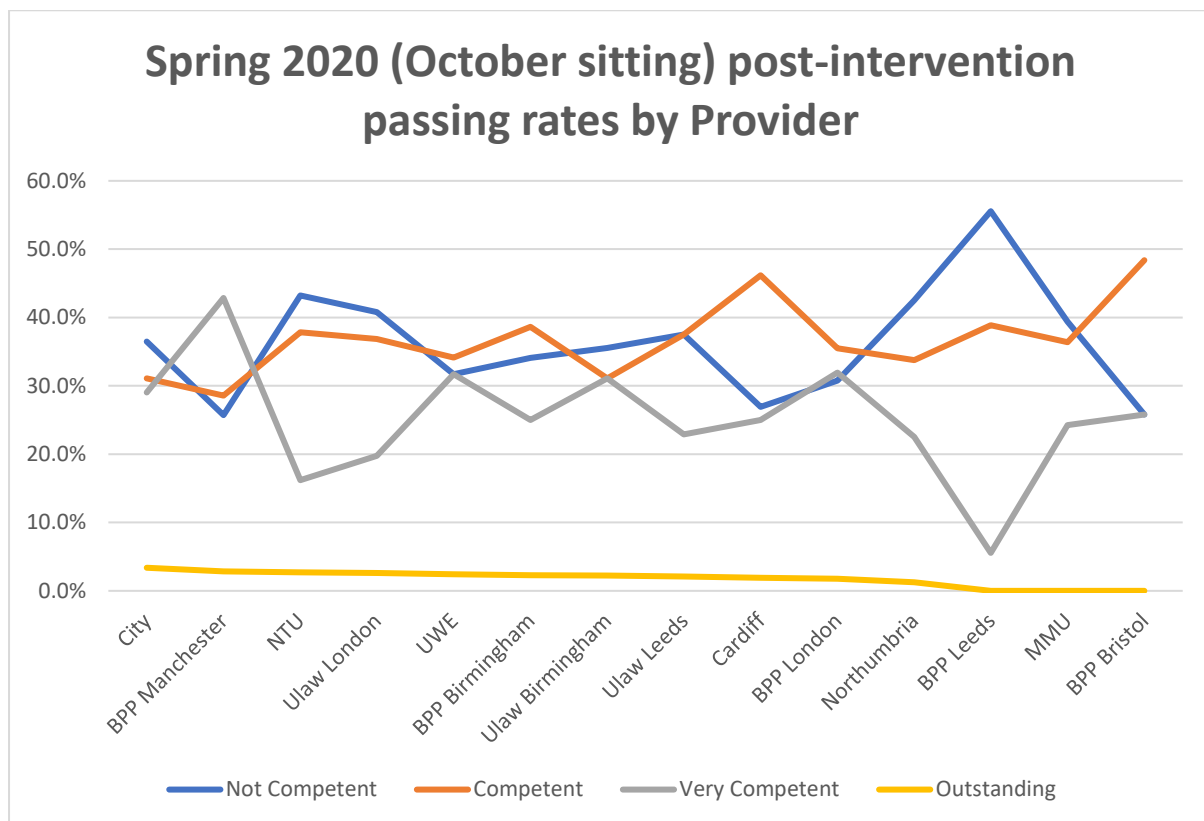
10. COMPARING SPRING 2020 (OCTOBER SITTING) RESULTS ACROSS PROVIDERS

10.1 Spring 2020 (October sitting) post-intervention passing rates by Provider
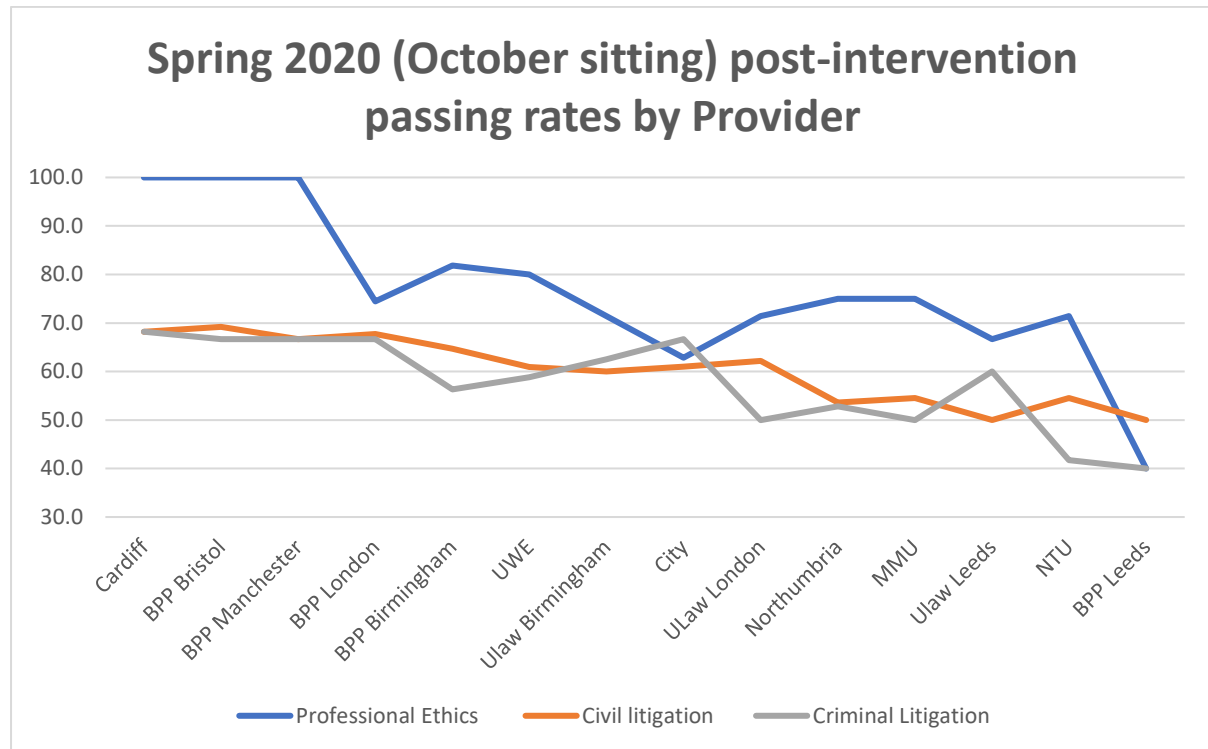
Spring 2020 (October sitting) post-intervention passing rates by Provider

Providers are ranged left to right according to the average post-intervention passing rate achieved by their cohorts across all three subject areas in the Spring 2020 (October sitting) centralised assessments. Cardiff is the highest or joint highest performing cohort in two out of the three centralised assessments with an average passing rate across the three subject areas of 78.8% and BPP Leeds the lowest at 43.3% (weakest or joint weakest cohort in all 3 subject areas). The highest post-intervention cohort passing rate in any of the centrally examined subject areas was achieved by Cardiff, BPP Bristol, and BPP Manchester with a 100% passing rate in respect of Professional Ethics. The lowest Provider cohort performance across any centrally examined subject areas was achieved by BPP Leeds where only 40% passed Criminal Litigation. Every Provider cohort, except City and BPP Leeds achieved their best performance in Professional Ethics. The correlation between Provider cohort performance in the two litigation subject areas is striking, and in only two instances does a Provider's cohort performance in Criminal Litigation exceed its performance in Civil Litigation.

10.2 Analysis of grade boundary distribution within each Provider cohort Spring 2020 (October sitting)

Spring 2020 (October sitting) post-intervention passing rates by Provider

The data in the above table shows the spread of candidates at each Provider achieving a grade of "Outstanding", "Very Competent", "Competent" or "Not Competent" in one of the three centralised assessments in the Spring 2020 (October sitting). By way of example, if a Provider had 60 candidates and each candidate attempted the three centralised assessments there would be 180 instances of candidates attempting the centralised assessments at that Provider. If, across all three centralised assessments there were 18 instances at that Provider 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 Provider 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 that at City (where there were 148 instances of a candidate attempting a centralised assessment), 3.4% of those instances resulted in candidates achieving an "Outstanding" grade, 29% resulted in candidates achieving a "Very Competent" grade, 31% a "Competent" grade and in 36.5% of instances a "Not Competent" grade. BPP Manchester had, by some margin, the highest proportion of candidates at any provider achieving the 'Very Competent' grade – 42.9% across 35 instances of assessment. BPP Leeds arguably had the weakest cohort in this respect, of 18 instances of assessment no candidates were graded "Outstanding" grade, and only 5.6% "Very Competent".

10.3 Distribution of grade boundaries across Provider cohorts Spring 2020 (October sitting)

For the Spring 2020 (October sitting) sitting there were 857 instances of BPTC candidates attempting the three centralised assessments. The table below illustrates the proportion of that 857 represented by the candidates at each Provider. Hence BPP Birmingham, with 44 instances of candidates attempting the centralised assessments, contributed 5.1% of the 857 total instances of assessment. The two right hand columns indicate the proportion of the overall total of "Very Competent" and "Outstanding" grades awarded to candidates at each Provider. On this basis it can be seen that, whilst City contributed 17.3% of assessment instances, its candidates are (over) achieving with 18.7% of the "Very Competent" grades awarded across all Providers, and 27.8% of all "Outstanding" grades. The red/green colour coding indicates whether a cohort has under or over-achieved in this regard.

	Instances	% of instances	% of Very Competents	% of Outstandings
BPP Birmingham	44	5.1%	4.8%	5.6%
BPP Bristol	31	3.6%	3.5%	0.0%
BPP Leeds	18	2.1%	0.4%	0.0%
BPP London	169	19.7%	23.5%	16.7%
BPP Manchester	35	4.1%	6.5%	5.6%
Cardiff	52	6.1%	5.7%	5.6%
City	148	17.3%	18.7%	27.8%
MMU	33	3.9%	3.5%	0.0%
Northumbria	80	9.3%	7.8%	5.6%
NTU	37	4.3%	2.6%	5.6%
Ulaw Birmingham	45	5.3%	6.1%	5.6%
Ulaw Leeds	48	5.6%	4.8%	5.6%
Ulaw London	76	8.9%	6.5%	11.1%
UWE	41	4.8%	5.7%	5.6%

10.4 Ranking of Provider cohorts Spring 2020 (October sitting)

10.4.1 Provider cohort performance can also be compared in terms of the ranking position of each Provider cohort in each of the centrally assessed areas. For these purposes a Provider cohort ranked first in one of the three centrally assessed subjects is awarded 1 point, and a Provider cohort ranked last out of 14 is awarded 14 (hence the lower the total the stronger the Provider's cohort). On this basis the Spring 2020 (October sitting) Provider cohorts can be ranked as per the table below (Spring 2019 rankings and change provided for reference), revealing that BPP Bristol emerges as having the best rating and BPP Leeds the worst. BPP Bristol is also the most improved Provider cohort, moving up 10 places, whilst BPP Leeds drops the most losing 12 places. Care should be taken in interpretating these figures as they are not weighted to reflect candidate numbers, and the October sitting had relatively small cohort numbers, resulting in greater volatility in year-on-year comparisons.
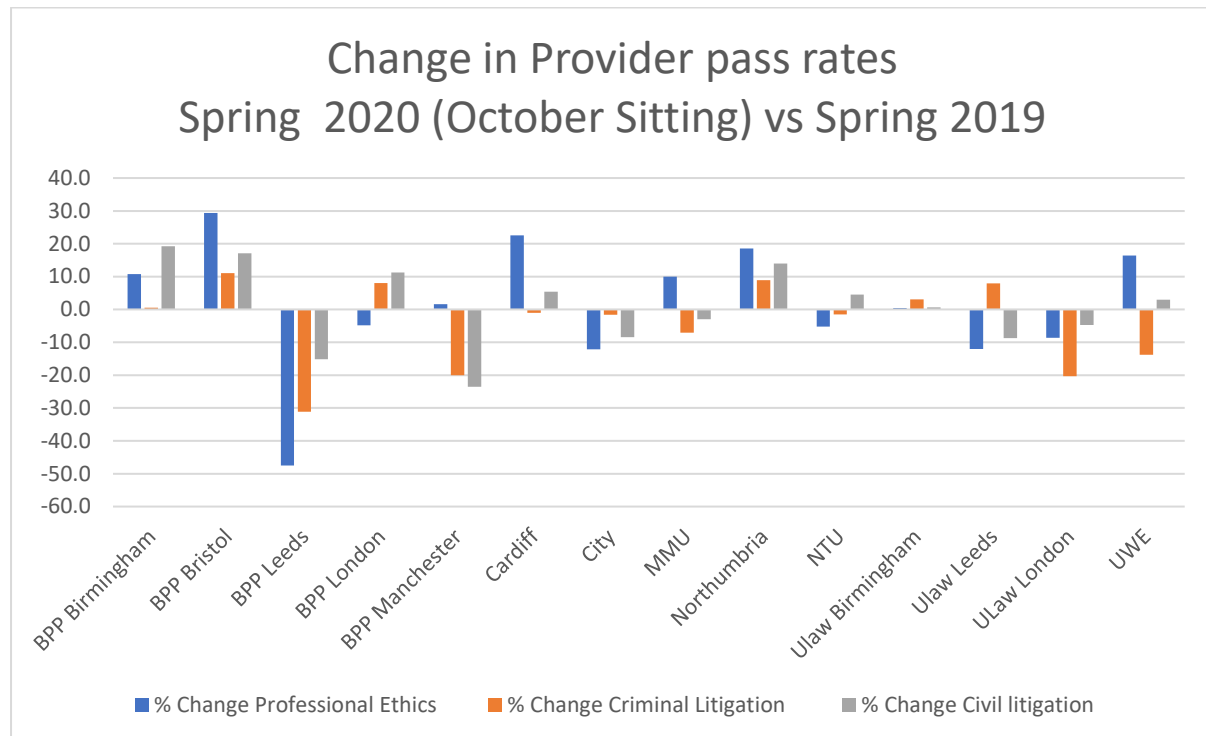
Provider	Rank Spring 2020 (October sitting)	Ranking score Spring 2020 (October sitting)	Ranking score Spring 2019	Change in score	Rank Spring 2019	Change in rank order Spring 2020 (October sitting) vs. Spring 2019
BPP Bristol	1	4	33	-29	11	10
Cardiff	2	4	15	-11	5	3
BPP Manchester	3	6	3	3	1	-2
BPP London	4	13	24	-11	8	4
BPP Birmingham	5	18	35	-17	12	7
UWE	6	21	17	4	6	0
City	7	22	12	10	4	-3
Ulaw Birmingham	8	24	21	3	7	-1
ULaw London	9	26	10	16	3	-6
MMU	10	27	28	-1	10	0
Northumbria	11	28	41	-13	14	3
NTU	12	32	39	-7	13	1
Ulaw Leeds	13	32	28	4	9	-4
BPP Leeds	14	41	9	32	2	-12

10.4.2 If the Provider cohort results are aggregated to show performance by Provider group rather than study centre (i.e., combining the passing rates across all branches operated by Providers), the 'Pre-92' grouping of Providers emerges as the strongest, with an average ranking of 4.5. The ULaw grouping, the strongest grouping in the Spring 2020 (August sitting), has the weakest overall performance in the Spring 2020 (October sitting). Again, care should be taken in interpretating these figures as they are not weighted to reflect candidate numbers, and the October sitting had relatively small cohort numbers, resulting in greater volatility in year-on-year comparisons.

Provider	Rank Spring 2020 (August sitting)	Ranking score Spring 2020 (August sitting)	Ranking score Spring 2019	Change in score	Rank Spring 2019	Change in rank order Spring 2020 (August sitting) vs. Spring 2019
Cardiff	2	4	15	-11	5	3
City	7	22	12	10	4	-3
Pre-'92 Universities	4.5	13	13.5	-0.5	4.5	0
BPP Bristol	1	4	33	-29	11	10
BPP Manchester	3	6	3	3	1	-2
BPP London	4	13	24	-11	8	4
BPP Birmingham	5	18	35	-17	12	7
BPP Leeds	14	41	9	32	2	-12
BPP Group	5.4	16.4	20.8	-4.4	6.8	1.4
MMU	10	27	28	-1	10	0
Northumbria	11	28	41	-13	14	3
NTU	12	32	39	-7	13	1
UWE	6	21	17	4	6	0
Post-92 University Group	9.75	27	31.25	-4.25	10.75	1
Ulaw Birmingham	8	24	21	3	7	-1
ULaw London	9	26	10	16	3	-6
Ulaw Leeds	13	32	28	4	9	-4
Ulaw Group	10	27.3	19.7	7.7	6.3	-3.7

10.5 Changes in post-intervention passing rates Spring 2018 to 2020 (October sitting)

This table looks at the year-on-year change in post-intervention Provider cohort passing rates across the three centrally assessed areas comparing the Spring 2019 and Spring 2020 (October sitting) results for BPTC candidates. The figures show that 4 Provider cohorts managed to increase their passing rates across all three subject areas (none achieved this in Spring 2019). Interestingly, these are the same 4 Provider cohorts that achieved an improvement in all three passing rates when comparing Spring 2020(August sitting) with Spring 2019 outcomes (see 10.5.1, above). Three Provider cohorts saw a year-on-year decline across all three subject areas. The average change across the subject areas was: Professional Ethics up 1.4%; Civil Litigation up 0.8%, and Criminal Litigation down 4.1%. Looking at the changes in post-intervention passing rates across all three subjects at each Provider (i.e., aggregating the rise and fall in passing rates) shows that 6 Provider cohorts managed to achieve net rises in their aggregated passing rates compared to Spring 2019 (BPP Bristol up over 57%). At subject level, the highest year-on-year improvement was achieved by BPP Bristol in respect of Professional Ethics (up 29.4%), whilst the biggest reverse was experienced by BPP Leeds in Professional Ethics (-47.5%). The usual caveats apply in interpretating these figures as the October sitting had relatively small cohort numbers, resulting in greater volatility in year-on-year comparisons.

Professor Mike Molan
Chair of the Central Examination Board
22nd February 2021