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

**BPTC Summer 2020 Sitting
(December 2020)**

EXECUTIVE SUMMARY

The Central Examination Board ('CEB') has now completed its ninth cycle of overseeing Summer 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. As a consequence of this, the Summer sit (resit) examinations that would normally have been held in August 2020 were deferred to December 2020. Candidates for the December 2020 BPTC examinations will have comprised a mixture of those resitting the Spring 2020 examinations, those who for a variety of reasons had to defer their first attempts at the centralised assessments from the Spring 2020 sit, and resitters from previous years. The confirmed post-intervention outcomes of the Summer 2020 centralised assessments following review of the BPTC cohort performance by the CEB are as follows:

	Summer 2020 (December Sitting)	Summer 2019	Summer 2018	Summer 2017
Professional Ethics				
Number of Candidate	345	406	469	537
Passing SAQ	77.1%	69.7%	57.8%	56.6%
Civil Litigation and Evidence				
Number of Candidate	580	610	528	517
Passing MCQ	52.6%	46.9%	51.3%	43.9%
Criminal Litigation, Evidence, and Sentencing				
Number of Candidate	516	638	357	290
Passing MCQ	43%	45.4%	58.8%	47.2%

Trend data is shown from 2017 onwards as that is the cycle where the current format for the centralised BPTC examinations was introduced. The point of comparison is with previous Summer (August sits). Results for Summer 2020 are either close to or better than results for Summer 2019. Both Civil Litigation and Professional Ethics achieved their highest Summer sit pass rates since the new exam formats were introduced for the Summer 2017 sit. By contrast the Criminal Litigation pass rate is the lowest (marginally) Summer sit outcome since the new format was introduced.

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 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 an 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

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

1.3.2   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

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[1] NB Remedies was later removed from the syllabus

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 BPTC Provider centres and active dates

Table of Provider Centres and Active Dates										
Provider	Centre	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
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 Nothumbria ('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 (this was deferred to December 2020 for the Summer 2020 sit – see above). Some candidates undertaking these examinations may be doing so on a deferred basis (i.e. for the first time).
- "Combined" refers to the pre-Spring 2017 assessment format where the result for a centrally assessed knowledge area was arrived at by aggregating a candidate's MCQ and SAQ scores.

2. THE ASSESSMENT PROCESS SPRING 2017 ONWARDS

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

2.1 How examination papers are devised and approved

2.1.1   The bank of material used for compiling the centralised assessments is derived from a number of sources including: questions devised by specialist question writers commissioned by the BSB (some of whom are based at 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 team to ensure that all questions comply with the current curriculum. Any recommendations made during this process by the BSB's syllabus team are passed on to the Chief Examiner who will determine any changes to be made to the draft paper. The draft paper is then stress tested under the equivalent of exam conditions, and the outcomes used to inform further review by the relevant Chief Examiner. The outcome of this process is fed back to the Chief Examiner who makes the final decision on whether to alter any of the questions as a result. Finally, a proof-reader checks each exam paper for compliance with house style, grammatical accuracy, typographical errors, and ease of reading.

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

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

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

2.3 How the exams are conducted

2.3.1   Candidates across all 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   Candidates are 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. Summer 2020 exam dates were as follows:

Professional Ethics: Wednesday 2 December 2020 14:00
Criminal Litigation: Friday 4 December 2020 14:00
Civil Litigation: Wednesday 9 December 2020 14:00

2.4 Marking

2.4.1   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.

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

2.4.3   Once Professional Ethics scripts are uploaded, the BSB staff compare the scripts received with the exam attendance lists supplied by 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").

2.4.4   Markers are divided into teams - there are always six teams, but the number of markers per team depends on the number of markers available and the number of Professional Ethics scripts to be marked. Teams consist of Bar Professional Training Course 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.

2.4.5   The Chief Examiner selects a range of sample SAQ scripts and each member of the Professional Ethics examining team is assigned one or two SAQs to review the sample scripts and mark them so that their marks can be used for calibration during the markers' meeting exercise (creating what is referred to as 'version 1' of the mark scheme). The marking for each SAQ is then allocated to a team of markers and each member of the marking team marks

the same sample as the member of the examining team. A team leader is allocated to each SAQ marking team and acts as a liaison between the markers and the examining team. Prior to the markers' meeting, a meeting between the BSB exams team, the Ethics examining team, and the Team Leaders takes place to ensure that the Team Leaders receive clarity and support for their role. Immediately following this, each member of the examining team has a one-to-one discussion with the Team Leaders for each SAQ for the purposes of addressing any general marking queries and seeking clarification from the examining team on feedback obtained from the sample marking for their teams. This helps to focus the discussions which follow with all markers during the markers' meeting. Markers are invited to a markers' meeting where, at the plenary session, matters of general application are discussed. Following this, markers meet in groups based on the SAQ they have been allocated and this generates a discussion of the sample marking and the application of the mark scheme that also influences and feeds into a revised mark scheme ('version 2').

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

2.4.7   Markers are instructed that they may award a candidate a mark of 0 for a part of an answer if what the candidate has written is incoherent prose (bullet-point answers are acceptable). Similarly, where the salient points can only be identified by the marker making an extensive search for points throughout unconnected parts of the examination script, they are instructed that they may award a mark of 0 rather than joining together unconnected points from across the candidate's script. Any decision by a marker that a script falls below these thresholds is subject to review and moderation to ensure fairness

and consistency in the application of these threshold requirements. Similarly, where a marker is having difficulty with the legibility of a candidate's script the marker will, in the first instance, print the relevant pages to see if that assists and, if difficulties persist, escalate the matter to the marking Team Leader to resolve. Where necessary, issues of legibility can be referred to the CEB examining team for further assistance and a final decision on whether a script is legible or not. Where part of an answer is confirmed as being illegible, the candidate can still be awarded marks for that part of the answer that is legible.

2.4.8   In the initial stages of the marking process, each marker normally marks 20 of their allocated scripts and cannot proceed further without the Team Leader moderating their marking and providing feedback. In the event that marking is satisfactory, markers proceed with the remainder of the allocated stack. Where, however, a Team Leader has concerns about a marker (in that their marking deviates from the norm), a second round of moderation is conducted, and the marker will not continue unless the Team Leader is satisfied with the marking in this second calibration. In some instances where a second moderation has taken place and marking has been deemed satisfactory, the marker will proceed with marking, but will be subject to dip sampling of the remaining scripts. If necessary, markers of concern can be removed from the marking process and scripts reallocated for marking. The same process applies to Team Leaders, whose marking is moderated by the Examining Team. Each Marking Team Leader produces a report at the end of first marking indicating any areas for concern. The reports are considered by the CEB examining team.

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

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

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

2.5 Standard setting for the Professional Ethics assessment

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

2.6 Examination Boards

2.6.1   The CEB operates a two-tier Examination Board process. A first-tier Subject Board is convened for each of the knowledge areas attended by all members of the examining team, the Independent Psychometrician and Independent Observer. The recommendations from each of these first-tier Boards are then fed into an over-arching Final Examination Board where the recommendations are considered and a final decision on cohort performance in each of the centralised assessment knowledge areas is arrived at.

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

2.6.3   On the basis of the above evidence, and as advised by the Independent Psychometrician, the Subject Boards have the discretion to intervene where there is evidence that a particular element of an assessment has not operated effectively. Options typically include:
- crediting more than one answer to an MCQ as correct.
- disregarding an MCQ or part of an SAQ entirely if deemed defective or inappropriate (e.g., no correct answer) – no candidate is credited, and the maximum score is recalculated.
- crediting all candidates with the correct answer if an MCQ or part of an SAQ is deemed defective or inappropriate.
- scaling overall marks for an assessment, or for a sub-cohort due to local assessment issues (provided the sub-cohort constitutes a statistically reliable sample for scaling purposes).
- (in respect of the Professional Ethics SAQ results) scaling the marks awarded by a marker, second marker, or marking team.

2.6.4   In confirming marks for cohorts of candidates the CEB is concerned to ensure that a consistent measure of achievement has been applied across all 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.

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

2.7 Reporting results to Providers

2.7.1 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% pass 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 passing standard adopted.

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

2.8 Grade boundary allocations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. SUMMER 2020 RESULTS IN PROFESSIONAL ETHICS

3.1 Professional Ethics provisional pre-intervention pass rates – all Providers Summer 2017 to Summer 2020

Professional Ethics All Provider Pre-Intervention	Summer 2020 (December Sitting)	Summer 2019	Summer 2018	Summer 2017
SAQ Passing Rate	77.1%	69.7%	57.8%	49.0%

The table above shows a Summer 2020 provisional pre-intervention pass rate of 77.1%; that is a significant improvement on Summer 2019 and is highest achieved across the four sittings for which data is provided. The Summer 2020 pass rate is a product of the Final Board endorsing a recommended passing standard for the Professional Ethics SAQ assessment of 35.5/60 (see 2.5 above for further explanation of standard setting). Data from cycles prior to Summer 2017 have been excluded as the form of assessment was different prior to 2017 (an MCQ paper comprising twenty questions, and an SAQ paper comprising three questions – both elements having a fixed pass mark of 60%).

3.2 Details of Final Examination Board discussions

3.2.1 The Board noted the all-Provider BPTC pre-intervention pass rate of 77.1% achieved by 345 candidates, alongside the pass rate for the cohort of 82 BTT candidates which was 62.6%.

3.2.2 The Psychometrician reported that the standard setting process took place following standard procedures resulting in a recommended passing standard of 35.5/60.

3.3 Detailed statistical analysis of each SAQ sub-part

SAQ						
	Marks	Mean	Std Dev[2]	Corr. with other Qs[3]	Cont. to total variance[4]	Expected cont.[5]
SAQ 1(a)	6	4.07	1.11	0.38	7.3	10
	The question was highlighted by the Psychometrician as having under contributed to the total variance. The Chief Examiner observations noted that question dealt with disclosure of an authority and that most candidates had performed well spotting the CD3, CD5, and CD6 issues. The Psychometrician questioned in hindsight whether awarding 6 marks for this question was necessary due to it being a straightforward question. The					

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

SAQ						
	Chief Examiner noted that due to the answer having several layers, that they needed to be sure to award credit for every issue that was being raised both in terms of knowledge and application. The examining team members were content with the content of both the question and mark scheme. The Board decided no intervention was warranted.					

SAQ 1(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	4	3.89	0.93	0.33	7.0	6.7

There were no material points raised by either the Chief Examiner or the Psychometrician and the Board confirmed that no intervention was warranted.

SAQ 2(a)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	6	3.60	1.26	0.43	7.8	10

The question was highlighted by the Psychometrician as having under contributed to the total variance. Most candidates performed well, spotting the CD3 and CD6 issues, and candidates at the higher end were able to distinguish between what should be disclosed in the criminal situation as opposed to what may happen in civil proceedings. The examining team members were content with the content of both the question and mark scheme. The Board decided no intervention was warranted.

SAQ 2(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	4	3.89	0.93	0.33	7.0	6.7

There were no material points raised by either the Chief Examiner or the Psychometrician and the Board confirmed that no intervention was warranted.

SAQ 3(a)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	2.68	1.34	0.25	7.8	8.3

The Chief examiner noted that candidates found this question difficult, with some focusing very narrowly on money laundering and missing out on some core duty points provided for in the mark scheme. The Chief Examiner confirmed that both the fact pattern and question stem were appropriately drafted, and that the mark scheme had been amended to allow flexibility in crediting answers. The examining team members were content with the content of both the question and mark scheme. The Board decided no intervention was warranted.

SAQ 3(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.

SAQ						
	5	3.56	1.22	0.37	6.6	8.3
	There were no material points raised by either the Chief Examiner or the Psychometrician and the Board confirmed that no intervention was warranted.					

SAQ 4(a)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	6	2.36	1.50	0.33	9.9	10
	The Chief Examiner advised the Board that this was a question that had been tested before and it was within syllabus. Candidates appeared to struggle with this question, many mentioning CD1 and CD2 but very much on a superficial level in that they recognised the core duties that were engaged but were not able to go through the mechanics and work through the question in a practical sense. The examining team members were content with the content of both the question and mark scheme. The Board decided no intervention was warranted.					

SAQ 4(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	4	2.24	1.07	0.26	5.5	6.7
	There were no material points raised by either the Chief Examiner or the Psychometrician and the Board confirmed that no intervention was warranted.					

SAQ 5(a)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	3.48	1.18	0.60	10.9	8.3
	The question was highlighted by the Psychometrician as having over contributed to the total variance. The examining team commented that candidates appeared to have spotted the 'cab-rank' rule issues but not others that arose from the fact pattern, and as a result had not been able to benefit from all the credit allowed for in the marking scheme. The examining team members were content with the content of both the question and mark scheme. The Board decided no intervention was warranted.					

SAQ 5(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	2.46	1.24	0.43	9.2	8.3
	There were no material points raised by either the Chief Examiner or the Psychometrician and the Board confirmed that no intervention was warranted.					

| SAQ						
	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
SAQ 6(a)	5	3.22	1.16	0.48	9.2	8.3
	There were no material points raised by either the Chief Examiner or the Psychometrician and the Board confirmed that no intervention was warranted.					
SAQ 6(b)	Marks	Mean	Std Dev	Corr. with other Qs	Cont. to total variance	Expected cont.
	5	1.52	1.52	0.43	11.9	8.3
	The question was highlighted by the Psychometrician as having over contributed to the total variance. The Chief Examiner noted that the question dealt with serious misconduct but there were other layers in the mark scheme that candidates largely failed to explore. Candidate fatigue may have been an issue as this was the final sub-part on the paper (assuming most candidates attempted the questions sequentially). The examining team members were content with the content of both the question and mark scheme. The Board decided no intervention was warranted.					

3.3.1 No interventions were deemed necessary in respect of any of the SAQs or their sub-parts and there were no unresolved marking and moderation issues requiring consideration by the Final Board. The Psychometrician advised the Board that the that the reliability score for this assessment, using the Kruder Richardson Scale, was 0.75 which showed an improvement on the Summer 2019 figure of 0.68. The Final Board endorsed the proposed passing standard of 35.5/60 as proposed by the standard setting process. The Independent Observer confirmed that due process had been observed.

3.4   Professional Ethics post-intervention pass rates – all Providers Summer 2017 to Summer 2020

| Professional Ethics All Provider Post-Intervention	Summer 2020 (December Sitting)	Summer 2019	Summer 2018	Summer 2017
SAQ Passing Rate	77.1%	69.7%	57.8%	56.6%

The table above confirms that there were no interventions necessary in respect of the results for Professional Ethics hence pass rates remain unchanged.

3.5 Professional Ethics Summer 2020 pass rates across all Providers

Professional Ethics - Summer 2020 (December Sit) Pass Rate Comparison
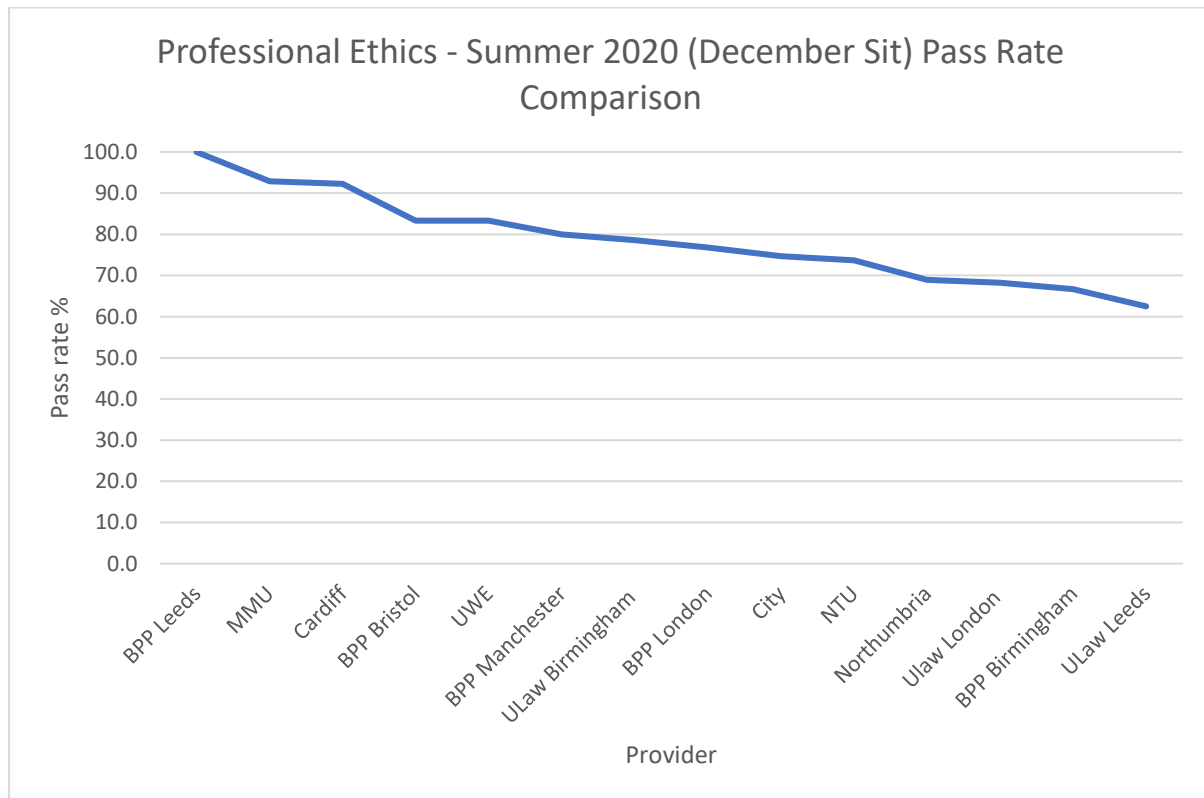
Providers are ranged left to right in order of their Summer 2020 pass rates. Hence BPP Leeds had the highest pass rate at 100% and ULaw Leeds the lowest at 62.5% - a range of 37.5%. The variation in Provider cohort performance is marked. The top three Provider cohorts have an average pass rate of over 95%, whilst the bottom three Provider cohorts have an average pass rate of just 65.8%, suggesting the assessment discriminated effectively between weak and strong cohorts.

3.6 Professional Ethics Summer post-intervention pass rates 2017 to 2020

Professional Ethics Summer 2017-2020 Post-Intervention Pass Rates
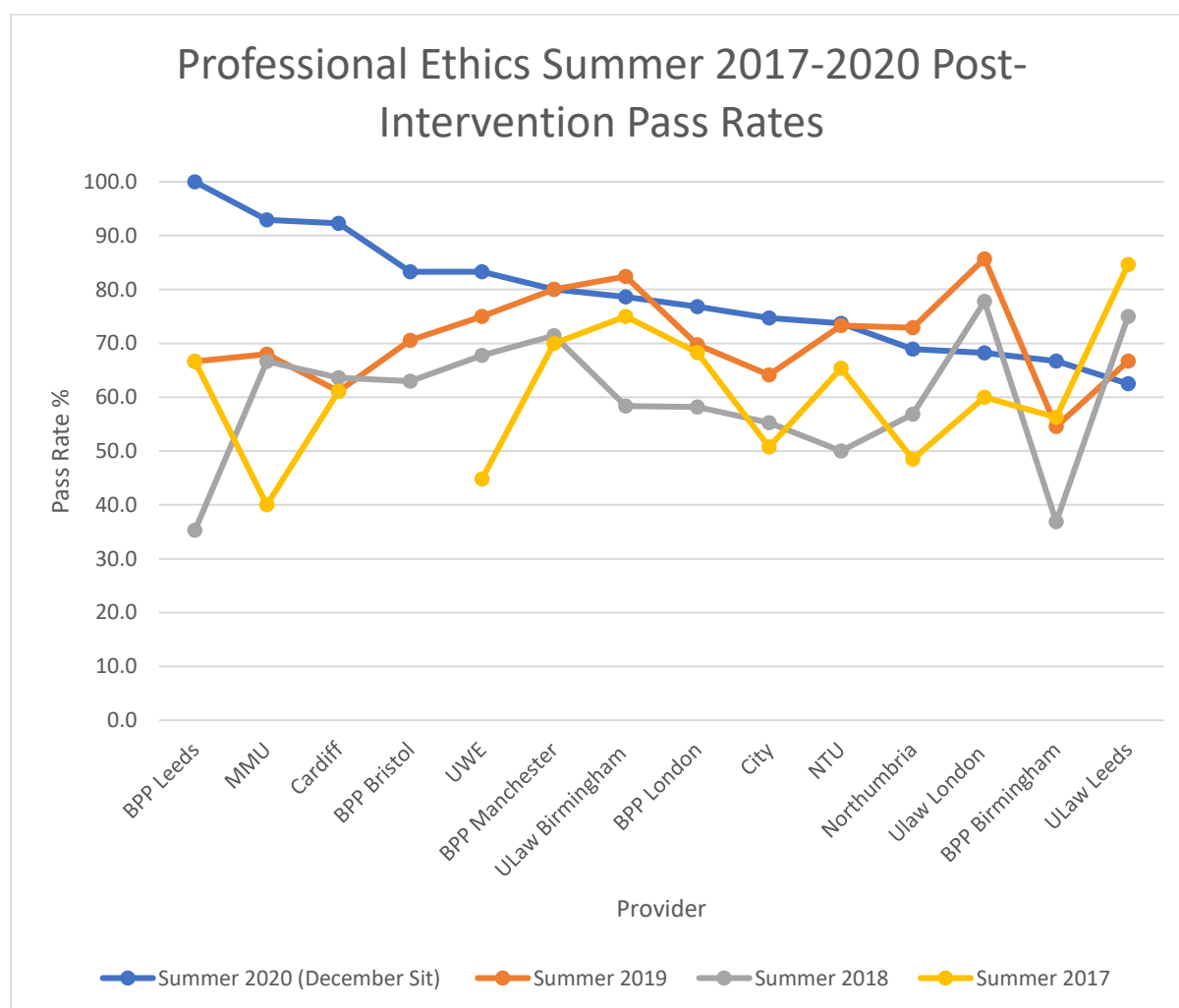
3.6.1 Providers are ranged left to right in order of their Summer 2020 pass rates, and the data shows their pass rates across the four Summer assessment cycles from Summer 2017 to Summer 2020 (note that BPP Bristol entered its first cohort in Spring 2018). Data for sittings before Summer 2017 have been excluded as the form of assessment was significantly different prior to Summer 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.

3.6.2 Of those Providers who had cohorts for each Summer sit of the Professional Ethics exam between 2017 and 2019, BPP Manchester, achieved the highest average cohort pass rate (75.4%), whilst the lowest average is recorded by BPP Birmingham (53.6%).

3.6.3 Looking at the change in Provider cohort performance from Summer 2019 to Summer 2020 across the 14 Provider centres, 10 Provider cohorts delivered an improved performance, one was unchanged, and four showed a decline in

pass rates. BPP Leeds showed the biggest improvement with an increase of over 33%, whilst ULaw London showed the sharpest decline with a drop of over 17% compared with Summer 2019. On average, Providers saw a rise of over 7.9% in post-intervention pass rates compared to Summer 2019, although this figure is distorted to some extent by the BPP Leeds cohort performance.

3.6.4   Comparing Summer 2020 cohort pass rates with Summer 2017 shows 12 Provider centres with better cohort pass rates in Summer 2020 compared with Summer 2017 – with MMU improving by over 52%. On average Providers saw a rise of over 17% in pass rates compared to Summer 2017. (BPP Bristol is excluded from this calculation as it had no cohort in Summer 2017.)

3.7 Overall grade boundary distribution

| All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
22.9%	38.0%	33.0%	6.1%

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 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 those awarded marks between 85% and 100% were graded "Outstanding". With the introduction of standard setting, the performance identified as equating to the passing 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 Summer 2019 all-Provider cohort results for Professional Ethics show that, on this basis, there are no candidates achieving the "Outstanding" classification.

3.8 Summer 2020 post-intervention grade boundaries by Provider
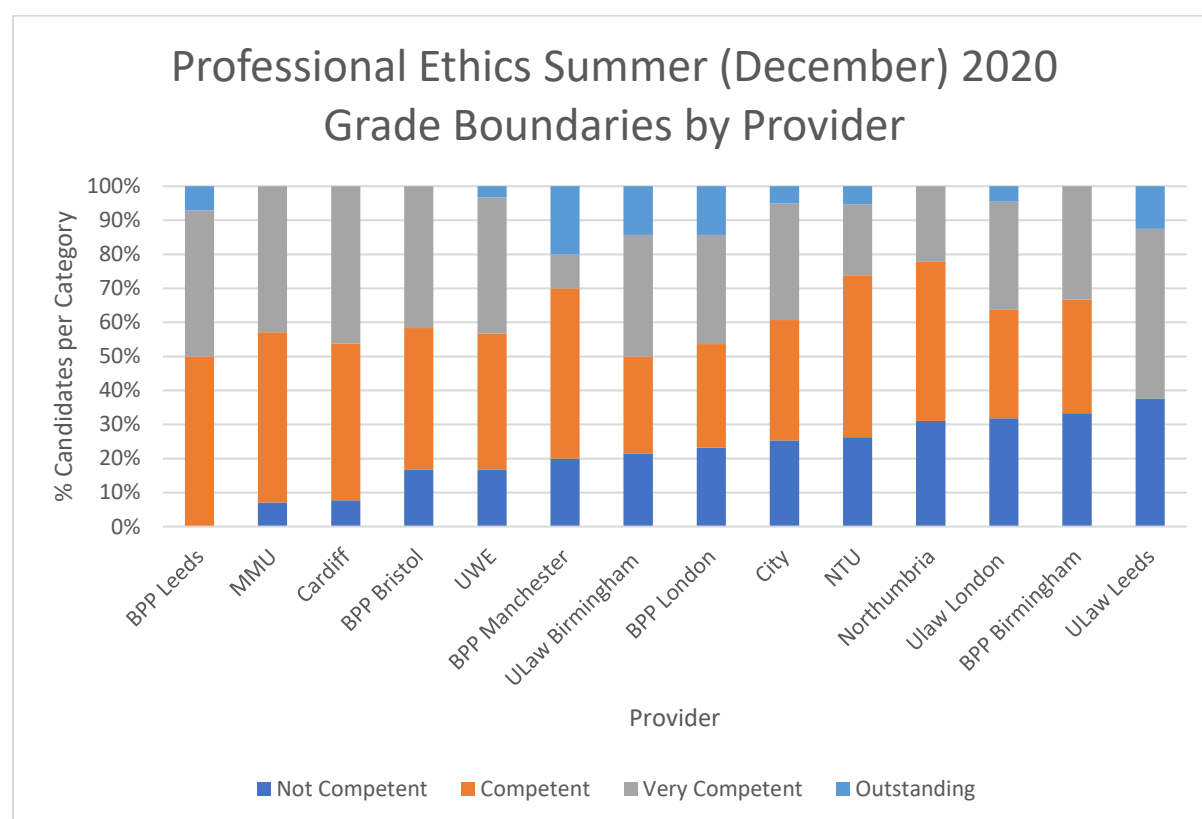
Professional Ethics Summer (December) 2020 Grade Boundaries by Provider

Providers are ranged from left to right in declining order of Summer 2020 post-intervention pass rates, hence the "Not Competent" grouping rises from left to right, mapping the increasing failure rate across the Provider cohorts. There were 21 candidates graded "Outstanding" across all Provider centres. The Provider with the highest percentage of its cohort rated at "Outstanding" was BPP Manchester (20%), but cohort numbers were very small. Interestingly, three of the four strongest cohorts, in terms of pass rates, had no candidates graded "Outstanding".

3.9 All-Provider Summer 2017 to Summer 2020 grade boundary trend analysis

Professional Ethics Grade Boundaries Trend Analysis Summer 2017 to Summer (December Sit) 2020
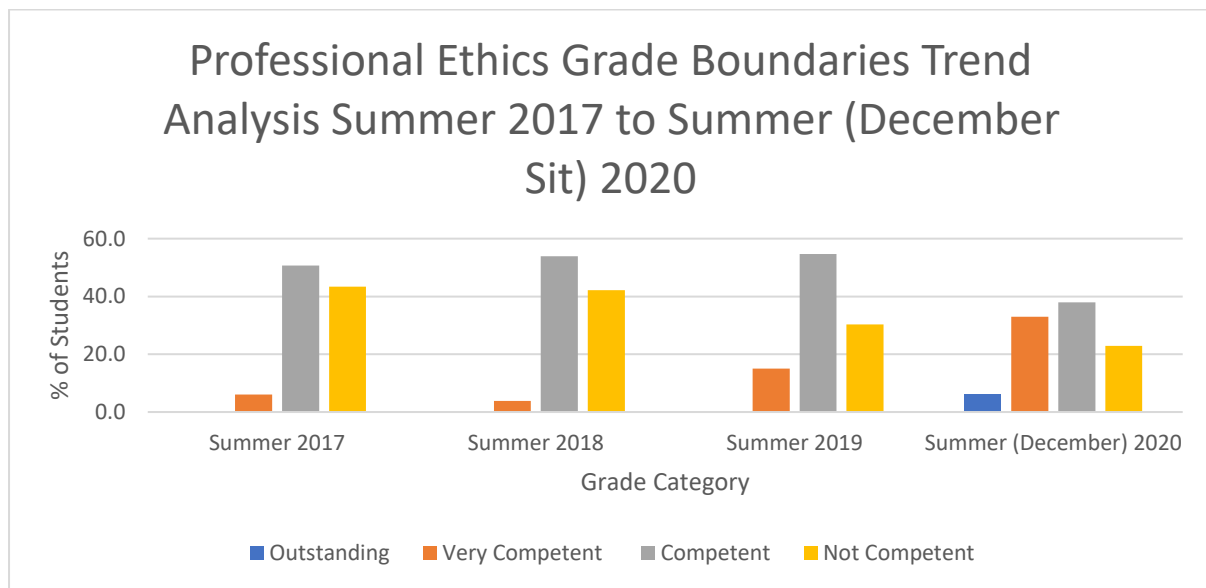
This is the first Summer sitting of the Professional Ethics examination, using the format introduced in 2017, where candidates have been graded "Outstanding". In what is generally a much stronger showing compared to Summer 2019, there is also a significantly higher proportion of candidates achieving the "Very Competent" grade (33% against 15%).

4. SUMMER 2020 CRIMINAL LITIGATION RESULTS

4.1 Criminal Litigation pre-intervention pass rates – all Providers Summer 2017 to Summer 2020

Criminal Litigation All Provider Pre-Intervention	Summer 2020 (December Sitting)	Summer 2019	Summer 2018	Summer 2017
MCQ Passing Rate	40.1%	19%	58.8%	45.9%

The table above shows the all-Provider Summer 2020 provisional pre-intervention BPTC cohort pass rate of 40.1% for Criminal Litigation, based on a passing standard recommended to the Final Board (as a result of the standard setting process) of 43/75. The pre-intervention provisional pass rate shows a marked recovery from Summer 2019 and is broadly in line with previous comparable cycles.

4.2 Pre-intervention histogram of MCQs
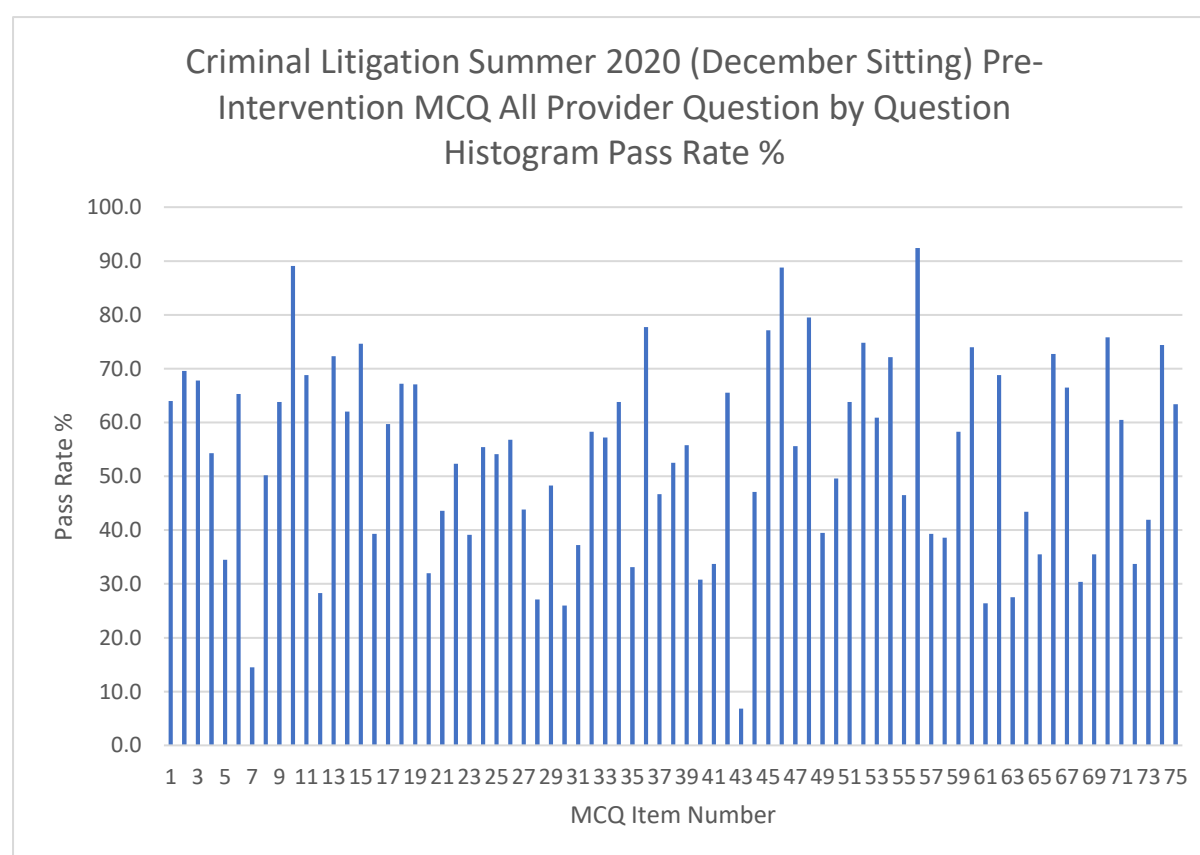
The pre-intervention data shows 22 MCQs with an all-Provider cohort pass rate below 40% (compared to 26 in the Summer 2019 sit). There is little evidence to suggest a falloff in candidate performance during the examination (assuming most candidates attempted the 75 MCQs in the order presented). Across the first 25 MCQs the average pass rate was 55.6%, across MCQs 26 to 50 it was 50.3%, and across MCQs 51 to 75 it rose again to 55.1%.

4.3 Details of Subject Board discussions and interventions

4.3.1 The Board noted that the Criminal Litigation examination was taken by both BPTC candidates (516) and BTT candidates (59).

4.3.2 Interventions agreed by the Final Board

Q.16	This SBA question related to hearsay evidence and was intended to test candidates' understanding of the most important considerations when deciding whether to adduce a hearsay application on the ground of fear. The question had poor discrimination, with negative discrimination on the original "best" answer (option [D]) and positive discrimination on option [A], which indicated that stronger candidates preferred option [A] to the intended best answer. There were also Provider comments which suggested that candidates would find it hard to distinguish between the two options. After discussion at the Subject Board, the examination team agreed that both options [A] and [D] contained valid considerations, and while a practitioner would prefer option [D], it would be difficult for a student to distinguish the two options and therefore option [A] should also be credited. To give the benefit of the doubt to candidates, the recommendation was to credit option [A] in addition to correct answer [D]. The Final Board accepted this recommendation.
Q.39	The Chief Examiner advised that this was an SBA dealing with the appropriate gateway for the admissibility of hearsay evidence. The question required candidates to analyse s.116 as the appropriate gateway which would them direct them to options [C] and [D]. Within s.116, proposal [D] was the most likely to succeed in the circumstances presented. However, although there was no evidence that the witness in the fact pattern had left the UK, unintentional steers seemed to have been included in the question that could have impacted on the choice made by candidates, making it a fine distinction between the two options. Her recommendation was that option [D] should be credited as a correct answer in addition to original correct answer, option [C]. This question had poor discrimination, although there was no positive discrimination on any of the distractors. The best answer to this question was based on candidates' analysis of the factual position in relation to the unavailability of a key defence witness and the intention of the question was that the most appropriate gateway for admission of the evidence was that the witness could not be found. There were comments from the Providers which requested that option [D] also be credited, as the fact pattern indicated that the witness was abroad and therefore this was an equally valid gateway for admission. The examiners' original interpretation of the question's fact pattern was that this was not the best conclusion in the circumstances. After lengthy discussion and further analysis of the question, the examiners concluded that the alternative interpretation contended for in the Provider feedback could be seen as equally valid (due to the way in which the latter part of the fact pattern was

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|---|
| expressed), that therefore this item did not operate as intended, and that the fairest outcome would be to credit both options. It was recommended that option [D] be credited in addition to original correct answer [C]. The Final Board accepted this recommendation. |

4.3.3. The Psychometrician advised the Final Board that the BPTC Criminal Litigation paper operated as an effective assessment instrument, achieving a reliability score (using the Kruder Richardson Scale) of 0.8 which is consistent with the benchmark rating of 0.8. The Final Board accepted the recommendation that a passing standard of 43/75 should be adopted.

4.3.4 The Independent Observer confirmed that the Board had conducted full and thorough discussion of all issues, and that the interventions applied had been appropriate.

4.4 Criminal Litigation post-intervention pass rates – all Provider Summer 2017 to Summer 2020

| Criminal Litigation All Provider Post-Intervention	Summer 2020 (December Sitting)	Summer 2019	Summer 2018	Summer 2017
MCQ Passing Rate	43%	45.5%	63.6%	47.2%

The Summer 2020 all-Provider BPTC post-intervention pass rate was 43%, down 2.5% on Summer 2019 and the lowest recorded for a summer sit across all four cycles of the new 75 MCQ assessment.

4.5 Summer 2020 pre- and post-intervention pass rates by Provider
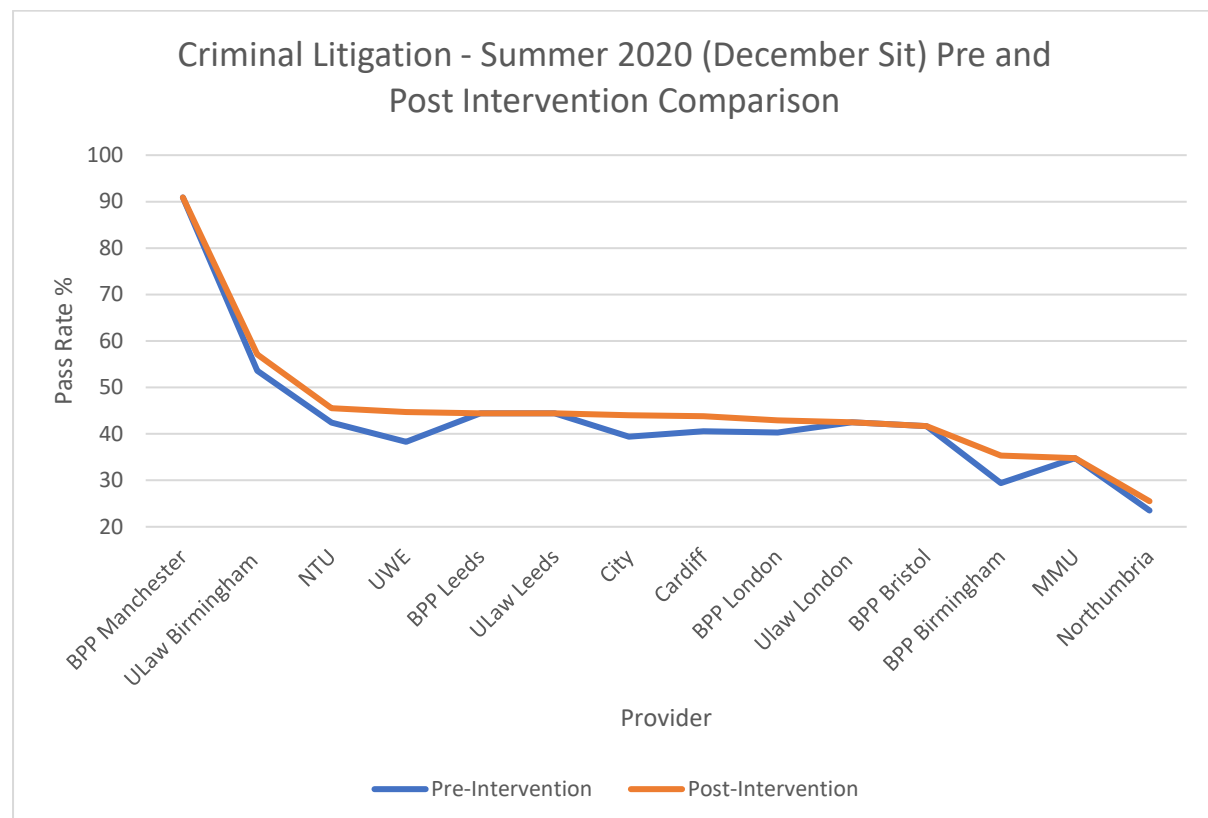
Criminal Litigation - Summer 2020 (December Sit) Pre and Post Intervention Comparison

Providers are ranged left to right in order of their post-intervention pass rates. Hence BPP Manchester had the highest Spring 2020 post intervention pass rate at 90.9% and Northumbria the lowest at 25.5% - a range of over 65% and easily the widest spread of performance across the three centrally assessed subjects. The interventions (in relation to MCQs 16 and 39) had no impact on pass rates at as regards 6 Provider cohorts, but the biggest positive impact was in respect of the UWE cohort where the pass rate rose by over 6%. Averaged across Provider cohorts, the impact was very marginal at just over 2%. Notwithstanding the relatively small numbers involved, what is striking about the profile of Provider cohort performance in this examination is the huge gulf between the performance of the strongest cohort, and the second placed cohort (90.9% passing versus 57.1% passing). There are then 9 cohorts grouped between 3rd and 11th place.

4.6 Criminal Litigation Summer 2017 to Summer 2020 post-intervention pass rates

Criminal Litigation Summer 2017-2020 Post-Intervention Pass Rates
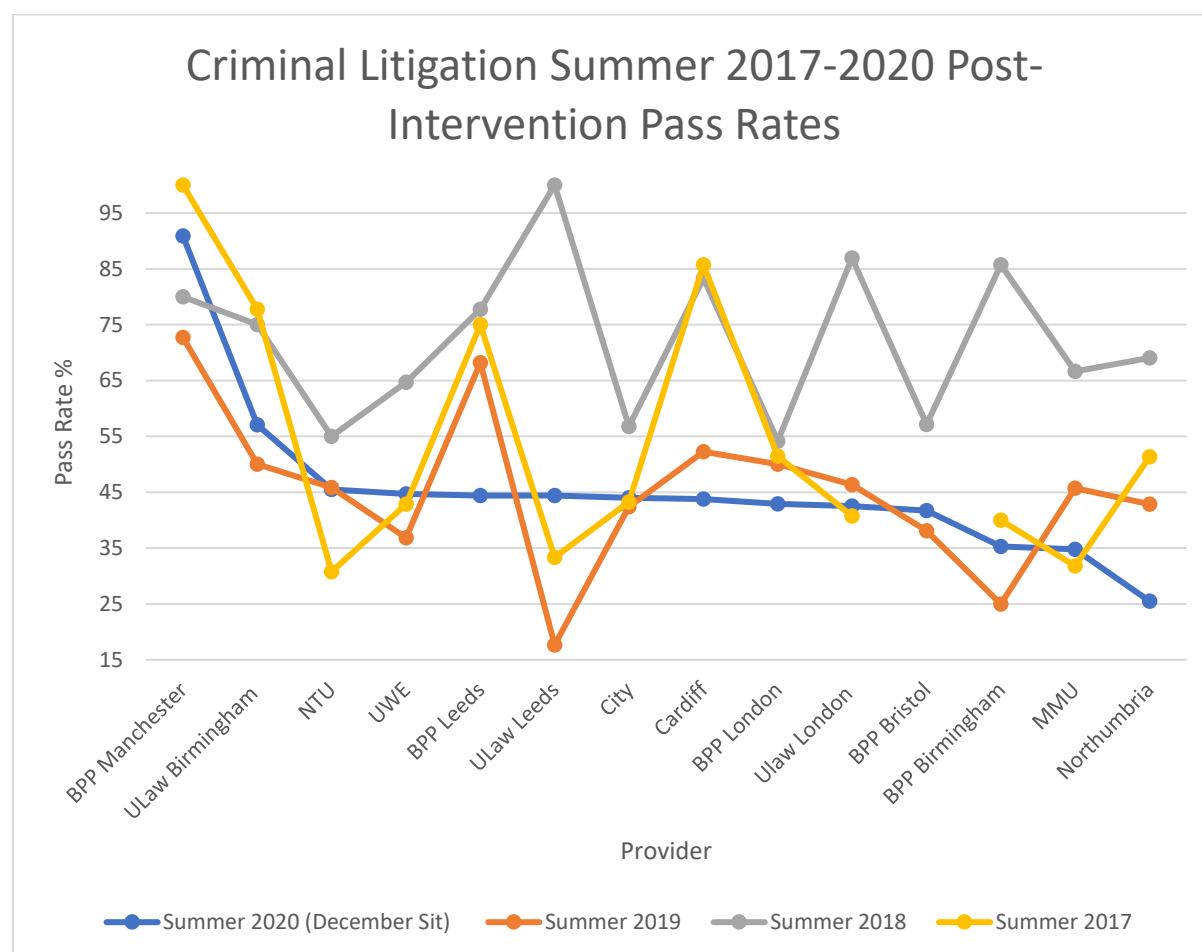
4.6.1   Providers are ranged left to right in order of their Summer 2020 post-intervention pass rates. Data from assessments prior to the Spring 2017 sit has been excluded as it no longer provides a useful point of comparison given the changes to the assessment made with effect from the Spring 2017 sit. The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Criminal Litigation across all four Summer sit cycles of the current form of assessment, with an average cohort pass rate across those three cycles of 85.9%. ULaw Birmingham has the second highest average pass rate over the same period at 65%. NTU has the lowest average pass rate at 44.3%.

4.6.2   Not surprisingly, given the slight drop in the post-intervention pass rate for Summer 2020 compared with Summer 2019, half of the Provider cohorts show a drop in pass rates compared to Summer 2019. With the usual caveat that cohort numbers can be very small for a Summer sit, the data shows that the most improved cohort year-on-year is ULaw Leeds (up 26.8%), with the biggest decline experienced by BPP Leeds (down 23.8%). Overall, the decline in pass rates impacted more on the lowest seven performing cohorts (down on average 4.8%) compared with the highest performing seven (up an average of 5.3%).

4.6.3   Comparing changes in Provider cohort performance between Summer 2017 and Summer 2020, 7 out of 13 Providers saw a decline in their cohort pass rate – the average across all 13 being a drop of 8.3% (BPP Bristol excluded from these calculations as there was no Summer 2017 cohort for that Provider). NTU bucked the trend by achieving a 14.7% improvement, followed by ULaw Leeds with an improvement of 11.1%.

4.7 Overall grade boundary distribution

| All Provider Grade Boundary Distribution			
Not Competent	**Competent**	**Very Competent**	**Outstanding**
57.0%	30.0%	12.6%	0.4%

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 those awarded marks between 85% and 100% were graded "Outstanding". From Spring 2017 onwards, where the passing standard is identified as being below 45/75, the range of "Competent / Very Competent / Outstanding" classifications is stretched to cover a broader range of scores. Conversely where the passing standard is identified as being above 45/75 the range of "Competent / Very Competent / Outstanding" classifications becomes compressed. The Summer 2020 all-Provider cohort results for Criminal Litigation show a tiny number of candidates achieving an "Outstanding" grade (all at BPP London).

4.8 Summer 2020 grade boundaries by Provider

Criminal Litigation Summer (December) 2020 Grade Boundaries by Provider
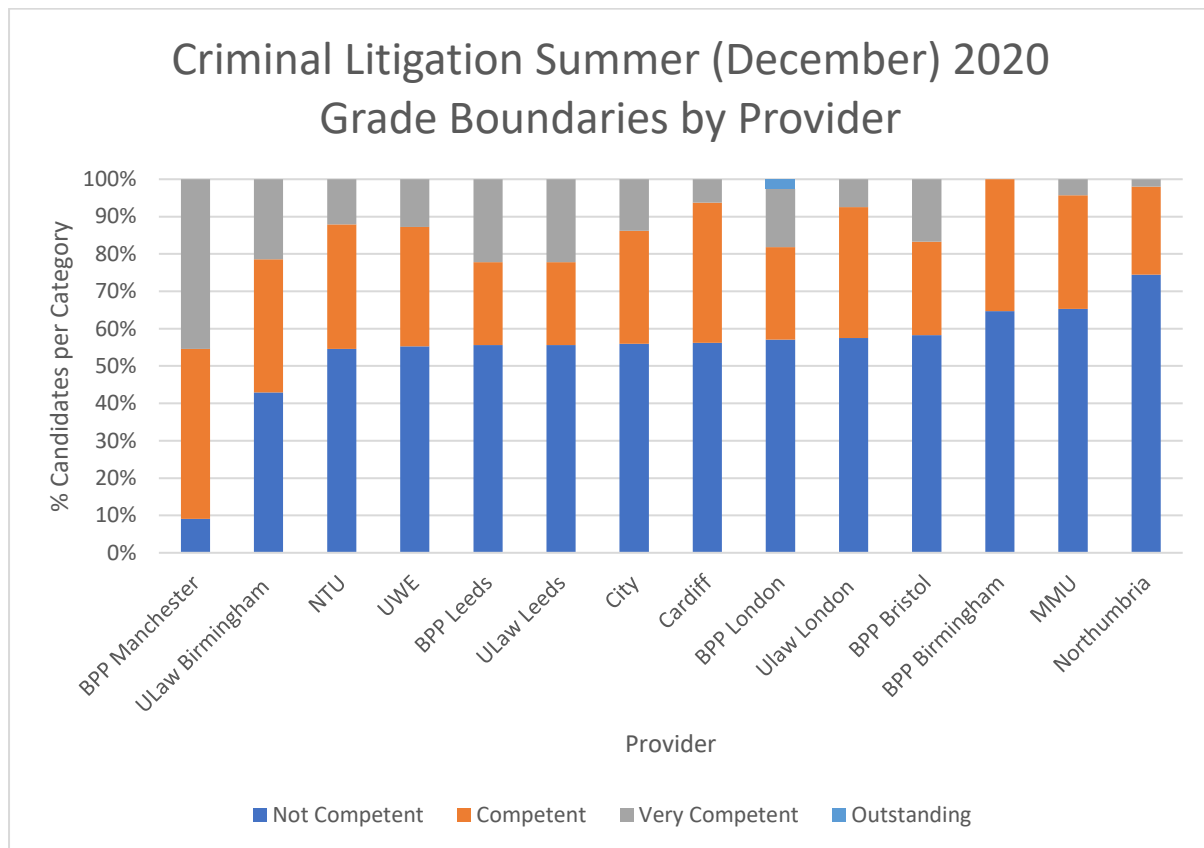
Providers are ranged from left to right in declining order of Summer 2019 post intervention pass rates, hence the "Not Competent" grouping also rises from left to right left, mapping the increasing failure rate across the weaker Provider cohorts. Given the dearth of candidates graded as "Outstanding" (two in all) it is perhaps more useful to look at the distribution of candidates graded as "Very Competent" (65 in total). The distribution of candidates graded "Very Competent" broadly follows the profile of cohort pass rates – 45% "Very Competent" at BPP Manchester, 2% at Northumbria.

4.9 All-Provider Summer 2017 to Summer 2020 grade boundaries trend analysis

Criminal Litigation Grade Boundaries Trend Analysis Summer 2017 to Summer (December Sit) 2020
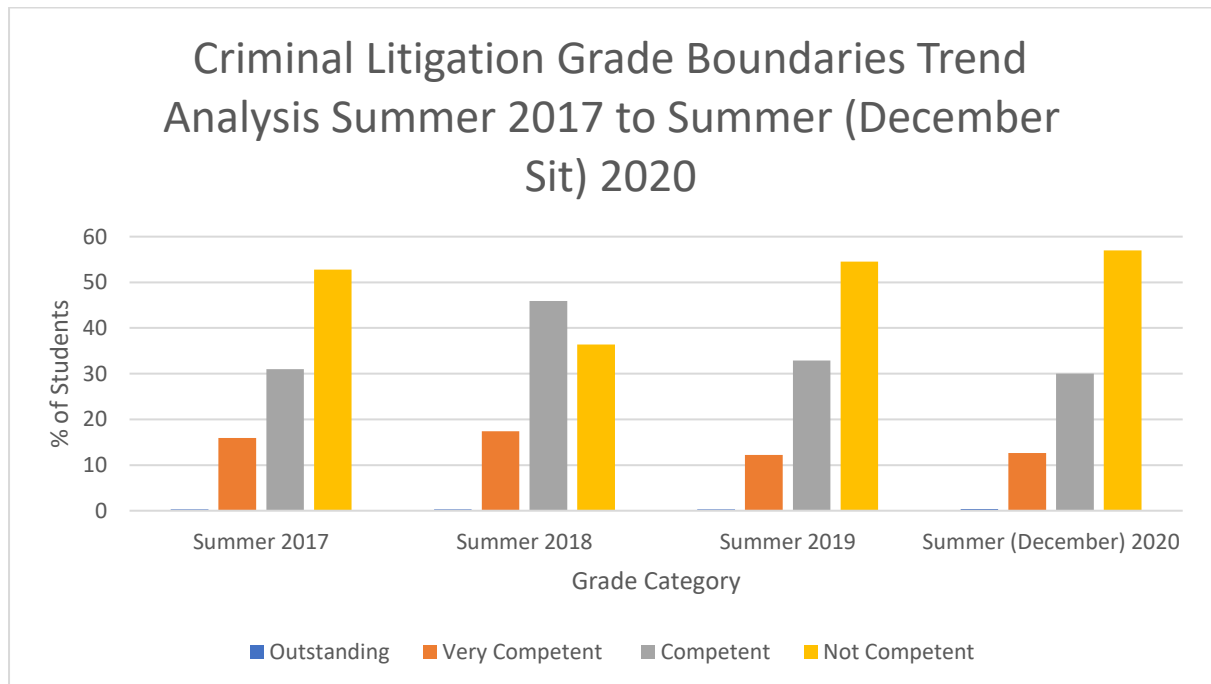
There was no change in the number of candidates securing the "Outstanding" grade. The profile for the Summer 2020 sit closely resembles that of the Summer 2019 sit.

5. SUMMER 2020 CIVIL LITIGATION RESULTS

5.1 Civil Litigation pre-intervention pass rates – all Providers Summer 2017 to Summer 2020

Civil Litigation All Provider Pre-Intervention	Summer 2020 (December Sitting)	Summer 2019	Summer 2018	Summer 2017
MCQ Passing Rate	50.9%	48.5%	50.2%	33.8%

The table above shows the all-Provider Summer 2020 provisional pre-intervention cohort pass rate as being 50.9% for Civil Litigation, based on a passing standard recommended to the Board (as a result of the standard setting process) of 45/75. The Summer 2020 provisional pre-intervention pass rate is on a par with that achieved in Summer 2019 and the highest achieved so far across the four cycles of post-2017 Summer sits in Civil Litigation.

5.2 Pre-intervention histogram of MCQs
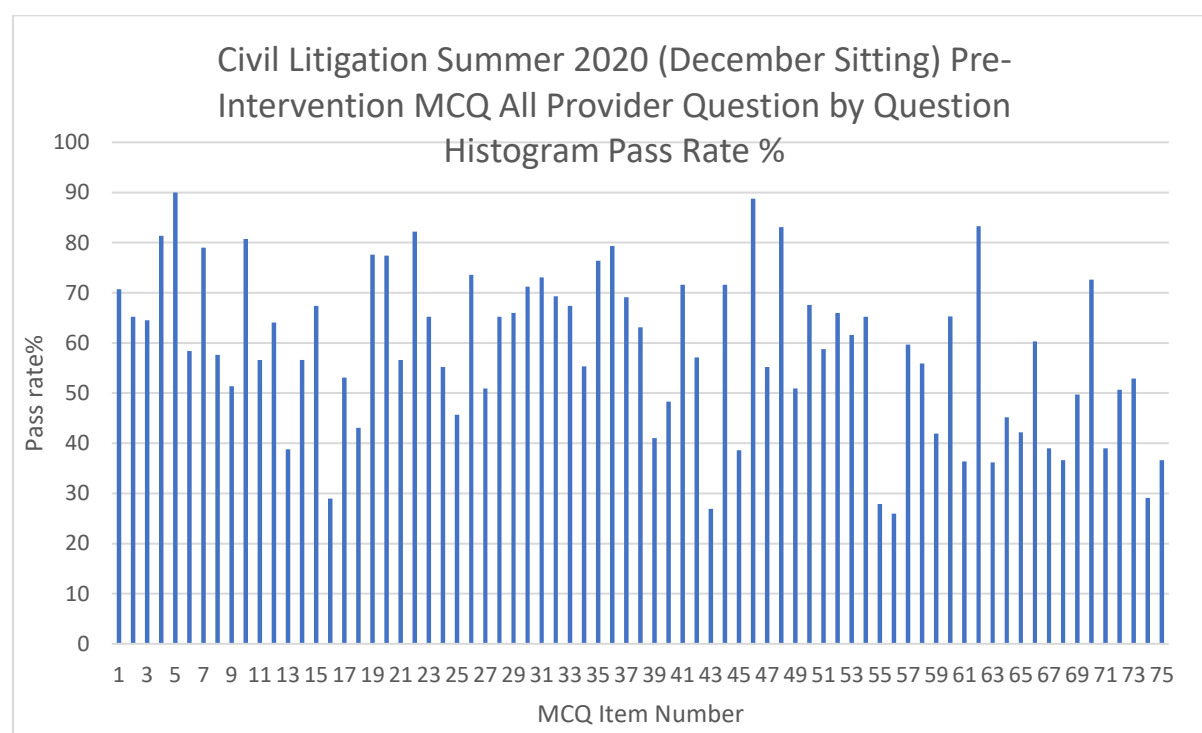
The pre-intervention data shows 13 MCQs with an all-Provider cohort pass rate below 40% (down from 14 in the Summer 2019 sit). Candidate performance across MCQs 1 to 25 was very consistent with that across MCQs 26 to 50 (63%) but fell away quite significantly in respect of the last third (MCQs 51 to 75) where the average score dropped to 49.5%.

5.3 Details of Subject Board discussions and interventions

5.3.1   The Final Board noted that the Civil Litigation examination was taken by both BPTC and BTT candidates. The total number of BPTC candidates sitting was 580 and 57 for the BTT cohort.

5.3.2   Interventions agreed by the Final Board

| Q.24	This was an SBA question asking candidates to identify best way to settle a case. The question was based on a fact pattern where there had been a Part 36 offer early in proceedings. A year later, and after expiry of the relevant period, the court granted permission to significantly amend the Claimant's case. The effect of the amendment was to considerably improve the merits of the Claimant's case. The question had a point biserial of 0.14 (relatively poor discrimination) with 55% of candidates selecting the best answer as identified by the examining team option [B]. Other than noting the relatively poor discrimination, and the absence of any positive correlation in respect of the incorrect options, the statistical performance of the question raised no other issues for the Psychometrician. The question did attract Provider comment, suggesting that the fact pattern was such that it could have two separate factual interpretations which affected which answer was best, leading the examining team to a wider consideration of the fact pattern and the ability of the candidates to distinguish between options [B] and [D]. The examining team concluded that there were many nuances to the practical thought process needed to distinguish between the proposed best answer (option [B]) and option [D]. In hindsight, it was felt that the question was asking too much of candidates given their practical experience. It was therefore recommended that option [D] should be credited as a correct answer in addition to option [B]. The Final Board accepted this recommendation.
Q.50	This MCQ question asked candidates to identify the correct way in which to proceed in an interim injunction matter. The question discriminated well with a point biserial of 0.235 with 67.8% of candidates opting for the correct answer [C]. It attracted no comment from the Psychometrician. The question did attract Provider comment and was also raised as an issue in some invigilator reports. The Chief Examiner advised that there were inconsistencies in the fact pattern as regards dates and timings rendering certain parts of the fact pattern unclear. Despite option [A], [B] and [D] clearly being incorrect answers as regards substantive or procedural law, due to the inconsistencies, the examining team considered that the question was fatally flawed. As a result, it was recommended that the question was removed from the paper. The Final Board accepted this recommendation. .

5.3.3 Removing MCQ 50 impacted on the proposed passing standard, which was then recalculated as 44/74 using CEB conventions. The Final Board reaffirmed the approach previously taken, to the effect that that a candidate can only be said to have passed or failed the assessment once the Final Board has endorsed any proposed interventions and the passing standard. The data presented at the Subject Boards was indicative and served to inform the boards on the performance of questions and assist on intervention decisions. References to pre-intervention "pass rates" should, therefore, be read with that caveat in mind. Pre-intervention "pass rates" indicated what the pass rates would look like without any intervention being agreed. No candidate could be said to have passed or failed an assessment until the Final Board had confirmed any proposed interventions and they were applied to the raw data.

5.3.4 The Psychometrician advised the Board that the pre-intervention exam reliability score for this assessment, using the Kruder Richardson Scale, was 0.82 and that this figure was not impacted by the suppression of MCQ 50. The reliability score was, therefore, above the benchmark of 0.80. The Psychometrician observed that he was content with the way in which the assessment had operated and saw nothing in the data analysis to raise any concerns.

5.3.5 The Independent Observer confirmed that she had no concerns with how the Board had been conducted and endorsed the decisions reached.

5.4 Civil Litigation post-intervention pass rates – all Providers Summer 2017 to Summer 2020

| Civil Litigation All Provider Post-Intervention	Summer 2020 (December Sitting)	Summer 2019	Summer 2018	Summer 2017
MCQ Passing Rate	52.6%	46.9%	51.3%	43.9%

The impact of the two MCQ interventions agreed by the Final Board along with the recalculation of the passing standard had a marginal effect on the overall pass rate, increasing it by 1.7%, making it the highest post-intervention pass rate in any of the post-2017 Summer sits.

5.5 Pre- and post-intervention pass rates by Provider
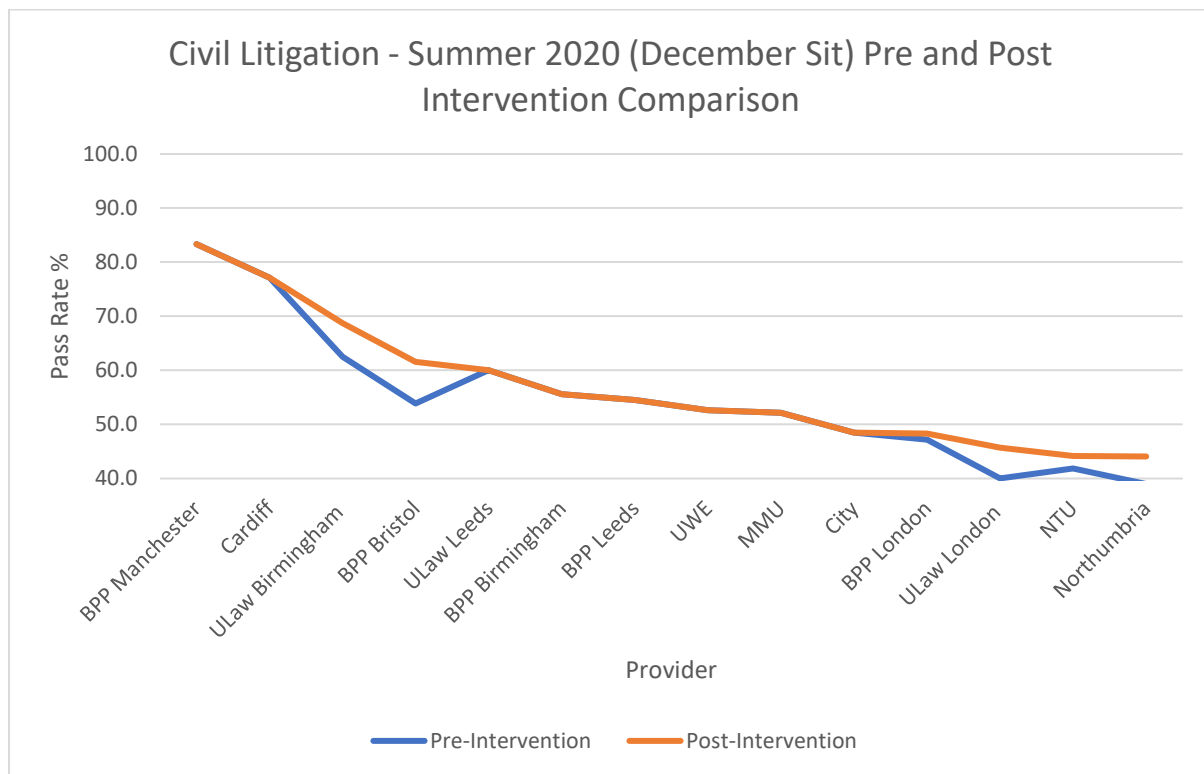
Civil Litigation - Summer 2020 (December Sit) Pre and Post Intervention Comparison

Providers are ranged left to right in order of their post-intervention pass rates, hence BPP Manchester had the highest Summer 2020 post intervention pass rate at 83.3% and Northumbria the lowest at 44.1% - a range of nearly 40%. The interventions had a somewhat uneven impact on pass rates with 8 out of 14 Provider cohorts showing no change at all. BPP Bristol benefited the most from the interventions, with a 7.7% uplift in pass rate.

5.6 Civil Litigation Summer 2017 to Summer 2020 post-intervention pass rates

Civil Litigation Summer 2017-2020 Post-Intervention Pass Rates
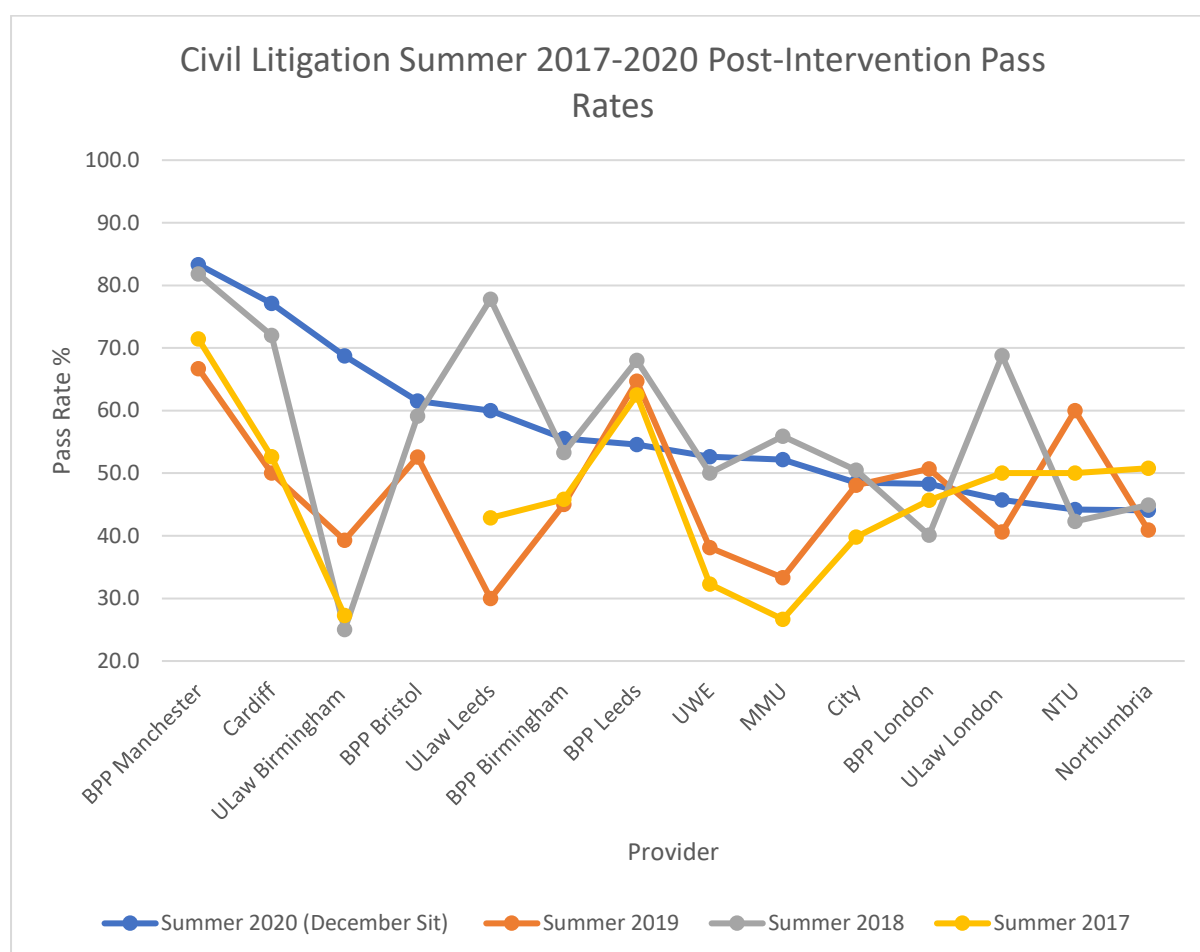
5.6.1 Providers are ranged left to right in order of their Summer 2020 post-intervention pass rates. Data from assessments prior to the Spring 2017 sit has been excluded as it no longer provides a useful point of comparison given the changes to the assessment made with effect from the Spring 2017 sit. The data shows that BPP Manchester has delivered the strongest post-intervention cohort performance in Civil Litigation across all four Summer sit cycles of the current form of assessment, with an average cohort pass rate across those three cycles of 75.8%. Cardiff has the second highest average post-intervention pass rate over the same period at 62.9%. ULaw Birmingham has the lowest average post-intervention pass rate across those three cycles at 40.1%.

5.6.2 Only three Providers reported a decline in pass rates compared to the Summer 2019 sit – the average increase in pass rates was 9.7%. Bearing in mind that smaller cohort sizes for Summer sits leads to greater year-on-year volatility in terms of movement in pass rates, ULaw Leeds saw the biggest improvement on 2019 pass rates with a 30% increase, whilst the NTU cohort saw a reversal of 15%.

5.6.3 Comparing changes in Provider cohort performance between Summer 2017 and Summer 2020, four experienced a decline in their cohort pass rate, with BPP Leeds recording a decline of 8%. By contrast the ULaw Birmingham cohort performance in Summer 2020 is over 41% better than that recorded by its 2017 Summer sit cohort.

5.7 Overall grade boundary distribution

| All Provider Grade Boundary Distribution			
Not Competent	Competent	Very Competent	Outstanding
47.4%	30.2%	20.2%	2.2%

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. The 2020 Summer sit cohort results for Civil Litigation show a very small number of candidates (13) awarded the "Outstanding" grade.

5.8 Summer 2020 Civil Litigation grade boundaries by Provider
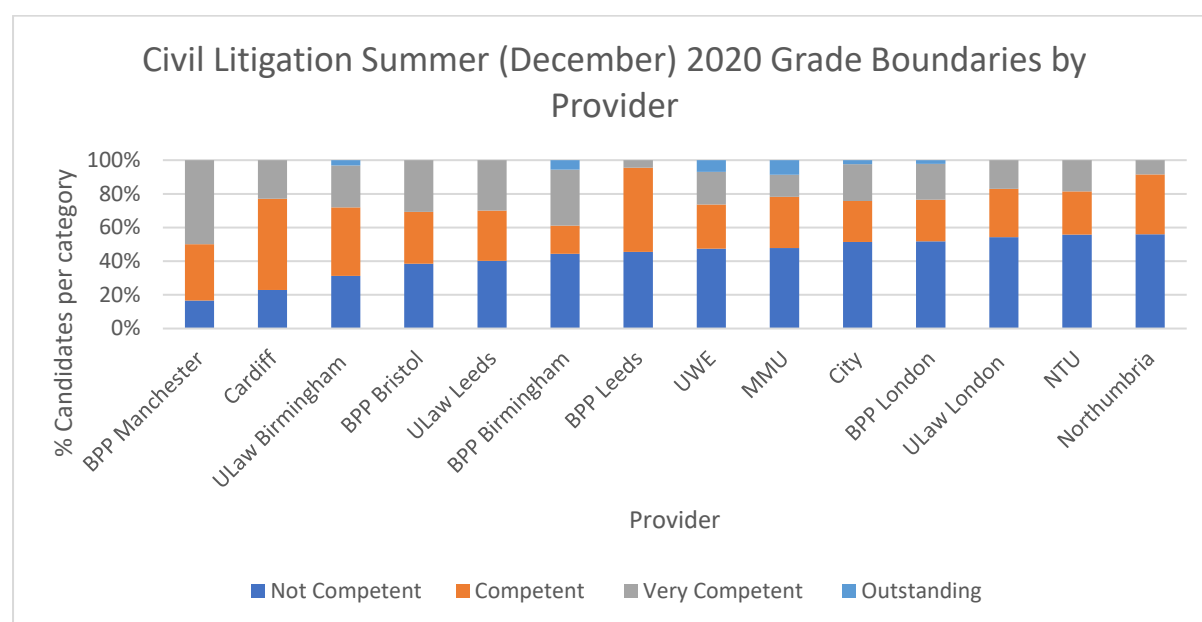
Civil Litigation Summer (December) 2020 Grade Boundaries by Provider

Providers are ranged from left to right in declining order of Summer 2020 post intervention pass rates, hence the "Not Competent" grouping also rises from left to right, mapping the increasing failure rate across the weaker Provider cohorts. Note that the candidates rated as "outstanding" are largely clustered in the middle ranking provider cohorts.

5.9 All-Provider Summer 2017 to Summer 2020 grade boundaries trend analysis

Civil Litigation Grade Boundaries Trend Analysis Summer 2017 to Summer (December Sit) 2020
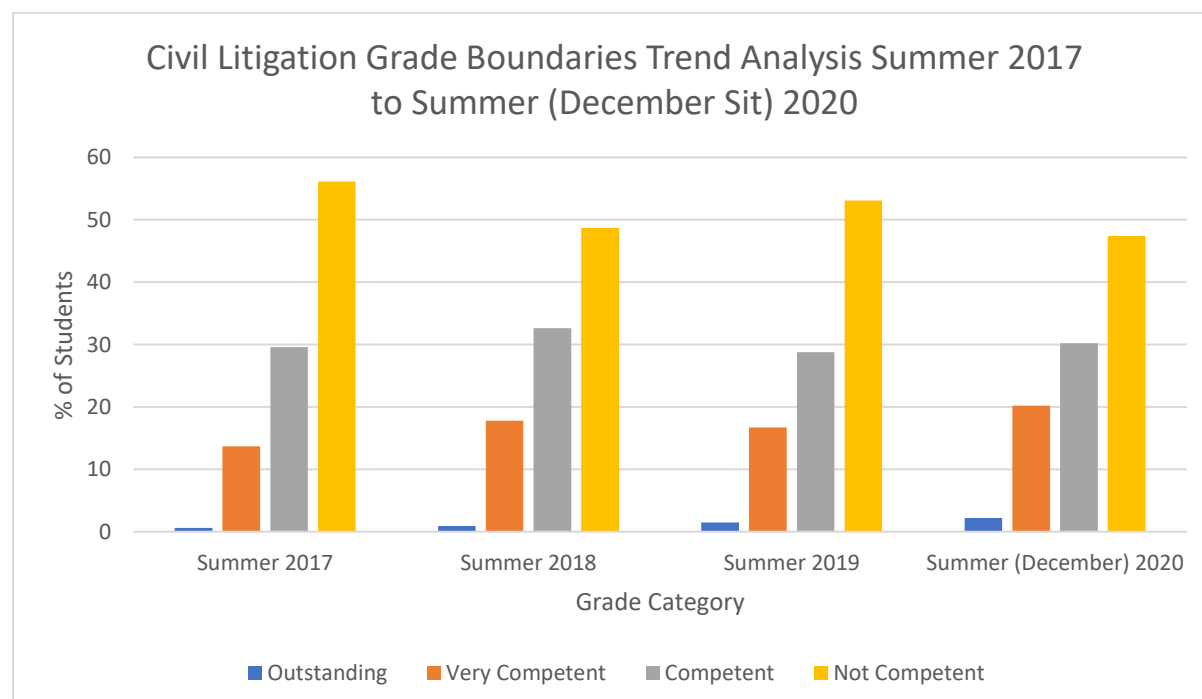
The graph above indicates a very stable position in terms of the distribution of grade boundaries across the last three Summer sit cycles in Civil Litigation. Very few candidates have been graded "Outstanding" and there has been no more than a 4% range in the percentage of candidates graded "Competent" or "Very Competent".

6. BAR TRANSFER TEST RESULTS

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

6.1 BTT Summer 2020 results

Year	Professional Ethics		
	Number of BTT Candidates	Pre-Intervention Pass rate	Post-Intervention Pass rate
Summer 2020 (December Sitting)	83	62.7%	62.7%
Summer 2019	67	59.7%	59.7%
Summer 2018	58	37.9%	37.9%
Summer 2017	59	33.9%	44.1%

Year	Civil Litigation		
	Number of BTT Candidates	Pre-Intervention Pass rate	Post-Intervention Pass rate
Summer 2020 (December Sitting)	57	35.1%	35.1%
Summer 2019	43	48.7%	46.7%
Summer 2018	34	38.2%	38.2%
Summer 2017	34	20.6%	32.4%

Year	Criminal Litigation		
	Number of BTT Candidates	Pre-Intervention Pass rate	Post-Intervention Pass rate
Summer 2020 (December Sitting)	59	35.6%	37.3%
Summer 2019	47	23.4%	44.7%
Summer 2018	33	54.5%	57.6%
Summer 2017	34	47.1%	47.1%

This is a mixed set of results for the BTT cohort. Whilst the Professional Ethics pass rate is the best for any BTT cohort across the four post-2017 Summer sit cycles, the

Criminal Litigation pass rate is the worst, and the pass rate achieved in Civil was only worse in the Summer 2017 sit. For each of the three centralised assessments the Summer 2020 pass rate for the BTT cohort is below the corresponding all-Provider pass rate for the BPTC cohorts. When compared to the 14 individual Provider cohorts with results for Summer 2020, the BTT cohort would have ranked 14/15 for Professional Ethics, 15/15 for Civil Litigation, and 12/15 for Criminal Litigation.

7. COMPARING BPTC POST-INTERVENTION PASS RATES ACROSS SUBJECT AREAS SUMMER 2017 TO SUMMER 2020

7.1 Centralised assessment post-intervention BPTC cohort pass rates compared Summer 2019

	2020 Summer Sit
Professional Ethics	
Number of Candidates	345
Passing Overall	77.1%
Civil Litigation and Evidence	
Number of Candidates	580
Passing Overall	52.6%
Criminal Litigation, Evidence and Sentencing	
Number of Candidates	516
Passing Overall	43%

This table shows the post-intervention pass rates for the three centralised assessments for the Summer 2020 sit.

7.2 Centralised assessment grade boundaries compared Summer 2020

7.2.1   The table below shows the percentage of candidates being awarded "Outstanding", "Very Competent", "Competent" and "Not Competent" across the three centralised assessment for the Summer 2020 sit. The higher pass rate for Professional Ethics results in a higher proportion graded "Outstanding" and "Very competent' in that subject.

	Ethics Summer 2020 (December Sit)	**Civil Summer 2020 (December Sit)**	**Criminal Summer 2020 (December Sit)**
Outstanding	6.1%	2.2%	0.4%
Very Competent	33.0%	20.2%	12.6%
Competent	38.0%	30.2%	30.0%
Not Competent	22.9%	47.4%	57.0%

7.2.2 The table below shows how the total number of grades at each level were distributed across the three centralised assessments. For example, across all three centralised assessments there were a total of 36 instances of a candidate achieving the grade "Outstanding", but 21 of these (58.3%) were achieved in Professional Ethics (which had the smallest proportion of candidates overall).

	% of all Instances	% of Not Competent Instances	% of Competent Instances	% of Very Competent Instances	% of Outstanding Instances
Ethics December 2020	23.9%	12.2%	28.4%	38.5%	58.3%
Civil December 2020	40.2%	42.4%	38.0%	39.5%	36.1%
Criminal December 2020	35.8%	45.4%	33.6%	22.0%	5.6%

## 7.3 Comparison of candidates passing across all three centralised assessments Summer 2020

Candidates Passing Professional Ethics	Also Passed Civil Litigation	Also passed Criminal Litigation	Also Passed Criminal and Civil Litigation
266	66	44	24

Candidates passing Criminal Litigation	Also Passed Professional Ethics	Also Passed Civil Litigation	Also passed Professional Ethics and Civil Litigation
222	44	96	24

Candidates passing Civil Litigation	Also passed Professional Ethics	Also passed Criminal Litigation	Also passed Criminal Litigation and Professional Ethics
305	66	96	24

As these figures relate to a Summer sit it should be borne in mind that not all candidates will have been attempting examinations in all three, or even two out of the three, subjects. There does not appear to be any statistically significant difference in terms correlating success in one examination with another.
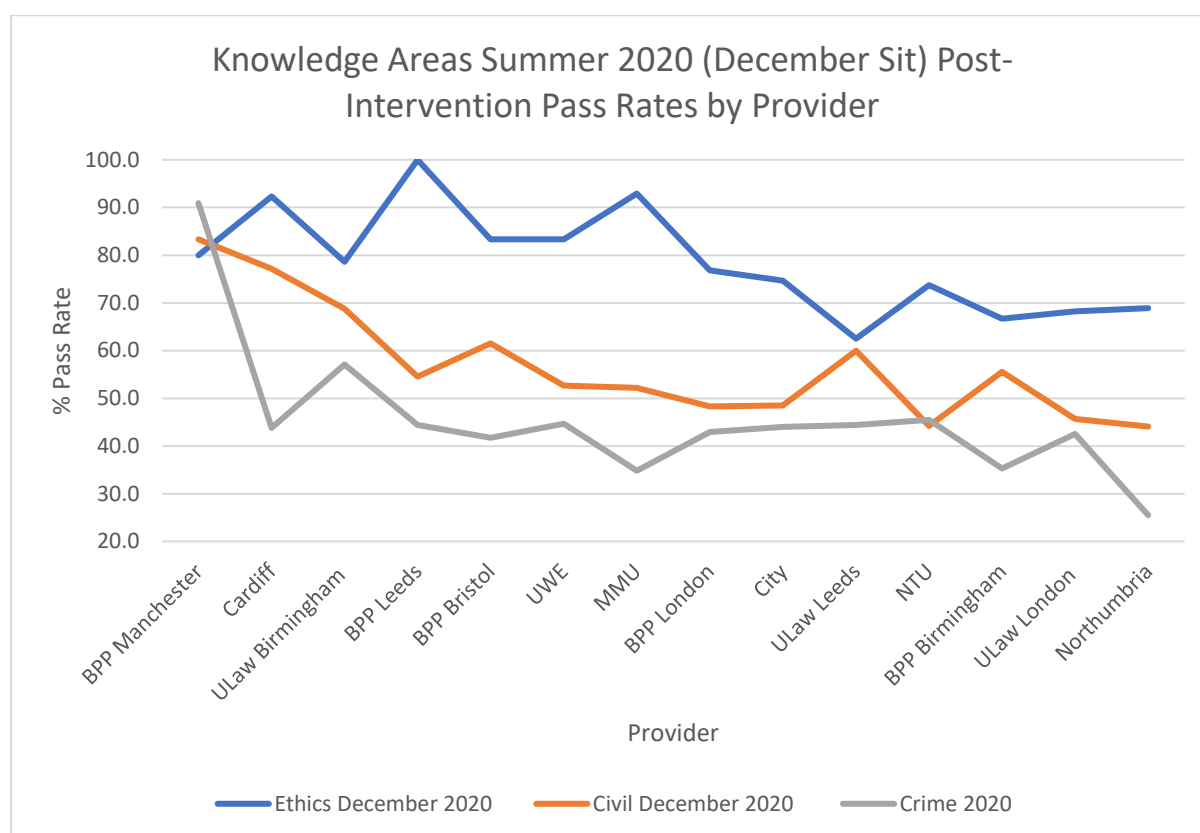
7.4 Centralised assessment post-intervention pass rate trends Summer 2017 to Summer 2020

Post-Intervention Pass Rate Trend Analysis Summer 2017 to Summer 2020 (December Sit)
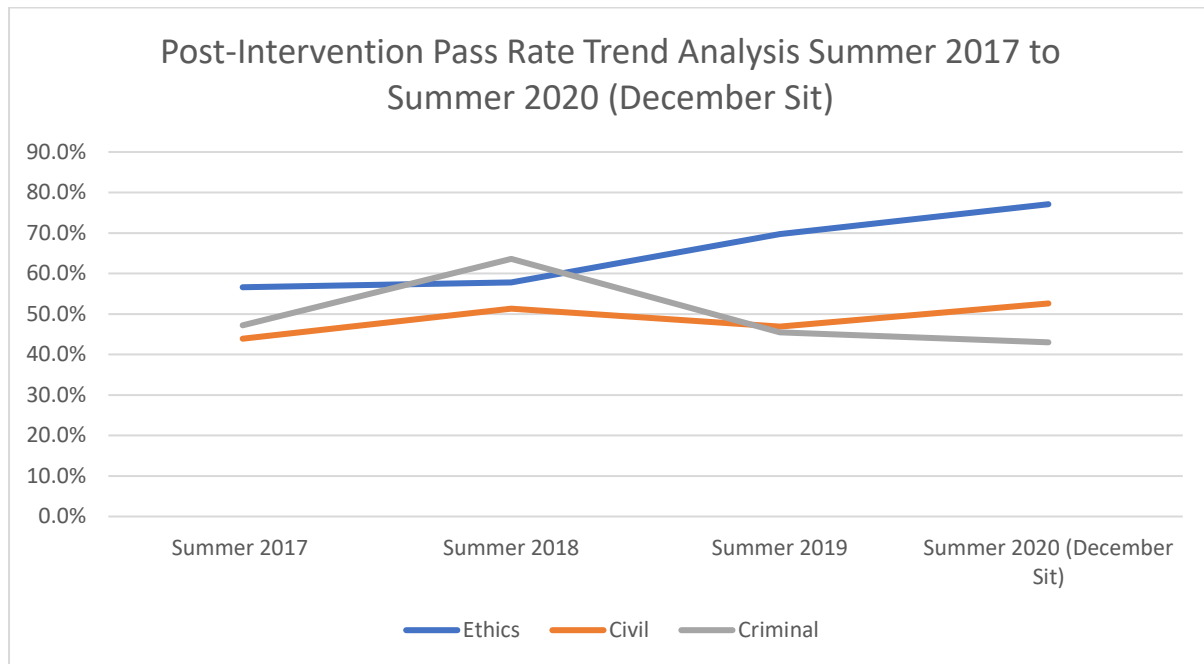
Across the four Summer sit cycles detailed in the above chart, Professional Ethics has the highest average post-intervention pass rate at 65.3% followed by Criminal Litigation at 49.8% and Civil litigation at 48.7%. Civil has never had the highest post-intervention pass rate across these four Summer sit cycles.

8. COMPARING SUMMER 2020 RESULTS ACROSS PROVIDERS

8.1 Summer 2020 post-intervention pass rates by Provider

Knowledge Areas Summer 2020 (December Sit) Post-Intervention Pass Rates by Provider

Providers are ordered left to right according to the average post-intervention pass rate achieved by their cohorts across all three subject areas in the Summer 2020 centralised assessments. BPP Manchester had the highest performing cohort in two of the three centralised with an average pass rate across the three subject areas of 84.7% and Northumbria the lowest at 46.2%. The highest post-intervention cohort pass rate in any of the centrally examined subject areas was achieved by BPP Leeds with an 100% pass rate in respect of Professional Ethics. The worst Provider cohort performance across any centrally examined subject areas was achieved by Northumbria where only 25.5% passed Criminal Litigation.

8.2 Analysis of grade boundary distribution within each Provider cohort Summer 2020

Distribution of Grade Boundaries Within Provider Cohorts
Summer 2020 (December Sit)
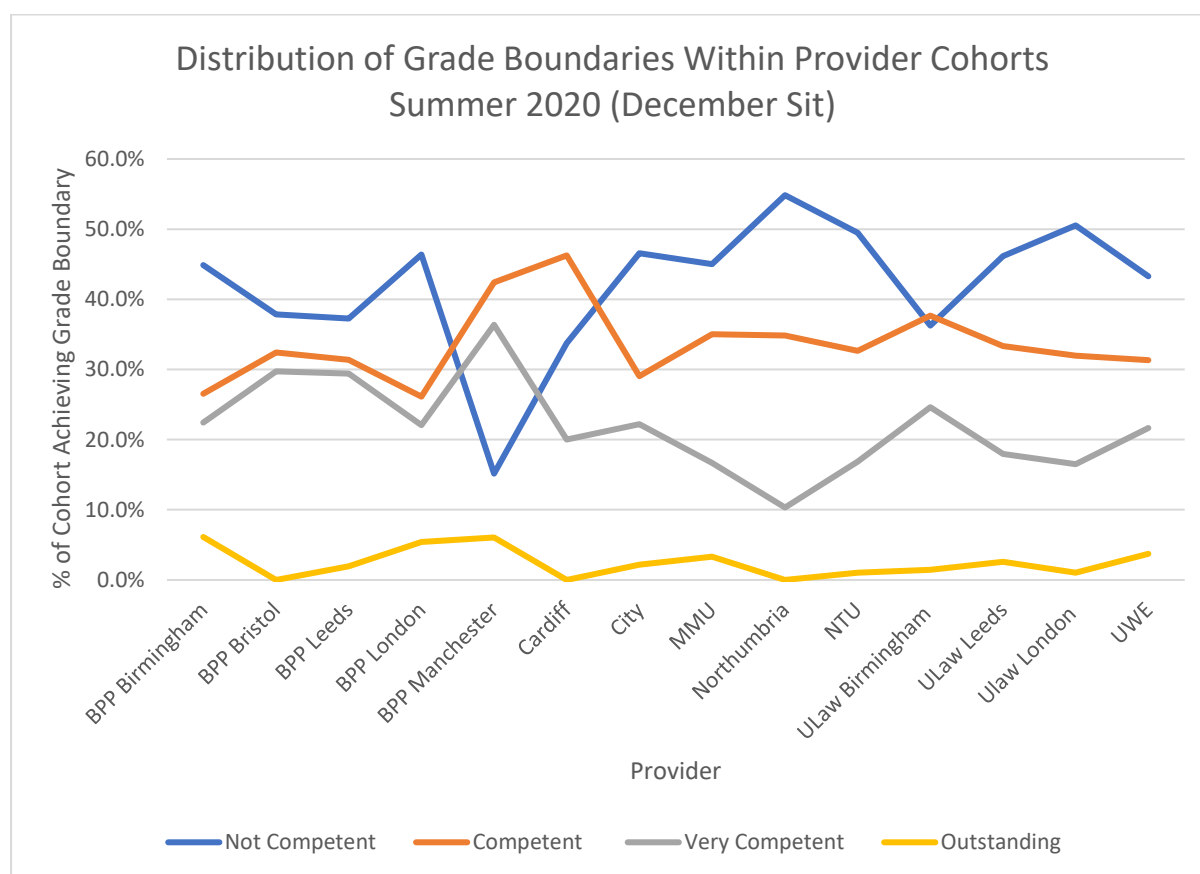
The data in the above table shows the spread of candidates at each Provider achieving a grade of "Outstanding", "Very Competent", "Competent", or "Not Competent" in one of the three centralised assessments in the Summer 2020 sit. By way of example, if a Provider had 60 candidates and each candidate attempted 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, for example, that at BPP London (where there were 222 instances of a candidate attempting a centralised assessment), 5.4% of those instances resulted a candidate achieving an "Outstanding" grade, 22.1% resulted in a candidate achieving a "Very Competent" grade, and 26.1% a "Competent" grade. BPP Birmingham had the highest proportion of candidates achieving an "Outstanding" grade (6.1%) and BPP Manchester the highest proportion achieving a "Very Competent" grade (36.4%).

8.3 Distribution of grade boundaries across Provider cohorts Summer 2020

For the Summer 2020 sitting there were 1,441 instances of BPTC candidates attempting centralised assessments. The table below illustrates the proportion of that 1,441 represented by the candidates at each Provider. Hence BPP Birmingham, with 49 instances of candidates attempting the centralised assessments, contributed 3.4% of the 1441 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 3.4% of assessment instances, its candidates are achieving 3.7% of the "Very Competent" grades awarded across all Providers (hence slightly better than an exact proportion of 3.4%), and 8.3% of the "Outstanding" grades (considerably better than a straight 3.4% proportion). BPP London had the highest positive variance between its cohort as a proportion of all candidates and the proportion of "Outstanding" grades achieved (15.4% of all candidates as against 33.3% of "Outstanding" grades achieved). The distribution of "Very Competent" grades is largely in line with the proportion of candidates making up each Provider cohort.

Provider	Total # of Instances	% of total instances	% of total VC Instances	% of total O Instances
BPP Birmingham	49	3.4%	3.7%	8.3%
BPP Bristol	37	2.6%	3.7%	0.0%
BPP Leeds	51	3.5%	5.1%	2.8%
BPP London	222	15.4%	16.6%	33.3%
BPP Manchester	33	2.3%	4.1%	5.6%
Cardiff	80	5.6%	5.4%	0.0%
City	320	22.2%	24.0%	19.4%
MMU	60	4.2%	3.4%	5.6%
Northumbria	155	10.8%	5.4%	0.0%
NTU	95	6.6%	5.4%	2.8%
ULaw Birmingham	69	4.8%	5.7%	2.8%
ULaw Leeds	39	2.7%	2.4%	2.8%
ULaw London	97	6.7%	5.4%	2.8%
UWE	134	9.3%	9.8%	13.9%

8.4 Ranking of Provider cohorts Summer 2020

8.4.1   Provider cohort performance can also be compared in terms of the ranking position of each Provider in each of the centrally assessed areas. For these purposes a Provider ranked first in one of the three centrally assessed subjects is awarded 1 point, and a Provider ranked last out of 14 is awarded 14 (hence the lower the total, the stronger the Provider's cohort). The best score possible would be 3 (3 x 1), and the worst possible score would be 42 (3 x 14). On this basis, the Summer 2020 sit, Providers can be ranked as per

the table below (Summer 2019 rankings and change provided for reference). With a combined ranking score of 8, BPP Manchester emerges as the most consistently strong Provider cohort for Summer 2020 based on its post intervention ranking positions with little change compared to Summer 2019 data. By contrast, Northumbria can be seen to be the weakest cohort with combined ranking score of 39, not far off the worst possible score. The Provider cohorts are split with 9 seeing improved ranking scores compared to Summer 2019 and 5 seeing worse ranking scores. The biggest improvement is at ULaw Leeds where the cohort ranking improved by 13 points (i.e., the total dropped by 13 points). It should be borne in mind that, given the small cohorts at some Provider centres taking the Summer assessments, there is likely to be greater volatility than is the case with the data for the Spring sits.

Provider	Ranking score Summer 2019	Ranking score Summer 2020	Change
BPP Manchester	5	8	3
ULaw Birmingham	18	12	-6
BPP Leeds	15	13	-2
Cardiff	22	13	-9
UWE	28	17	-11
BPP Bristol	22	19	-3
MMU	30	24	-6
ULaw Leeds	38	25	-13
NTU	15	26	11
City	29	26	-3
BPP London	17	28	11
BPP Birmingham	35	31	-4
ULaw London	17	34	17
Northumbria	24	39	15

8.4.2 If the Provider cohort results are aggregated to show performance by Provider group rather than study centre (i.e., combining the pass rates across all branches operated by Providers) the pre-'92 Provider grouping emerges as the most consistently successful across the Summer 2020 sitting, narrowly ahead of the BPP group.

Provider	Ranking score Summer 2020	Ranking score Summer 2019	Change
Cardiff	13.0	22.0	9.0
City	26.0	29.0	3.0
Pre-'92 Universities	19.5	25.5	6.0
BPP Birmingham	31.0	35.0	4.0
BPP Bristol	19.0	22.0	3.0
BPP Leeds	13.0	15.0	2.0
BPP London	28.0	17.0	-11.0
BPP Manchester	8.0	5.0	-3.0
BPP Group	19.8	18.8	-1.0
ULaw Birmingham	12.0	18.0	6.0
ULaw Leeds	25.0	38.0	13.0
ULaw London	34.0	17.0	-17.0
ULaw Group	23.7	24.3	0.7
MMU	24.0	30.0	6.0
Northumbria	39.0	24.0	-15.0
NTU	26.0	15.0	-11.0
UWE	17.0	28.0	11.0
Post-'92 Universities	26.5	24.3	-2.3

8.5 Changes in post-intervention pass rates Summer 2018 to Summer 2020

Changes in Provider pass rates
Summer 2020 (December Sitting) vs Summer 2019
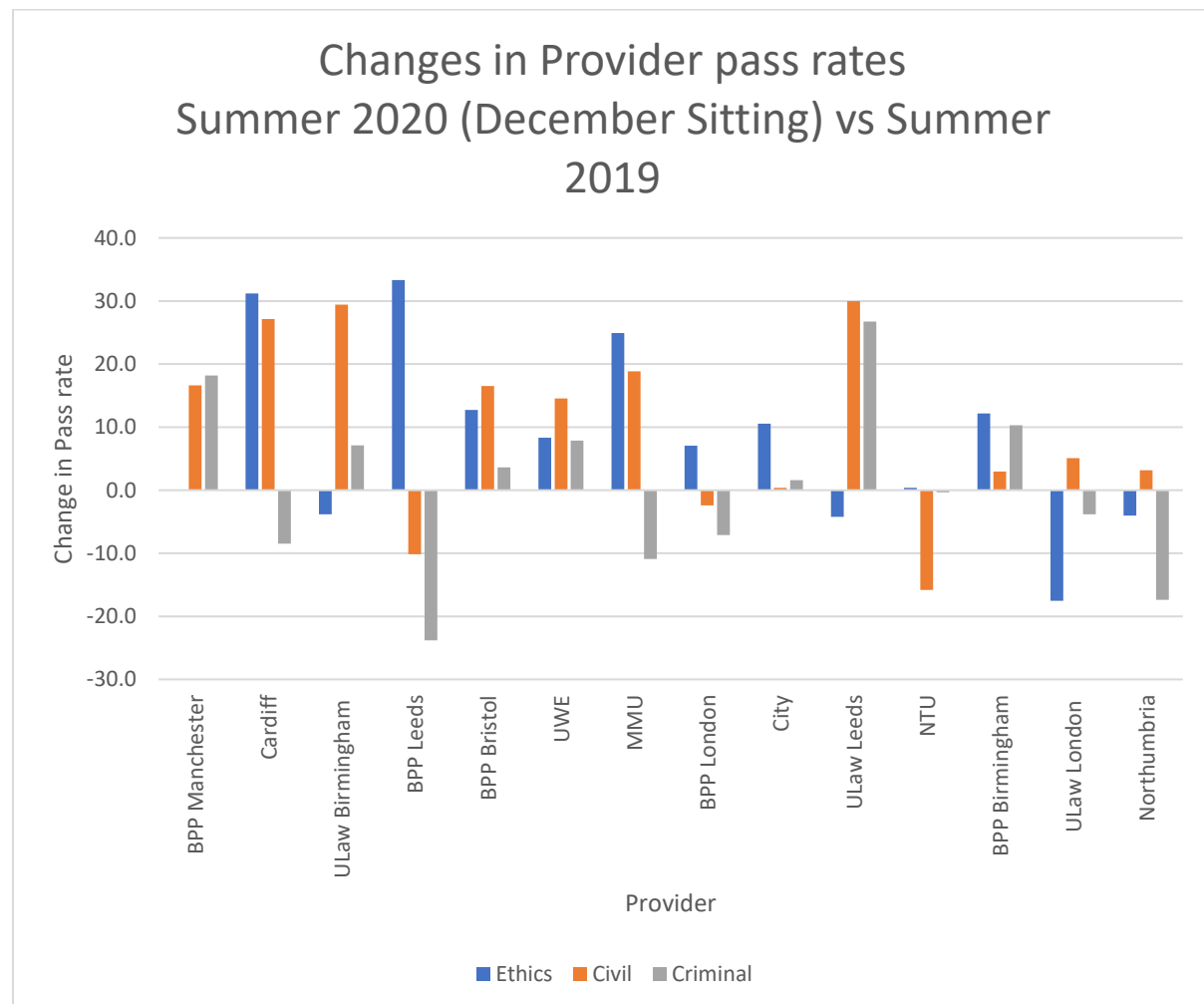
8.5.1 This table looks at the year-on-year change in post-intervention Provider cohort pass rates across the four centrally assessed areas comparing the Summer 2019 and Summer 2020 sit results for BPTC candidates. The figures show that five Provider cohorts managed to increase their cohort pass rates across all three subject areas compared to their Summer 2019 sit results, the most improved (cumulatively across all three centralised assessments) was ULaw Leeds with a total improvement of 52.6%. The largest cumulative decline was recorded by the Northumbria cohort (a drop of 18.2%). No Provider cohort recorded a year-on-year decline across all three subject areas.

8.5.2 The average year-on-year change across the subject areas was: Professional Ethics up 7.7%; Civil Litigation up 9.7%; and Criminal Litigation up 0.3%. At individual subject level, the highest year-on-year improvement was achieved by BPP Leeds in respect of Professional Ethics (up 33.3%), whilst the biggest reverse was also experienced by BPP Leeds in respect of Criminal Litigation (-23.8%).

Professor Mike Molan
Chair of the Central Examination Board
31 March 2021