

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

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

**Bar Training, BTT, BPTC & BTR
April 2024 Sitting**

EXECUTIVE SUMMARY

The Bar Training course is the successor to the Bar Professional Training Course ('BPTC') as the vocational training component to be successfully completed prior to call to the Bar. The Bar Training Course saw its first intake of students at 9 Authorised Education and Training Organisations (AETOs) in September 2020. Depending on the course structure offered at each AETO, candidates will have had their first opportunity to attempt the centralised assessments in Civil and Criminal Litigation in December 2020. This report presents the result for the eleventh iteration of examinations attempted by Bar Training course candidates in April 2024, the confirmed post-intervention outcomes for which are as follows:

All Providers (Post-Intervention Results)						
	Dec-20	Apr-21	Aug-21	Dec-21	Apr-22	Aug-22
Civil Litigation						
No. of candidates	407	989	738	823	1517	790
Passing rate	55.8%	55.5%	41.3%	53.6%	59.6%	46.2%
Criminal Litigation						
No. of candidates	383	1104	827	824	1653	802
Passing rate	59.8%	46.2%	42.4%	55.9%	63.7%	52.5%
	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24	
Civil Litigation						
No. of candidates	929	1671	889	833	1748	
Passing rate	56.4%	59.8%	45.1%	53.2%	59.8%	
Criminal Litigation						
No. of candidates	596	1583	842	805	1754	
Passing rate	49.8%	65.6%	39.9%	55.2%	60.5%	

In comparing results across the ten iterations of assessment it should be noted that for the December 2020 sit, only nine AETO centres presented cohorts of candidates for assessment. For April 2021 the figure was 19 AETO centres, which explains why there were significantly more candidates for that sitting compared to December 2020. From April 2021 onwards, sittings will have comprised a mix of first sit (new and deferred) and resitting candidates (ie candidates who had previously failed an assessment without extenuating circumstances). The April 2022 sitting saw the first cohorts entered by ULaw Liverpool, the December 2022 sitting the first cohorts entered by the University of Hertfordshire, and the April 2023 sitting the first candidates entered by ULaw Newcastle. For the April 2024 sitting there were 21 AETO assessment centres providing candidate cohort results. As can be seen in the above table, the April 2024 passing rates for both Criminal Litigation and Civil Litigation are largely in line with previous April sitting outcomes. See further on candidate numbers at 1.3 and 1.4, below.

Some of the historic data on candidate numbers and pass rates differ in this Chair's Report from that presented in previous Chair's Reports. This is because previous Chair's Reports utilised data presented at the Final Exam Board, which excluded a small number of candidates from the analysis where they were extreme outliers (such as those who only answered one or two items). In this report, candidate numbers and pass rates are based on the results as sent back to AETOs after the Final Board. The differences are larger in Civil Litigation, as some candidates sit only one paper of the two papers comprising that assessment, and these candidates are always excluded from analysis at the Final Board. This change is simply to ensure consistency in reporting and has no bearing on previous exam board decisions or Chair's Report commentary.

1. BACKGROUND AND CONTEXT

1.1 Why the Central Examinations Board ('CEB') 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). Centralising the Professional Ethics, Civil Litigation and Criminal Litigation 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 on the BPTC, with assessments compiled by a team of CEB examiners appointed by the BSB.

1.2 Future Bar Training

- 1.2.1 As part of the Future Bar Training reforms a new vocational training component, Bar Training, was introduced to replace the BPTC for the start of the 2020/21 academic year. Centralised assessment of Professional Ethics is now undertaken as part of the pupillage training requirements. Tuition in Criminal Litigation and Civil Litigation (including dispute resolution) continues to be delivered by course providers, now referred to as Authorised Education and Training Organisations ('AETOs'), with the assessments set by the BSB.
- 1.2.2 The Criminal Litigation assessment takes the form of a closed book three-hour paper comprising 75 multiple-choice questions (MCQs) and single best answer questions (SBAs). Civil Litigation is assessed across two papers (Civil 1 and Civil 2). Civil paper 1 takes the form of a closed book two-hour paper comprised of 50 MCQ and SBA questions. For Civil paper 2, candidates have two and a half hours to attempt 40 questions, the first five are stand-alone MCQ and/or SBA questions, and the remaining 35 take the form of rolling case scenarios – each with seven questions that track a developing narrative. Candidates are permitted access to the White Book for reference during Civil paper 2. Candidates attempting the Civil Litigation assessment simply need to achieve a pass mark across the 90 questions. There is no requirement to achieve a minimum number of marks on either paper 1 or paper 2.
- 1.2.3 Candidates have three opportunities a year to attempt the centralised Bar Training Course examinations: December ('Winter sit'), April ('Spring sit'), and August ('Summer sit').
- 1.2.4 AETOs must meet the requirements of the Authorisation Framework; in doing so, they may structure their Bar Training courses in various ways. Some will offer a traditional integrated programme where all subjects are studied in parallel. Full time candidates commencing such courses in September may be attempting the centralised assessments for the first time in either the December or April sittings, depending on the assessment strategy adopted. Others may (alternatively, or additionally) offer a 'Part 1-Part 2' structured programme whereby candidates prepare for the centralised assessments in Part 1 before progressing to the examinations in the skills areas in Part 2. In such cases candidates commencing in September would

normally be expected to attempt the centralised assessments for the first time in the December sit immediately following.

- 1.2.5 Some AETOs may offer multiple entry points across the academic year and may permit entry with advanced standing (for example the transfer in of candidates who have successfully completed 'Part 1' of the Bar Training course at another AETO). Hence, a candidate commencing a course in April may attempt the centralised assessments for the first time in the August sit. Additionally, an AETO offering a 'Part 1-Part 2' structured programme may offer preparation for 'Part 1' online only. Current details of the range of provision across AETOs can be found here:

<https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/vocational-component/aetos-from-2020.html>

- 1.2.6 When reviewing the data contained in this report—and particularly when comparing the performance of AETO cohorts across a sitting and trend data showing performance over time - the following contextualisation should be considered:

- Candidate volumes at AETO centres can vary hugely from one sitting to the next, resulting in a high degree of volatility in the data.
- AETO cohorts may comprise a mixture of first-sit candidates who have never attempted the assessment before; first sit candidates so designated because a previous attempt has been discounted (for example because of extenuating circumstances); and referred candidates who are attempting the examination for a second, or possibly a third or subsequent time, because of previous failure.
- An AETO with a consistently lower pass rate is likely to have far more repeating candidates than an AETO with a consistently higher pass rate.
- A candidate who fails an assessment will not necessarily attempt it at the next opportunity.
- Whereas under the previous BPTC examinations it was reasonably safe to assume that, for the Spring sit, the vast majority of candidates were sitting for the first time, and that the majority of those attempting the Summer sit were referred or deferred candidates (hence enabling year on year comparison of Spring or Summer sit results) no such certainty exists in relation to the make-up of the cohorts attempting the Spring, Summer or Winter sits of the centralised examinations for the Bar Training course.

1.3 Candidate numbers by AETO centre: Civil Litigation

AETO	Dec-20	Apr-21	Aug-21	Dec-21	Apr-22	Aug-22
BPP Birmingham	28	31	28	40	47	32
BPP Bristol	19	16	14	19	7	9
BPP Leeds	27	32	20	35	16	5
BPP London	151	179	150	262	274	173
BPP Manchester	58	54	35	89	49	37
Cardiff	51	39	15	60	35	14
City	22	208	132	59	378	136
Hertfordshire	N/A	N/A	N/A	N/A	N/A	N/A
ICCA	28	34	5	56	33	14
MMU	23	9	11	24	7	8
Northumbria	N/A	64	36	15	64	36
NTU	N/A	50	37	23	53	34
ULaw Birmingham	N/A	34	41	18	82	51
ULaw Bristol	N/A	13	4	1	18	5
ULaw Leeds	N/A	22	17	7	43	25
ULaw Liverpool	N/A	N/A	N/A	N/A	16	5
ULaw London	N/A	89	106	65	216	137
ULaw Manchester	N/A	19	18	7	54	20
ULaw Newcastle	N/A	N/A	N/A	N/A	N/A	N/A
ULaw Nottingham	N/A	7	1	2	16	7
UWE	N/A	89	68	41	109	42
TOTAL	407	989	738	823	1517	790
AETO	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24	Total To-Date
BPP Birmingham	56	42	55	35	38	432
BPP Bristol	8	9	6	5	17	129
BPP Leeds	16	18	9	24	15	217
BPP London	260	299	244	217	257	2466
BPP Manchester	73	73	79	72	74	693
Cardiff	72	25	13	81	37	442
City	75	397	105	46	429	1987
Hertfordshire	13	6	7	1	2	29
ICCA	89	38	14	117	82	510
MMU	23	12	7	37	5	166
Northumbria	14	69	24	10	78	410
NTU	24	74	42	25	70	432
ULaw Birmingham	30	89	46	12	61	464
ULaw Bristol	3	33	9	N/A	31	117
ULaw Leeds	12	60	31	9	73	299
ULaw Liverpool	2	56	21	14	100	214
ULaw London	101	197	96	57	169	1233
ULaw Manchester	7	44	18	11	74	272
ULaw Newcastle	N/A	9	5	N/A	11	25
ULaw Nottingham	6	12	3	N/A	13	67
UWE	45	109	55	60	112	730
TOTAL	929	1671	889	833	1748	11334

1.3.1 The December 2020 sit was the first opportunity for candidates to attempt the centralised assessments for the Bar Training course, hence the lower volume of candidates. As can be seen, for the April 2024 sit, City University had the largest cohort, accounting for 24.5% of the Civil Litigation candidate entries, whilst BPP London has provided 21.7% of the total number of candidate entries across the nine sittings offered thus far. As noted above, two AETOs have cohort numbers in single figures for the April 2024 sit, a factor that can impact significantly on the comparison of cohort data.

1.4 Candidate numbers by AETO centre: Criminal Litigation

AETO	Dec-20	Apr-21	Aug-21	Dec-21	Apr-22	Aug-22
BPP Birmingham	28	30	29	43	64	22
BPP Bristol	20	16	13	26	5	7
BPP Leeds	20	25	24	35	20	7
BPP London	137	202	174	270	261	199
BPP Manchester	52	62	47	91	60	34
Cardiff	54	37	19	19	70	21
City	20	247	154	77	425	141
Hertfordshire	N/A	N/A	N/A	N/A	N/A	N/A
ICCA	32	31	7	56	31	13
MMU	20	14	11	20	11	7
Northumbria	N/A	40	25	13	64	24
NTU	N/A	51	36	23	55	32
ULaw Birmingham	N/A	46	49	20	88	56
ULaw Bristol	N/A	15	2	N/A	18	5
ULaw Leeds	N/A	38	20	8	47	25
ULaw Liverpool	N/A	N/A	N/A	N/A	17	2
ULaw London	N/A	107	127	73	234	129
ULaw Manchester	N/A	23	19	7	61	9
ULaw Newcastle	N/A	N/A	N/A	N/A	N/A	N/A
ULaw Nottingham	N/A	5	1	2	14	3
UWE	N/A	115	70	41	108	66
TOTAL	383	1104	827	824	1653	802
AETO	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24	Total To-Date
BPP Birmingham	36	32	33	60	33	410
BPP Bristol	N/A	1	9	4	4	105
BPP Leeds	5	14	20	5	23	198
BPP London	120	184	249	215	207	2218
BPP Manchester	35	65	49	68	74	637
Cardiff	20	68	15	37	65	425
City	61	408	114	73	419	2139
Hertfordshire	15	9	10	1	4	39
ICCA	92	37	9	129	69	506
MMU	24	8	7	35	21	178
Northumbria	14	75	14	9	77	355
NTU	24	69	38	27	77	432
ULaw Birmingham	19	80	40	12	67	477
ULaw Bristol	2	32	7	N/A	31	112
ULaw Leeds	9	60	30	11	76	324
ULaw Liverpool	2	59	20	13	96	209
ULaw London	76	174	103	54	167	1244
ULaw Manchester	3	43	13	10	75	263
ULaw Newcastle	N/A	9	1	N/A	11	21
ULaw Nottingham	3	13	3	N/A	13	57
UWE	36	143	58	42	145	824
TOTAL	596	1583	842	805	1754	11173

1.4.1 As with the data for Civil Litigation, the December 2020 sit was the first opportunity for candidates to attempt the centralised assessments for the Bar Training course, hence the lower volume of candidates. As can be seen, for the April 2024 sit, City University had the largest cohort, accounting for 23.9% of the Criminal Litigation candidate entries, whilst BPP London has provided 19.9% of the total number of candidate entries across the nine sittings offered thus far. As noted above, two AETOs have cohort numbers in single figures for the April 2024 sit, a factor that can impact significantly on the comparison of cohort data.

2. BAR TRAINING COURSE CENTRALISED ASSESSMENT PROCEDURES

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 Chief Examiners for each subject). The CEB is supported by an independent observer, an independent psychometrician and senior staff from the BSB. The Chair and the examiners contribute a mix of both academic and practitioner experience.

2.1 How examination papers are devised and approved

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

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 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/514638a6-383c-40b2-8fc2dd8b2fe83585/20220819-Standard-setting.pdf>

2.3 How the exams are conducted

- 2.3.1 Candidates across all AETO institutions normally attempt the centralised assessments in each of the knowledge areas on the same dates. In any case where an AETO identifies candidates as having reasonable or other adjustments arrangements necessitating a start time earlier than that of the main cohort, the relevant candidates are not allowed to leave their assessment area until the commencement of the main cohort assessment. Secure delivery and collection arrangements are put in place for all examination materials.
- 2.3.2 Candidates are allowed to attempt the assessments at locations overseas. The onus is placed on the candidates' AETO to ensure that a secure assessment centre is available, and the BSB normally requires the start time of the examination at the overseas centre to be the same as the UK start time (an earlier/later start time may be permitted provided there is an overlap and candidates are quarantined). To ensure the complete security of the examination papers, the BSB dispatches all examinations to the overseas contacts directly.
- 2.3.3 AETO institutions are given guidance on examination arrangements by the BSB. Exam invigilation reports for exams (listing for example, public transport strikes, bomb alerts, fire alarms, building noise), are submitted by AETOs, detailing any issues they believe may have had a material bearing on the conduct of the examination itself at their assessment centres and, if required, these reports are considered at the CEB Subject and Final Exam Boards.
- 2.3.4 Each AETO oversees its own "fit to sit" policy. Some AETOs require candidates to complete a "fit to sit" form at the time of an exam. Other AETOs will complete this process at enrolment, candidates confirming that if they are present at the time of the exam, they are fit to sit the exam. The April 2024 Bar Training exam dates were as follows:

Criminal Litigation: Friday 19 April 2024 at 14:00
Civil Litigation (paper 1): Monday 15 April 2024 at 14:00
Civil Litigation (paper 2): Wednesday 17 April 2024 at 14:00

2.4 Marking

- 2.4.1 Candidates attempting the Civil Litigation and Criminal Litigation assessments record their answers on machine-readable answer sheets. AETOs return the original answer sheets to the BSB for machine marking. The answer sheet scanning is undertaken by specially trained BSB support staff, using specialist 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 for consideration at the exam boards. Once 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. Where there is an expected script

which is not received, or a script received which was not expected, this is queried with the AETO.

2.5 Examination Boards

- 2.5.1 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 and the 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.
- 2.5.2 Prior to the meeting of the Subject Board the examining teams receive copies of AETO feedback on each of the assessment items. The examining teams formulate their draft responses to this feedback indicating whether or not they think the points raised by the AETOs appear to warrant further investigation at the Subject Board. The examining teams consider the AETO feedback without any knowledge of the statistical data relating to the operation of each assessment item to ensure an objective approach to the feedback and the need for further investigation.
- 2.5.3 The meeting of the Subject Board considers, with the advice of the independent observer, 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. The Subject Board then comes to a preliminary conclusion regarding the pass standard to be recommended to the Final Board. The Subject Board then considers the results for each assessment item. The key data presented to the Subject Board (reflecting the recommended passing standard) will also include:
- data showing the pass rate for each MCQ cross-referenced to the representations made in the feedback pro-formas returned by the AETOs – thus flagging up any correlation of AETO criticisms and concerns with systemic poor performance by candidates.
 - statistical analysis produced by the BSB Exams Team and endorsed by the psychometrician, including facility values, point biserials, and a measure of discrimination for each distractor, as well as an estimate of reliability for the assessment as a whole.
 - the Chief Examiner's commentary on the assessment process.
 - feedback on the examination questions and the examination paper as a whole provided by the AETOs.
 - a report from the Chair of the relevant standard setting meeting.
 - invigilator reports detailing evidence of issues that may have impacted on the conduct of the examination itself at any AETO centre.
- 2.5.4 On the basis of the above evidence, and as informed by the Independent Observer's views, 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 entirely if deemed defective or inappropriate (eg no correct answer) – no candidate is credited, and the maximum score is recalculated.
- crediting all candidates with the correct answer if an MCQ 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).

2.5.5 Once the Subject Board has considered the pass standard and agreed any necessary interventions it is notified of the resulting pass rate for the cohort of candidates as a whole. The Subject Board has the discretion to reconsider its decision in relation to the pass standard in the light of this data if there are principled grounds for so doing, before arriving at a definitive recommended pass standard to put forward to the Final Board.

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

2.5.7 The Final Examination Board considers the recommendations of the Subject Boards in respect of the AETO cohort performances in each of the 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 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 AETO institutions — although AETOs may cap passing results as 60% for resitting candidates or set aside results due to extenuating circumstances or academic misconduct. The process for challenging marks confirmed by the CEB is outlined on our website: <https://www.barstandardsboard.org.uk/uploads/assets/bb0267a5-d71f-4f37-8bae534100dd7290/Regulations-Governing-Student-Review.pdf>

2.6 Reporting results to AETOs

- 2.6.1 Once the CEB has confirmed the centralised assessment marks for each cohort of candidates at each AETO, the marks are distributed to the AETOs where they feed into their individual candidate profiles considered at the AETO 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 AETOs' systems. Hence if, for example, the passing standard for Criminal Litigation is 43/75 (in effect 57%), a candidate achieving 43/75 will be reported as having a score of 60% (the pass mark). All other candidate scores will be translated accordingly depending on the passing standard adopted.
- 2.6.2 It is at the AETO Examination Boards that issues relating to individual candidates such as extenuating circumstances or academic misconduct are considered.

3. BAR TRAINING CRIMINAL LITIGATION RESULTS APRIL 2024 SIT

3.1 Exam Board decisions in relation to selected questions

- 3.1.1 The CEB invited AETOs to provide feedback on the examination paper as a whole and each question if there were issues that the AETO wished to bring to the attention of the Exam Board before it proceeded to confirm the results. Along with the statistical data available to the Exam Board (see 2.5.3 above), the feedback from the AETOs can be of material assistance to the Exam Board in determining whether or not any intervention is required in respect of any individual question.
- 3.1.2. The examining team is first asked to reflect on the AETO feedback without having sight of any of the statistical data revealing how candidates have performed in respect of a particular question. This enables the examining team to focus on the substantive points raised by the AETOs (in particular, questions of substantive law and procedure) without being influenced by evidence of actual cohort performance. Independently of this, the psychometrician advising the Exam Board, analyses the data on cohort performance and prepares a report on any apparent anomalies in terms of passing rates for individual questions, poor correlation, and low discrimination.
- 3.1.3 Discrimination refers to the extent to which candidates, who performed well in the examination as a whole, answered a specific question correctly, and the extent to which candidates who were weak overall answered the same specific question incorrectly. Where the statistical analysis shows poor discrimination, it can be evidence that candidates had to resort to guessing which answer was correct, suggesting that the question had not operated as expected. It is also the case that where the passing rate for an item is very high, the discrimination score can be low, simply because the vast majority of candidates (both weak overall and strong overall) will have answered the question correctly. Correlation is a similar measure. The Board expects to see a positive correlation figure in respect of the correct or intended best answer for any given question, and a negative correlation score in relation to a wrong, or 'not the best' answer. A positive correlation outcome for a wrong or 'not the best' answer suggests that the stronger candidates (in terms of performance across the examination as a whole) were attracted to that answer.
- 3.1.4 For the April 2024 Criminal Litigation assessment, requests for intervention from AETOs were received in relation to 12/75 questions (see 3.1.5, below). Typically, responses from AETOs raised issues such as the possibility of there being more than one 'best' answer; the link between the question asked and the syllabus reading material; syllabus coverage; the level of challenge offered by the question; and whether the question was one that it was fair to ask candidates at this stage in their training.

3.1.5 Summary of Exam Board deliberations

The table below provides a summary of the Exam Board deliberations where interventions (if any) were agreed, and instances where, although no intervention was agreed, points for future reference were raised in the Board's deliberations.

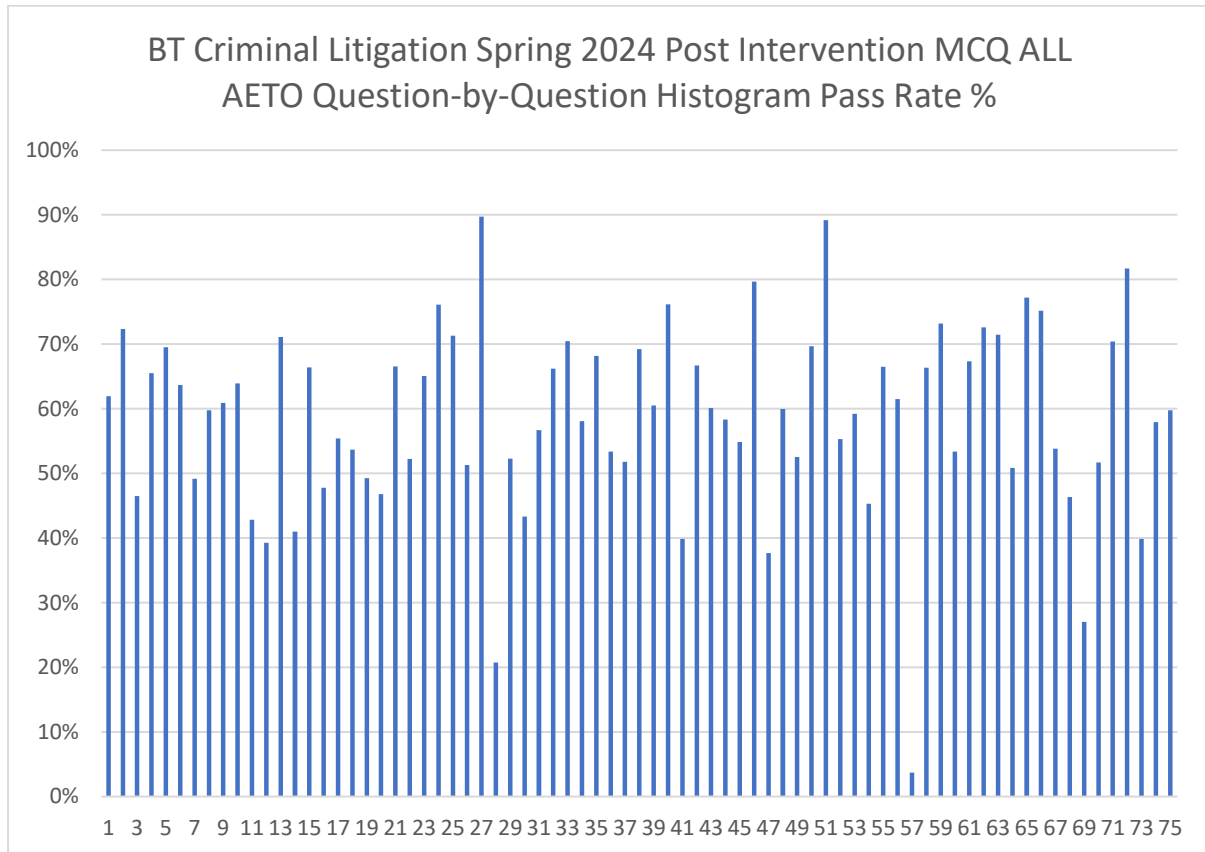
Item	Number of AETOs requesting an intervention	Exam Board decision and rationale
Q.9	1	<p>Passing rate 61%. Point Biserial 0.17 (Poor Discrimination). AETO feedback that option [C] should also be credited and suggesting improvement for future use. It was noted that option [C] had been redrafted previously and the second part of the option was intentionally legally incorrect.</p> <p><i>The board decided not to intervene but to improve the question for future use.</i></p>
Q.16	2	<p>Passing rate 48%. Point Biserial 0.35. (Good Discrimination). AETO feedback that options [A] & [B] should also be credited and suggesting improvement for future use. The Chief Examiner noted that [A] could not be credited as a conviction for an offence of dishonesty offence was coterminous with a propensity to untruthfulness. It was also noted that [B] could not be credited as there was no attempt to create a false impression.</p> <p><i>The board decided not to intervene but to improve the question for future use.</i></p>
Q.18	1	<p>Passing rate 54%. Point Biserial 0.24. (Low Discrimination). AETO feedback that option [D] should also be credited. It was noted that option D was not correct as the application could not be determined on counsel submissions alone. It was also noted that counsel could be singular or plural, so the answer did not hang on the placement of an apostrophe.</p> <p><i>The board decided not to intervene but to improve the question for future use.</i></p>
Q.28	1	<p>Passing rate 21%. Point Biserial 0.32 (Good Discrimination). AETO feedback that option [C] should also be credited. It was noted that [C] was incorrect, as it was clearly set out in PACE s41 – the relevant time was either ‘the time at which that person arrived at the relevant police station’ or the time 24 hours after the person’s arrest, whichever was earlier’. It was determined</p>

Item	Number of AETOs requesting an intervention	Exam Board decision and rationale
		<p>that it was clear from the fact pattern that the relevant time was the arrival at the police station.</p> <p><i>The board decided not to intervene.</i></p>
Q.33	1	<p>Passing rate 71%. Point Biserial 0.39 (Very Good Discrimination). AETO feedback that additional options should also be credited. It was noted that the absence of reference to a majority direction did not affect the fact that there was only one correct answer. It was also noted that previous statistics suggested that there were no issues with the wording of the question.</p> <p><i>The board decided not to intervene.</i></p>
Q.42	1	<p>Passing rate 67%. Point Biserial 0.31 (Good Discrimination). AETO feedback that options [B] & [D] should also be credited. It was noted that candidates with learning difficulties may have found distinguishing between these types of questions more difficult, but reasonable adjustments were available, and the extra time given would allow the time to work through the question. It was also noted that it was a fair test to expect candidates to know this definition from memory.</p> <p><i>The board decided not to intervene.</i></p>
Q.45	1	<p>Passing rate 55%. Point Biserial 0.42 (Very Good Discrimination). AETO feedback that options [A] & [B] should also be credited. It was noted that the reference to s.8 CPIA was on syllabus and was added to the distractors to assist candidates.</p> <p><i>The board decided not to intervene.</i></p>
Q.48	1	<p>Passing rate 61%. Point Biserial 0.17 (Poor Discrimination). AETO feedback that option [D] should also be credited. It was noted that the AETO comments required speculation, which was discouraged, and there was sufficient detail within the facts to distinguish between C and D.</p> <p><i>The board decided not to intervene.</i></p>
Q.56	2	<p>Passing rate 62%. Point Biserial 0.10 (Very Poor Discrimination). AETO feedback that option [C] should also be credited. It was noted that it was clearly discernible from the syllabus reading that [B] was the best answer.</p>

Item	Number of AETOs requesting an intervention	Exam Board decision and rationale
		<i>The board decided not to intervene but to improve the question for future use.</i>
Q.57	1	<p>Passing rate 4%. Point Biserial -0.01 (Very Poor Discrimination). AETO feedback that options [A] or [D] should also be credited. It was noted that there were no defects in the drafting of the question, and it was clearly on syllabus. By reason of SA 2020 s.42(1) the magistrates' court or Crown Court was normally required to impose a surcharge when dealing with an offender for one or more offences committed on or after 1 April 2007. There was a requirement for the court to impose a surcharge in every case disposed of, even for defendants facing an immediate custodial sentence. It was agreed that all other answers were incorrect and could not be credited.</p> <p><i>The board decided not to intervene.</i></p>
Q.64	1	<p>Passing rate 51%. Point Biserial 0.36 (Very Good Discrimination). AETO feedback that option [D] should also be credited. It was noted that [D] was incorrect, and the correct option was a sufficiently accessible phrase that encapsulates what is set out in Blackstone's Criminal Practice 2024. It was agreed that the question would be reused without revision.</p> <p><i>The board decided not to intervene.</i></p>
Q.72	1	<p>Passing rate 82%. Point Biserial 0.34 (Good Discrimination). AETO feedback that option [B] should also be credited. It was noted that the best answer was option [C] as it was a stronger argument, therefore [B] could not be credited.</p> <p><i>The board decided not to intervene.</i></p>

3.2 Post-intervention histogram of MCQs

The histogram below shows the facility score (% of Bar Training candidates answering correctly) for each of the questions in the April 2024 Criminal Litigation examination.



The post-intervention data shows 4 MCQs with an all-AETO cohort pass rate below 40% (compared to 7 for the December 2023 sit). There is no evidence to suggest a fall-off 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 59%, across MCQs 26 to 50 it was again 59%, and across MCQs 51 to 75 it rose to 60%. The word count of the assessment was not felt by the Final Board to have been an issue.

3.3 Standard setting and reliability of the assessment

3.3.1 The pass standard reported to the Criminal Litigation Subject Board was 40.4/75 rounded up, following the Board’s convention, to 41 out of 75. The outcome of the standard setting process is a recommended pass standard rather than a determined outcome of what the pass standard should be. The Final Board endorsed that recommendation and confirmed the pass standard as 41/75.

3.3.2 Data supplied to the Final Exam Board by the psychometrician indicated that, with a KR-20 Reliability score of 0.88, the assessment had exceeded the

benchmark KR-20 Reliability of 0.8. The Exam Board noted that all other data suggested an assessment operating as expected.

	Aug-22	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24
No. of Candidates	802	594	1583	840	805	1754
No. of Scored Items	75	75	75	75	75	75
Pass Standard	42 (56.0%)	44 (58.7%)	43 (57.3%)	43 (57.3%)	42 (56.0%)	41 (54.7%)
No. Passing	421 (52.5%)	296 (49.8%)	1039 (65.6%)	297 (35.4%)	444 (55.2%)	1062 (60.5%)
Mean Score	42.02 (56.03%)	44.18 (58.91%)	47.0 (62.7%)	39.5 (52.7%)	43.6 (58.2%)	44.0 (58.7%)
Standard Deviation	9.44 (12.58%)	10.81 (14.42%)	11.2 (14.9%)	10.7 (14.3%)	11.7 (15.7%)	11.2 (15.0%)
Range of Scores	15 to 70	15 to 72	11 to 74	13 to 69	13 to 73	14 to 72
Reliability (KR-20)	0.83	0.88	0.89	0.87	0.89	0.88
Reliability for Equivalent 90-item Test	0.85	0.89	0.90	0.88	0.91	0.90
Standard Error of Measurement	3.91 (5.21%)	3.82 (5.09%)	3.7 (5.0%)	4 (5.33%)	3.9 (5.2%)	3.9 (5.2%)

3.4 Chief Examiner's Report

The Chief Examiner for Criminal Litigation reported that she was satisfied that this assessment was fair to candidates and allowed them to demonstrate their competence to the required threshold, noting that comments from AETOs were generally positive overall.

3.5 Independent Observer confirmation

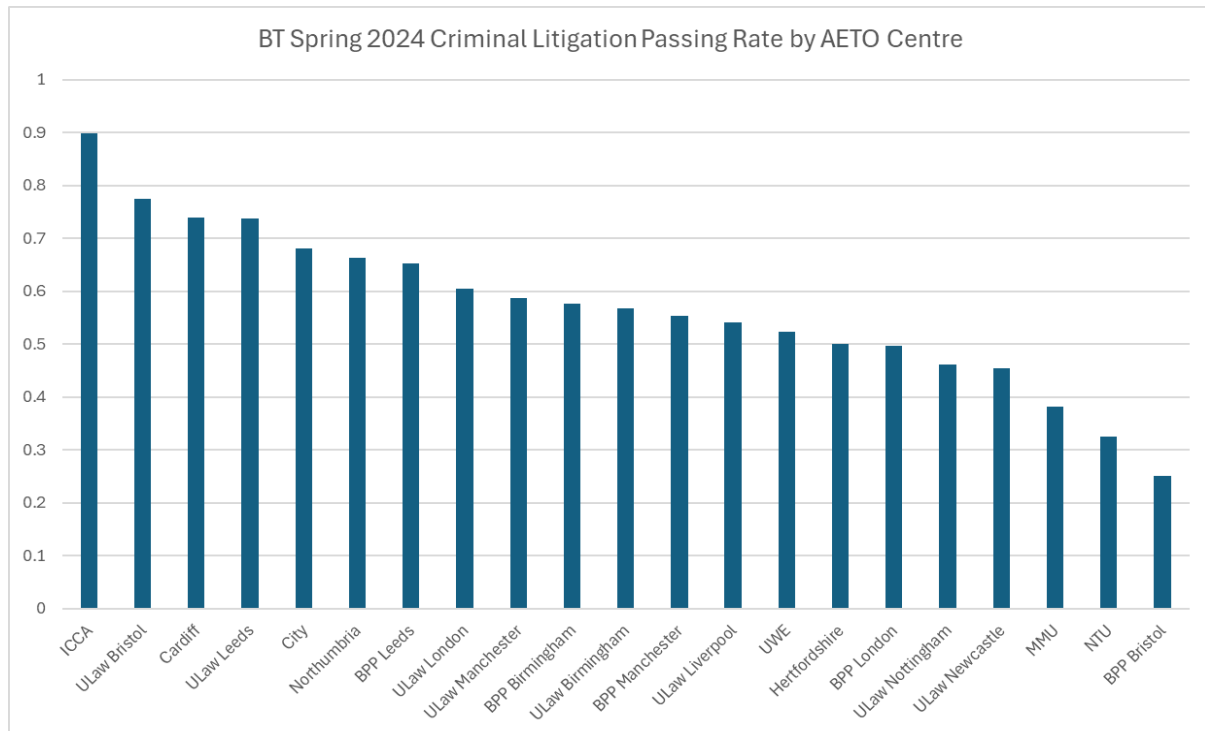
The Independent Observer endorsed the proceedings in respect of the Criminal Litigation assessment.

3.6 Criminal Litigation post-intervention pass rate April 2024

All-AETO Post-Intervention	Criminal Litigation August 2022	Criminal Litigation December 2022	Criminal Litigation April 2023	Criminal Litigation August 2023	Criminal Litigation December 2023	Criminal Litigation April 2024
Number of Candidates	802	594	1583	840	805	1754
Passing Rate	52.5%	49.8%	65.6%	39.9%	55.2%	60.5%

The table above shows the all-AETO April 2024 post-intervention Bar Training cohort pass rate of 60.5% for Criminal Litigation, based on a passing standard recommended to the Final Board (as a result of the standard setting process) of 41/75. The post-intervention passing rate is in the middle of the range for the last six cycles.

3.7 April 2024 Criminal Litigation pass rates by AETO centre



3.7.1 In the above graph the 21 AETO centre cohorts are ranged left to right in declining order of their April 2024 pass rates in the Criminal Litigation assessment. The ICCA achieved the highest passing rate of 89.9% based on a cohort of 69 candidates. ULaw Bristol also performed very well with a passing rate of 77.4%. BPP Bristol managed only 25%, but this was on the basis of a cohort of only 4 candidates.

3.7.2 Distribution of first sit candidates across the AETO centres for Criminal Litigation April 2024 sitting

AETOs Ranked by % of cohort first sitting CRIMINAL LITIGATION			
AETO	Cohort Size	# First Sit	% First Sit
ULaw Newcastle	11	11	100.0%
ULaw Nottingham	13	13	100.0%
Northumbria	77	75	97.4%
ULaw Leeds	76	74	97.4%
Cardiff	65	62	95.4%
City	419	388	92.6%
ULaw Manchester	75	69	92.0%
ICCA	69	63	91.3%
ULaw Bristol	31	28	90.3%
ULaw Liverpool	96	85	88.5%
ULaw London	167	145	86.8%
ULaw Birmingham	67	57	85.1%
UWE	145	121	83.4%
BPP Leeds	23	19	82.6%
BPP Manchester	74	56	75.7%
NTU	77	56	72.7%
BPP Birmingham	33	21	63.6%
BPP London	207	115	55.6%
BPP Bristol	4	2	50%
MMU	21	10	48%
Hertfordshire	4	0	0%
OVERALL	1754	1470	83.8%

Nineteen of the 21 AETO centres entering candidates for the April 2024 Criminal Litigation assessment had a preponderance of first sit candidates. Hertfordshire was the only AETO with no first sit candidates in the April 2024 Criminal Litigation assessment.

3.7.3 Comparison of first sit and resit candidate passing rates at each AETO for Criminal Litigation April 2024 sitting

First Sit Pass Rates and Resit Pass Rates CRIMINAL LITIGATION		
AETO	First Sit % Pass	Resit % Pass
BPP Birmingham	76%	25%
BPP Bristol	50%	0%
BPP Leeds	63%	75%
BPP London	56%	42%
BPP Manchester	66%	22%
Cardiff	74%	67%
City	69%	58%
Hertfordshire	N/A	50%
ICCA	92%	67%
MMU	40%	36%
Northumbria	68%	0%
NTU	34%	29%
ULaw Birmingham	58%	50%
ULaw Bristol	82%	33%
ULaw Leeds	76%	0%
ULaw Liverpool	55%	45%
ULaw London	67%	18%
ULaw Manchester	58%	67%
ULaw Newcastle	45%	N/A
ULaw Nottingham	46%	N/A
UWE	55%	38%
OVERALL	65%	40%

Data presented to the exam boards for the April 2024 sitting showing the split between first sit and resit candidates for Criminal Litigation revealed that 83.8% were attempting on a first sit basis (ie first ever attempt at the examination, or previous attempts discounted on the basis of accepted extenuating circumstances), and 16.2% as resit candidates (ie candidates who had previously failed the examination without mitigating circumstances having been submitted or accepted). First sit cohorts tend to be stronger than resit cohorts, and with this in mind it should be noted that, for the April 2024 Criminal Litigation examination, for the 18 AETO centres with first sit and resit candidates, only two reported a higher passing rate for their resit cohort compared to their first sit cohort.

3.7.4 Passing rates of first sit cohorts at each AETO for Criminal Litigation April 2024 sitting.

AETOs Ranked by First Sit Pass Rate CRIMINAL LITIGATION	
AETO	First Sit % Pass
ICCA	92%
ULaw Bristol	82%
BPP Birmingham	76%
ULaw Leeds	76%
Cardiff	74%
City	69%
Northumbria	68%
ULaw London	67%
BPP Manchester	66%
BPP Leeds	63%
ULaw Manchester	58%
ULaw Birmingham	58%
BPP London	56%
UWE	55%
ULaw Liverpool	55%
BPP Bristol	50%
ULaw Nottingham	46%
ULaw Newcastle	45%
MMU	40%
NTU	34%
Hertfordshire	N/A

Excluding Hertfordshire, which did not enter any first sit candidates, there were only four AETO centres where fewer than 50% of first sit candidates managed to secure a pass in the April 2024 Criminal Litigation assessment.

3.8 Criminal Litigation trend data – how AETO cohorts have performed over the last 6 sittings

	Aug 22 % Pass	Dec 22 % Pass	Apr 23 % Pass	Aug 23 % Pass	Dec 23 % Pass	Apr 24 % Pass	Average over 6 sits
ICCA	100.0	89.1	89.2	77.8	91.5	89.9	89.6
ULaw Newcastle			88.9	100.0		45.5	78.1
Cardiff	47.6	60.0	83.8	53.3	78.4	73.8	66.2
Ulaw Leeds	60.0	77.8	66.7	56.7	36.4	73.7	61.9
BPP Leeds	42.9	60.0	50.0	60.0	60.0	65.2	56.3
BPP Manchester	58.8	45.7	64.6	53.1	54.4	55.4	55.3
City	51.1	44.3	74.3	38.6	54.8	68.0	55.2
BPP Birmingham	40.9	52.8	68.8	51.5	51.7	57.6	53.9
Ulaw London	53.5	40.8	67.2	54.4	46.3	60.5	53.8
Northumbria	37.5	57.1	76.0	35.7	44.4	66.2	52.8
Ulaw Nottingham	33.3	0.0	76.9	100.0		46.2	51.3
BPP London	61.3	41.7	63.6	31.6	43.9	49.8	48.6
Ulaw Bristol	40.0	0.0	75.0	42.9		77.4	47.1
BPP Bristol	57.1		100.0	11.1	25.0	25.0	43.7
UWE	57.6	25.0	48.3	29.3	45.2	52.4	43.0
Ulaw Birmingham	35.7	36.8	60.0	35.0	33.3	56.7	42.9
Ulaw Manchester	44.4	0.0	62.8	38.5	40.0	58.7	40.7
Ulaw Liverpool	50.0	0.0	47.5	40.0	46.2	54.2	39.6
Hertfordshire		20.0	22.2	0.0	100.0	50.0	38.4
MMU	42.9	58.3	25.0	14.3	48.6	38.1	37.9
NTU	18.8	37.5	36.2	31.6	25.9	32.5	30.4

3.8.1 AETO centre cohorts are listed in order of the average of their Criminal Litigation passing rates across the last six sittings of the Bar Training centralised assessments. Note that Hertfordshire entered candidates for the first time in the December 2022 sit, and ULaw Newcastle for the first time in April 2023. Greyed out cells indicate other instances in the table above where an AETO centre did not enter any candidates. The calculation of AETO centre averages have been adjusted to reflect this. The data shows that the ICCA currently has the highest average passing rate (89.6%), having entered candidates in each of the last six sittings of the Criminal Litigation assessment. The ICCA cohort has also achieved the highest passing rate in three of the last six sittings. NTU has the lowest passing rate at 30.4%, that figure driven in part by a very low passing rate in the August 2022 sitting.

3.8.2 An alternative way of assessing the success of each AETO across all the sittings to date (ie ten sittings in total) is to consider the cumulative total of candidates entered thus far and to compare this with the cumulative total number of candidates who have secured a pass.

BT Criminal Litigation - December 2020 to April 2024 (11 sits)			
AETO	Total Number of Attempts	Total Number of Passes	% Pass
ICCA	506	461	91.1%
ULaw Bristol	112	79	70.5%
ULaw Newcastle	21	14	66.7%
ULaw Leeds	324	209	64.5%
ULaw Nottingham	57	36	63.2%
City	2139	1339	62.6%
Cardiff	425	266	62.6%
ULaw Manchester	263	157	59.7%
ULaw London	1244	723	58.1%
Northumbria	355	203	57.2%
BPP Manchester	637	343	53.8%
BPP Leeds	198	105	53.0%
ULaw Birmingham	477	250	52.4%
ULaw Liverpool	209	106	50.7%
BPP London	2218	1039	46.8%
BPP Birmingham	410	191	46.6%
BPP Bristol	105	47	44.8%
UWE	824	366	44.4%
MMU	178	73	41.0%
NTU	432	150	34.7%
Hertfordshire	39	8	20.5%
TOTAL	11173	6165	55.2%

As can be seen from the above table 6,165 candidates have passed Bar Training Criminal Litigation assessments since the first sitting in December 2020, based on 11,173 attempts – thus the aggregate passing rate to date is 55.2%. There are 11 AETOs failing to achieve this average thus far, with a 70.6% range in cumulative passing rates between the strongest and weakest AETO centre cohorts. Eight AETO centres are failing to progress at least 50% of their candidates in Criminal Litigation.

4. BAR TRAINING CIVIL LITIGATION RESULTS APRIL 2024 SIT

4.1 Exam Board decisions in relation to selected questions

- 4.1.1 The CEB invited AETOs to provide feedback on the examination paper as a whole and each question if there were issues that the AETO wished to bring to the attention of the Exam Board before it proceeded to confirm the results. Along with the statistical data available to the Exam Board (see 2.5.3 above), the feedback from the AETOs can be of material assistance to the Exam Board in determining whether or not any intervention is required in respect of any individual question.
- 4.1.2 The examining team is first asked to reflect on the AETO feedback without having sight of any of the statistical data revealing how candidates have performed in respect of a particular question. This enables the examining team to focus on the substantive points raised by the AETOs (in particular, questions of substantive law and procedure) without being influenced by evidence of actual cohort performance. Independently of this, the psychometrician advising the Exam Board analyses the data on cohort performance and prepares a report on any apparent anomalies in terms of passing rates for individual questions, poor correlation, and low discrimination.
- 4.1.3 Discrimination refers to the extent to which candidates, who performed well in the examination as a whole, answered a specific question correctly, and the extent to which candidates who were weak overall answered the same specific question incorrectly. Where the statistical analysis shows poor discrimination, it can be evidence that candidates had to resort to guessing which answer was correct, suggesting that the question had not operated as expected. It is also the case that where the passing rate for an item is very high, the discrimination score can be low, simply because the vast majority of candidates (both weak overall and strong overall) will have answered the question correctly. Correlation is a similar measure. The Board expects to see a positive correlation figure in respect of the correct or intended best answer for any given question, and a negative correlation score in relation to a wrong, or 'not the best' answer. A positive correlation outcome for a wrong or 'not the best' answer suggests that the stronger candidates (in terms of performance across the examination as a whole) were attracted to that answer.
- 4.1.4 For the April 2024 Civil Litigation assessment requests for intervention from AETOs were received in relation to 9/90 questions (see 4.1.5, below). Typically, responses from AETOs raised issues such as the possibility of there being more than one 'best' answer; the link between the question asked and the syllabus reading material; syllabus coverage; the level of challenge offered by the question; and whether the question was one that it was fair to ask candidates at this stage in their training.

4.1.5 Summary of Exam Board deliberations

The table below provides a summary of the Exam Board deliberations where interventions (if any) were agreed, and instances where, although no intervention was agreed, points for future reference were raised in the Board's deliberations.

Item	Number of AETOs responding	Exam Board decision and rationale
Paper 1		
Q.8	1	<p>Passing rate 60%. Point Biserial 0.27</p> <p>The chair noted the intended best answer was [A]. The AETO feedback suggested option [D] should also be credited. The AETO feedback was noted but it was agreed that it was not relevant to the validity of the question.</p> <p><i>The Board decided not to intervene.</i></p>
Q.27	2	<p>Passing rate 44%. Point Biserial 0.13</p> <p>The Chair noted this question was flagged as an MCQ, but was written as an SBA, this was an anchor question and the performance of candidates at the April 2024 examination was similar to the performance of candidates at the three previous examinations where this question had been used. The AETO feedback suggested option [B] should also be credited. The Board discussed the question at length and felt that the wording of the question required candidates to draw an inference about insurance in order to answer the question correctly. In the absence of such an inference distractor [B] may have proved attractive. The Board noted that option [B], whilst a sub-optimal answer, was not wrong. On balance, the Board decided to give the benefit of doubt to candidates and credit [B] as well as the preferred answer [C].</p> <p><i>Intervention: The Board decided to credit answer [B] in addition to correct answer [C].</i></p>
Q.29	1	<p>Passing rate 62%. Point Biserial 0.28</p> <p>The AETO feedback suggested option [C] should also be credited. The AETO feedback was noted but it was agreed that it was not relevant to the validity of the question.</p> <p><i>The Board decided not to intervene.</i></p>

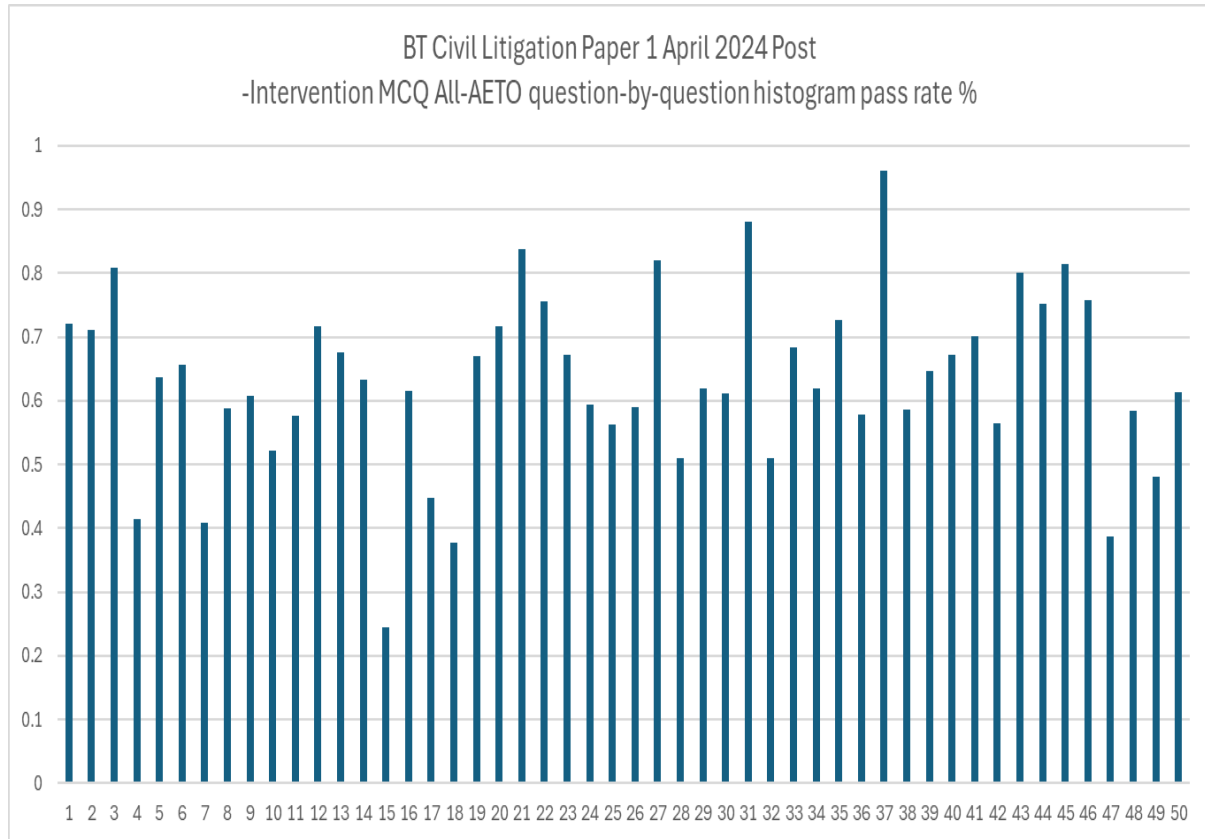
Item	Number of AETOs responding	Exam Board decision and rationale
Q.37	2	<p>Passing rate 69%. Point Biserial 0.18</p> <p>The AETO feedback suggested option [A] should also be credited. The board discussed and, noting that this item was an SBA, agreed that answer [A] was also a credible answer based on the materials available to the candidates in the exam. The Board decided the fairest outcome for candidates was to credit option [A] in addition to correct answer [C].</p> <p><i>Intervention: The Board decided to credit option [A] in addition to correct answer [C].</i></p>
Q.40	1	<p>Passing rate 69%. Point Biserial 0.37</p> <p>The AETO feedback was noted but it was agreed that it was not relevant to the validity of the question.</p> <p><i>The Board decided not to intervene.</i></p>
Q.44	1	<p>Passing rate 77% Point Biserial 0.40</p> <p>The AETO feedback suggested the item should be removed from the question paper. The AETO feedback was noted but it was agreed that it was not relevant to the validity of the question.</p> <p><i>The Board decided not to intervene.</i></p>
Paper 2		
Q.5	1	<p>Passing rate 34%. Point Biserial 0.32</p> <p>AETO feedback asked for option [D] to also be credited. The Chief Examiner disagreed with the feedback noting that there was nothing in the fact pattern to suggest there was a better option than correct answer [B].</p> <p><i>The Board decided not to intervene.</i></p>
Q.28	1	<p>Passing rate 32%. Point Biserial 0.32</p> <p>AETO feedback asked for the question to be suppressed due to a typo in the white book. The team noted that there was a typo in the white book, but it did not hinder the question as the question was on syllabus.</p>

Item	Number of AETOs responding	Exam Board decision and rationale
		<i>The Board decided not to intervene.</i>
Q.34	1	<p>Passing rate 48%. Point Biserial 0.42</p> <p>AETO feedback suggested that option [C] should have been re-phrased otherwise candidates might have struggled to rule out option [D]. The Chief Examiner disagreed with the feedback and noted that [D] was contradictory to the rules that were in the white book. The team agreed that the stem could be re-phrased for future use.</p> <p><i>The Board decided not to intervene.</i></p>

4.2 Post-intervention histogram of MCQs

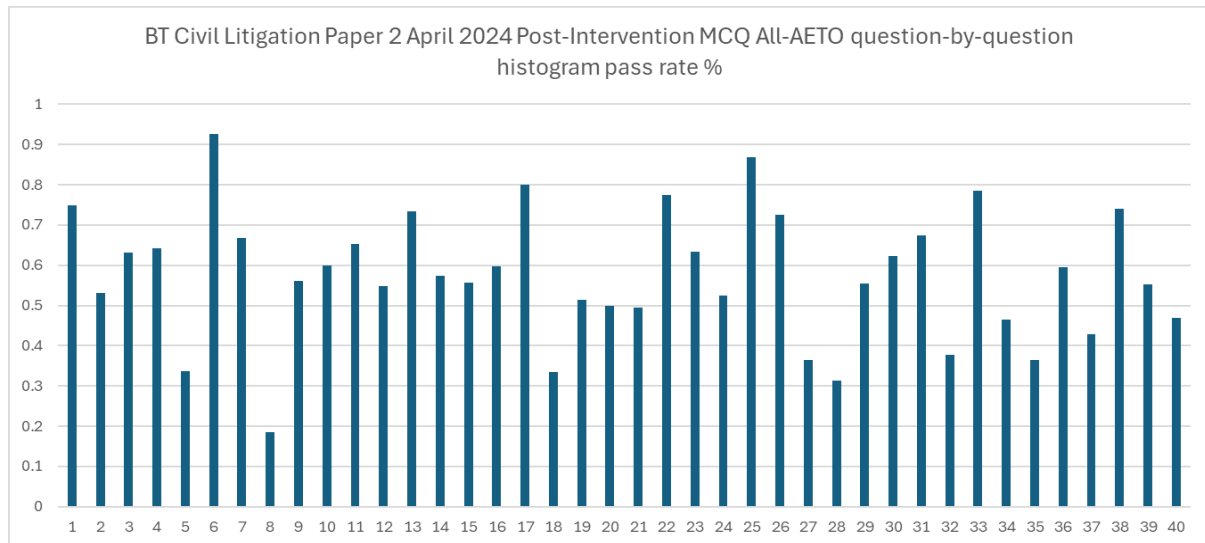
The histograms below show the facility scores (% of Bar Training candidates answering correctly) for each of the questions in the April 2024 Civil Litigation examination (following any agreed interventions detailed at 4.1.5).

4.2.1 Paper 1



For Civil Litigation paper 1 the post-intervention data shows two MCQs with an all-AETO cohort pass rate below 40% (compared to 10 out of 49 for the December 2023 sit). Assuming candidates attempted the questions in the order presented there is some slight evidence of candidate fatigue being a factor. The average passing rate across the first 25 MCQs was 63%, compared with 59% across MCQs 26 to 50 (see discussion on pass standard below).

4.2.2 Paper 2



For Civil Litigation paper 2 the post-intervention data shows seven MCQs with an all-AETO cohort pass rate below 40% (compared to 6 for the December 2023 sit). Across both papers 1 & 2 there were, therefore 9 questions with a passing rate of 40% or below, compared to 16/90 in the December 2023 sitting. Assuming candidates attempted the paper 2 questions in the order presented there is no evidence of candidate fatigue being a factor. The average passing rate across the first 20 MCQs in paper 2 was 59%, compared to 58% across MCQs 21 to 40. The average passing rate for the first five stand-alone questions on paper 2 was 59%, higher than that for two of the subsequent rolling case scenarios.

4.3 Standard setting and reliability of the assessment

4.3.1 The standard setting exercise was undertaken without incident and the Chair for that exercise commended the recommended pass standard to the Board. The recommended pass standard was reported to the Civil Subject Board as being 51/90. The Final Board accepted that recommendation.

4.3.2 Data supplied to the final Exam Board by the psychometrician indicated that the assessment had achieved a KR-20 Reliability score of 0.92, exceeding the benchmark of 0.8. The Exam Board noted that all other data suggested an assessment operating as expected.

	Aug-22	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24
No. of Candidates	790	929	1671	889	833	1748
No. of Scored Items	90	90	89	89	90	90
Pass Standard	52 (57.8%)	48 (53.3%)	51 (57.3%)	50 (56.2%)	49 (54.4%)	51 (56.7%)
No. Passing	365 (46.2%)	524 (56.4%)	1000 (59.8%)	401 (45.1%)	443 (53.2%)	1046 (59.8%)
Mean Score	50.16 (55.74%)	50.50 (56.11%)	53.7 (60.4%)	48.2 (53.6%)	51.6 (57.3%)	54.6 (60.7%)
Standard Deviation	10.94 (12.16%)	13.43 (14.92%)	13.2 (14.9%)	13.2 (14.7%)	14.7 (16.4%)	14.7 (16.3%)
Range of Scores	16 to 85	18 to 86	15 to 87	17 to 84	15 to 87	14 to 88
Reliability (KR-20)	0.85	0.90	0.90	0.90	0.92	0.92
Reliability for Equivalent 90-item Test	0.85	0.90	0.90	0.90	0.92	0.92
Standard Error of Measurement	4.29 (4.77%)	4.20 (4.67%)	4.10 (4.6%)	4.3 (4.7%)	4.1 (4.8%)	4.1 (4.6%)

4.4 Chief Examiner's Report

The Chief Examiner for Civil Litigation confirmed that she was satisfied that this assessment was fair to candidates and allowed them to demonstrate their competence to the required threshold.

4.5 Independent Observer confirmation

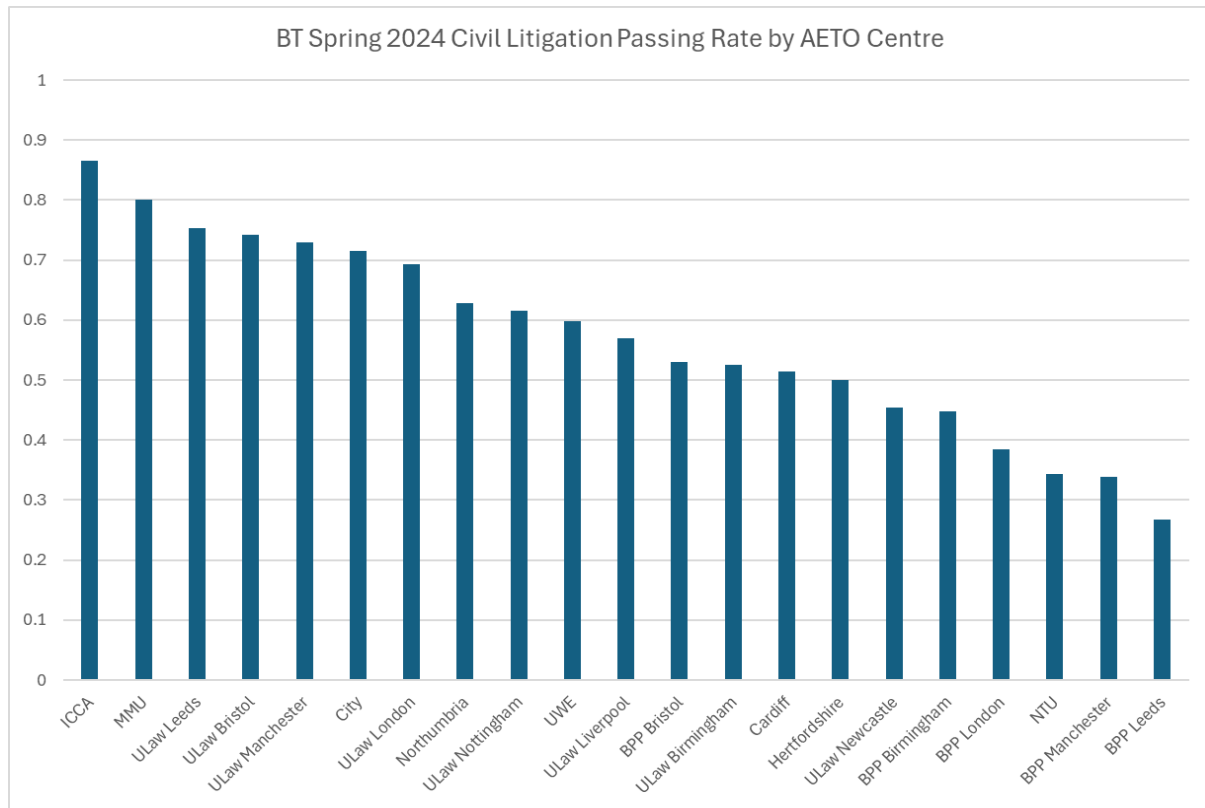
The Independent Observer endorsed the proceedings in respect to Civil Litigation.

4.6 Civil Litigation post-intervention pass rate April 2024

All-AETO Post-Intervention	Civil Litigation August 2022	Civil Litigation December 2022	Civil Litigation April 2023	Civil Litigation August 2023	Civil Litigation December 2023	Civil Litigation April 2024
Number of Candidates	790	929	1671	889	833	1748
Passing Rate	46.2%	56.4%	59.8%	45.1%	53.2%	59.8%

The table above shows the all-AETO April 2024 post-intervention Bar Training cohort pass rate of 59.8% for Civil Litigation, based on a passing standard recommended to the Final Board (as a result of the standard setting process) of 51/90. The post-intervention passing rate is the joint highest across the last six sitting, being identical to that achieved in the April 2023 sitting.

4.7 April 2024 Civil Litigation pass rates by AETO



4.7.1 The 21 AETO centre cohorts entering candidates for the Civil Litigation assessment are ranged left to right in descending order of their April 2024 pass rates. As was the case with the Criminal Litigation assessment, the ICCA cohort achieved the highest passing rate at 86.6%. MMU had the second highest passing rate, but this was based on a resit cohort of 5 candidates.

4.7.2 Distribution of first sit candidates across the AETO centres for Civil Litigation
April 2024 sitting

AETOs Ranked by % First Sit			
AETO	Cohort Size	No. First Sitting	% First Sit
ULaw Newcastle	11	11	100%
ULaw Nottingham	13	13	100%
Northumbria	78	75	96%
ULaw Manchester	74	70	95%
ULaw Bristol	31	29	94%
ULaw Leeds	73	68	93%
City	428	393	92%
ICCA	82	74	90%
ULaw Liverpool	100	88	88%
ULaw London	169	148	88%
Cardiff	37	32	86%
ULaw Birmingham	61	51	84%
BPP Bristol	17	14	82%
UWE	112	91	81%
NTU	70	55	79%
BPP Leeds	15	10	67%
BPP London	257	145	56%
BPP Manchester	74	38	51%
BPP Birmingham	38	15	39%
Hertfordshire	2	0	0%
MMU	5	0	0%
OVERALL	1748	1421	81%

Eighteen of the 21 AETO centres entering candidates for the April 2024 Civil Litigation assessment had a preponderance of first sit candidates.

4.7.3 Comparison of first sit and resit candidate passing rates at each AETO for Civil Litigation April 2024 sitting

First Sit Pass Rates and Resit Pass Rates CIVIL LITIGATION		
AETO	First Sit % Pass	Resit % Pass
BPP Birmingham	40%	48%
BPP Bristol	50%	67%
BPP Leeds	30%	20%
BPP London	41%	35%
BPP Manchester	30%	38%
Cardiff	47%	80%
City	72%	63%
Hertfordshire	N/A	50%
ICCA	88%	75%
MMU	N/A	80%
Northumbria	65%	0%
NTU	41%	13%
ULaw Birmingham	59%	20%
ULaw Bristol	79%	0%
ULaw Leeds	78%	40%
ULaw Liverpool	60%	38%
ULaw London	74%	36%
ULaw Manchester	74%	50%
ULaw Newcastle	45%	N/A
ULaw Nottingham	62%	N/A
UWE	64%	43%
OVERALL		

Data presented to the exam boards for the April 2024 sitting showing the split between first sit and resit candidates for Civil Litigation revealed that 81% were attempting on a first sit basis (ie first ever attempt at the examination, or previous attempts discounted on the basis of accepted extenuating circumstances), and 19% as resit candidates (ie candidates who had previously failed the examination without mitigating circumstances having been submitted or accepted). First sit cohorts tend to be stronger than resit cohorts, and with this in mind it should be noted that, for the April 2024 Civil Litigation examination, only three of the 17 AETO centres with both first sit and resit candidates reported higher passing rates for their resit cohorts compared to their first sit cohorts.

4.7.4 Passing rates of first sit cohorts at each AETO for Civil Litigation April 2024 sitting

AETOs ranked by First Sit Pass Rate CIVIL LITIGATION	
AETO	First Sit % Pass
ICCA	87.8%
ULaw Bristol	79%
ULaw Leeds	78%
ULaw Manchester	74.3%
ULaw London	74%
City	72%
Northumbria	65%
UWE	63.7%
ULaw Nottingham	61.5%
ULaw Liverpool	60%
ULaw Birmingham	58.8%
BPP Bristol	50%
Cardiff	47%
ULaw Newcastle	45.5%
BPP London	41%
NTU	41%
BPP Birmingham	40%
BPP Leeds	30%
BPP Manchester	29.7%
Hertfordshire	N/A
MMU	N/A

Disregarding both MMU and Hertfordshire, neither of whom had any first sit candidates, seven AETO centres failed to pass more than 50% of their first sit candidates in the April 2024 Civil Litigation assessment.

4.8 Civil Litigation trend data – how AETO cohorts have performed over the last 6 sits

	Aug 22 % Pass	Dec 22 % Pass	Apr 23 % Pass	Aug 23 % Pass	Dec 23 % Pass	Apr 24 % Pass	Average over 6 sits (values)
ICCA	92.9	86.5	84.2	78.6	90.6	86.6	86.6
Ulaw Nottingham	28.6	66.7	66.7	100.0		61.5	64.7
Ulaw Leeds	56.0	75.0	66.7	64.5	33.3	75.3	61.8
City	45.6	53.3	73.8	50.5	45.7	71.3	56.7
Ulaw Newcastle			44.4	80.0		45.5	56.6
Ulaw Bristol	40.0	33.3	66.7	66.7		74.2	56.2
Ulaw London	40.1	47.5	63.5	64.6	35.1	69.2	53.3
Northumbria	44.4	42.9	65.2	54.2	50.0	62.8	53.3
Cardiff	28.6	77.8	56.0	30.8	70.4	51.4	52.5
Ulaw Manchester	50.0	57.1	45.5	61.1	27.3	73.0	52.3
BPP Manchester	45.9	58.9	56.2	48.1	52.8	33.8	49.3
Ulaw Liverpool	60.0	50.0	41.1	47.6	35.7	57.0	48.6
UWE	38.1	53.3	48.6	43.6	41.7	59.8	47.5
BPP London	60.1	52.7	53.8	32.4	42.9	38.5	46.7
BPP Birmingham	50.0	53.6	47.6	32.7	48.6	44.7	46.2
MMU	25.0	47.8	41.7	28.6	54.1	80.0	46.2
BPP Bristol	55.6	62.5	22.2	33.3	40.0	52.9	44.4
Hertfordshire		23.1	33.3	14.3	100.0	50.0	44.1
Ulaw Birmingham	29.4	36.7	61.8	39.1	41.7	52.5	43.5
BPP Leeds	40.0	56.3	38.9	44.4	54.2	26.7	43.4
NTU	20.6	20.8	37.8	42.9	36.0	34.3	32.1

4.8.1 AETO centre cohorts are listed in order of the average of their Civil Litigation passing rates across the last six sittings of the Bar Training centralised assessments. Note that Hertfordshire entered candidates for the first time in the December 2022 sit, and ULaw Newcastle for the first time in April 2023. Greyed out cells indicate other instances in the table above where an AETO centre did not enter any candidates. The calculation of AETO centre averages have been adjusted to reflect this. The data shows that the ICCA has achieved the highest average passing rate (86.8%), and NTU the lowest at 32.1%. The ICCA cohort has achieved the highest passing rate in four of the last six sittings.

4.8.2 An alternative way of assessing the success of each AETO centre across all the sittings to date is to consider the cumulative total of candidates entered thus far and to compare this with the cumulative total number of candidates who have secured a pass.

BT Civil Litigation - December 2020 to April 2024 (11 sits)			
AETO	Total Number of Attempts	Total Number of Passes	% Pass
ICCA	510	453	88.8%
Ulaw Leeds	299	202	67.6%
Ulaw Bristol	117	79	67.5%
City	1987	1322	66.5%
Cardiff	429	266	62.0%
Ulaw Manchester	272	163	59.9%
Ulaw London	1233	689	55.9%
Ulaw Nottingham	67	37	55.2%
Northumbria	410	215	52.4%
ULaw Newcastle	25	13	52.0%
BPP Manchester	693	356	51.4%
Ulaw Liverpool	214	109	50.9%
Ulaw Birmingham	464	227	48.9%
UWE	730	348	47.7%
BPP Bristol	129	61	47.3%
BPP Leeds	217	102	47.0%
BPP London	2466	1155	46.8%
MMU	166	73	44.0%
BPP Birmingham	432	185	42.8%
NTU	432	152	35.2%
Hertfordshire	29	8	27.6%
TOTAL	11321	6215	54.9%

As can be seen from the above table, 6,215 candidates have passed Bar Training Civil Litigation since the first sitting in December 2020, based on 11,321 attempts – thus the aggregate passing rate to date is 54.9%. There are 13 AETOs failing to achieve this average thus far, with a 61.2% range in cumulative passing rates between the strongest and weakest cohorts. There are nine AETO centres where, to date, less than 50% of Civil Litigation candidates attempting the assessment have secured a pass. Some of these candidates will have further opportunities to attempt the assessment depending on factors such as extenuating circumstances, and their previous number of unsuccessful attempts.

5. FURTHER COMPARATIVE ANALYSIS

5.1 Comparing performance in Criminal and Civil Litigation examinations

The post-intervention passing rates for the April 2024 sits in Criminal Litigation and Civil Litigation were very close to each other, at 60.5% and 59.8% respectively, with the Civil Litigation cohort having a slightly higher percentage of resitting candidates (19% vs 16.2%). There were 688 Bar Training candidates who attempted both Litigation assessments at the April 2024 sitting and the cross-tabulated outcomes, are as follows:

(a) All candidates attempting both papers:

	Pass Crime	Fail Crime
Pass Civil	614	127
Fail Civil	74	379

	Pass Crime	Fail Crime
Pass Civil	51.4%	10.6%
Fail Civil	6.2%	31.7%

(b) All candidates attempting both papers as first sit candidates:

	Pass Crime	Fail Crime
Pass Civil	586	105
Fail Civil	57	284

	Pass Crime	Fail Crime
Pass Civil	56.8%	10.2%
Fail Civil	5.5%	27.5%

(c) All candidates attempting both papers as resit candidates:

	Pass Crime	Fail Crime
Pass Civil	19	14
Fail Civil	16	69

	Pass Crime	Fail Crime
Pass Civil	16.1%	11.9%
Fail Civil	13.6%	58.5%

The key cells (on the shaded background) are those which show the number of candidates who passed one subject but failed the other. If the two subjects were equally difficult to pass (making allowances for the fact that the Bar Training examinations in Civil and Criminal Litigation have rather different formats), the number of candidates in these two cells should be approximately equal. To the extent that this data provides a reliable means of evidencing whether or not the two papers (notwithstanding their differing formats) provided a similar level of challenge, some comfort can be drawn from the relative closeness of the figures in the shaded boxes at (b) in respect of the performance of first sit candidates. On any analysis, however, the discrepancy between the shaded cells in the data set is within acceptable bounds. Note that whilst there were 688 candidates in all – as represented in table (a), not all candidates were first sitting both papers or resitting both papers (some may have been first sitting one and resitting another) – hence the sum of tables (b) and (c) does not equal 688.

5.2 Centralised assessment post-intervention pass rates compared December 2020 to December 2023

ALL-AETO Post-Intervention	Dec-20		Apr-21		Aug-21	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	383	407	1104	989	827	738
Passing Rate	59.8%	55.8%	46.2%	55.5%	42.4%	41.3%
Pass Standard	44/75	50/90	41/75	52/89	46/75	50/89
Reliability Score	0.91	0.91	0.86	0.90	0.85	0.88
ALL-AETO Post-Intervention	Dec-21		Apr-22		Aug-22	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	824	823	1653	1517	802	790
Passing Rate	55.9%	53.6%	63.7%	59.6%	52.5%	46.2%
Pass Standard	44/75	50/90	44/75	49/89	42/75	52/90
Reliability Score	0.87	0.89	0.89	0.90	0.85	0.85
ALL-AETO Post-Intervention	Dec-22		Apr-23		Aug-23	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	596	929	1583	1671	842	889
Passing Rate	49.8%	56.4%	65.6%	59.8%	39.9%	45.1%
Pass Standard	44/75	48/90	43/75	51/89	43/75	50/89
Reliability Score	0.89	0.90	0.90	0.90	0.88	0.90
ALL-AETO Post-Intervention	Dec-23		Apr-24		Aug-24	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	805	833	1754	1748		
Passing Rate	55.2%	53.2%	60.5%	59.8%		
Pass Standard	42/75	49/90	41/75	51/90		
Reliability Score	0.91	0.92	0.90	0.92		

Criminal Litigation candidate numbers for April 2024 were the highest for since the new format for the centralised assessments was introduced for the December 2020 sitting. Passing rates for both assessments are largely in line with April 2023 and April 2022 sittings (in fact identical in the case of Civil Litigation for April 2023 and 2024). The variations in cohort size tends to reflect the course structures adopted by AETOs, which in turn determines when most candidates will be attempting each of the centralised assessments for the first time. Cohort numbers are also impacted by the approval of additional AETOs and AETO centres. There were 9 cohorts entered for December 2020, 18 for April 2021, and 21 had been authorised by the time of the April 2023 sitting.

All Litigation	All Litigation	All Litigation	All Litigation
All sits	Dec	April	August
53.9%%	54.96%	58.84%	44.57%
Criminal Litigation	Criminal Litigation	Criminal Litigation	Criminal Litigation
All	Dec	April	August
53.77%	55.18%	59.00%	44.93%
Civil Litigation	Civil Litigation	Civil Litigation	Civil Litigation
All	Dec	April	August
53.30%	54.75%	58.68%	44.21%

Overall passing rates across the eleven sittings to date of the current format assessments show an average passing rate of 53.9%, with the average passing rate for Criminal Litigation (53.77%) being very marginally higher than that for Civil Litigation (53.3%). In terms of variation in passing rates across sittings, the April cohorts have, on average, been the strongest (58.84%) with the August cohorts the weakest (44.57%). The April 2023 passing rate for Criminal Litigation (65.6%) is the highest recorded for either subject across the nine sittings, and the August 2023 passing rate for Criminal Litigation (39.9%) is the lowest. It should be noted that this data shows averages of passing rates across sittings and does not reflect the volume of candidates at any given sitting (ie passing rates at April sittings have the same weighting as passing rates at August sittings, despite the higher volume of candidates normally entered for an April sit).

5.3 April 2024 post-intervention pass rates for both Criminal Litigation and Civil Litigation by AETO

AETO	Civil Litigation	Criminal Litigation	AVERAGE
ICCA	87%	90%	88.2%
ULaw Bristol	74%	77%	75.8%
ULaw Leeds	75%	74%	74.5%
City	71%	68%	69.7%
ULaw Manchester	73%	59%	65.8%
ULaw London	69%	60%	64.9%
Northumbria	63%	66%	64.5%
Cardiff	51%	74%	62.6%
MMU	80%	38%	59.0%
UWE	60%	52%	56.1%
ULaw Liverpool	57%	54%	55.6%
ULaw Birmingham	52%	57%	54.6%
ULaw Nottingham	62%	46%	53.8%
BPP Birmingham	45%	58%	51.2%
Hertfordshire	50%	50%	50.0%
BPP Leeds	27%	65%	45.9%
ULaw Newcastle	45%	45%	45.5%
BPP Manchester	34%	55%	44.6%
BPP London	39%	50%	44.1%
BPP Bristol	53%	25%	39.0%
NTU	34%	32%	33.4%

5.3.1 AETO cohorts are listed in descending order of the average of their passing rates across the two April 2024 Litigation examinations. The ICCA, therefore, had the highest average passing rate across both litigation subjects at 88.2%, with ULaw Bristol next on 74.4%. NTU recorded the lowest average at 33.4%. Overall, 6 of the 21 AETO centres entering candidates failed to achieve an average passing rate, across the two litigation subjects of 50%. These figures need to be viewed with caution, however, as they are distorted, to some extent by low cohort numbers in some cases.

5.3.2 An alternative way of looking at the extent to which AETO centres were successful in supporting their candidates in the April 2024 Litigation assessments is to aggregate the total number of candidates entered for each exam at an AETO centre and compare this with the aggregate number of candidates passing at that AETO centre.

AETO	Apr-24 Criminal Candidates	Apr-24 Civil Candidates	Total Apr-24 Instances of Assessment	Total Passing Criminal Apr-24	Total Passing Civil Apr-24	Total Apr-24 Candidates Passing an Exam	Overall % of Candidates Passing an Exam in Apr-24
ICCA	69	82	151	62	71	133	88.1%
ULaw Bristol	31	31	62	24	23	47	75.8%
ULaw Leeds	76	73	149	56	55	111	74.5%
City	419	429	848	285	306	591	69.7%
ULaw Manchester	75	74	149	44	54	98	65.8%
Cardiff	65	37	102	48	19	67	65.7%
ULaw London	167	169	336	101	117	218	64.9%
Northumbria	77	78	155	51	49	100	64.5%
UWE	145	112	257	76	67	143	55.6%
ULaw Liverpool	96	100	196	52	57	109	55.6%
ULaw Birmingham	67	61	128	38	32	70	54.7%
ULaw Nottingham	13	13	26	6	8	14	53.8%
BPP Birmingham	33	38	71	19	17	36	50.7%
BPP Leeds	23	15	38	15	4	19	50.0%
Hertfordshire	4	2	6	2	1	3	50.0%
BPP Bristol	4	17	21	1	9	10	47.6%
MMU	21	5	26	8	4	12	46.2%
ULaw Newcastle	11	11	22	5	5	10	45.5%
BPP Manchester	74	74	148	41	25	66	44.6%
BPP London	207	257	464	103	99	202	43.5%
NTU	77	70	147	25	24	49	33.3%
TOTAL	1754	1748	3502	1062	1046	2108	60.2%

As the table above shows, the ICCA was the most successful AETO in terms of the percentage of candidates entered for any of the April 2024 examinations achieving a pass, in either examination, with a figure of 88.1%. At the other extreme, at NTU, only 33.3% of its candidates managed to get through either exam. Out of 21 AETO centres, 6 failed to achieve a 50% progression rate calculated on this basis.

5.3.3 The extent to which these outcomes reflect the impact of resitting candidates remains, to some extent, a matter of conjecture. If there is a correlation between lower passing rates and the number of resitting candidates, it might be reasonable to expect any AETO centre with an above average percentage of first sit candidates to be able to achieve a higher-than-average passing rate across both Litigation subjects taken together. For the April 2024 sitting, there were 3,502 candidates across the two litigation subjects, of which 599 (17%) were resitting. Nine AETO centres had more than 17% of their candidates resitting. Every one of those nine AETOs recorded a passing rate across both litigation subjects below the all-AETO average passing rate (57.1%) across both litigation subjects. BPP London had 44% of its candidates across both litigation subjects taken together attempting as resitters. Only 43% of its candidates attempting either of the litigation assessments secured a pass (202/464).

5.3.4 Looking across the last eleven cycles of Bar Training centralised Litigation assessments there is no compelling evidence to suggest AETO cohorts have found the Civil Litigation assessment more challenging than those in Criminal

Litigation, although the outcomes for specific sittings are quite marked. The table below shows the variance in passing rates between the two Litigation subjects for each AETO centre at each of the ten sittings for the current assessment format (AETOs without cohorts for a sitting have blank data cells). The blue shading (negative) indicates that candidates have performed better on Crime than on Civil, hence, at BPP Birmingham in December 2020 the Civil Litigation passing rate was 3.6% below that for Criminal Litigation.

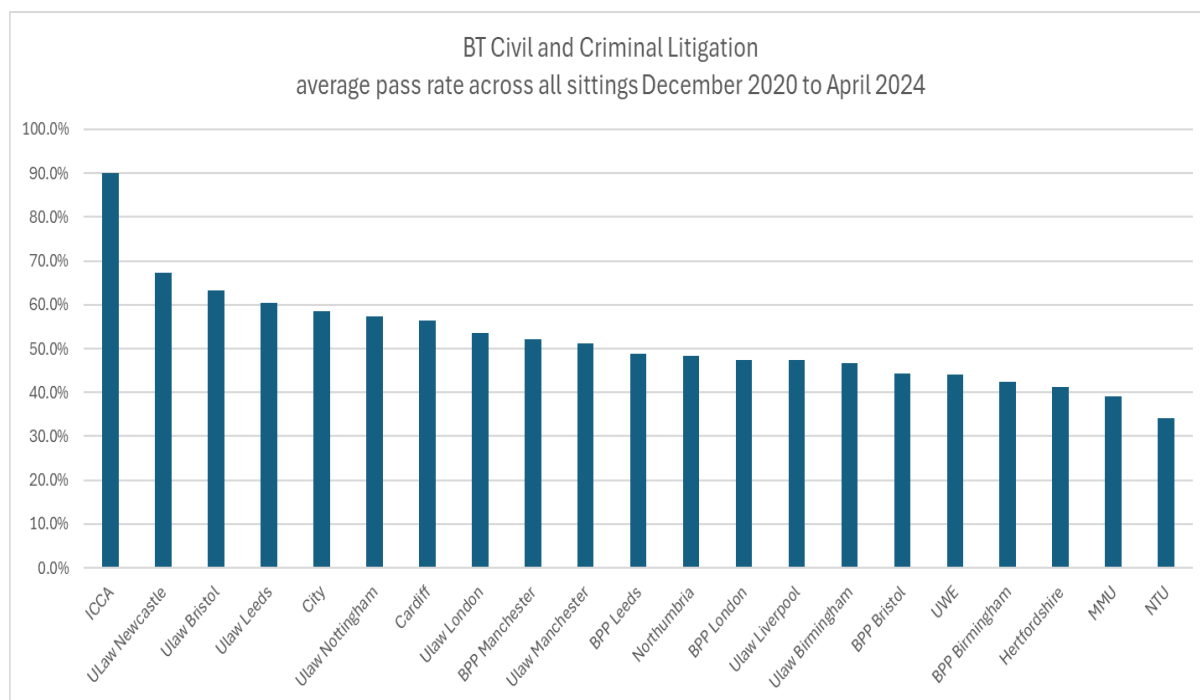
The biggest average differential is recorded by the ULaw Newcastle figure – 21.5% higher in Criminal Litigation (albeit across only 2 sittings). For the 8 AETO centres with results across all eleven sittings, the biggest average differential is at BPP Leeds with a 9.4% better outcome in respect of Criminal Litigation.

	Dec-20	Apr-21	Aug-21	Dec-21	Apr-22	Aug-22
BPP Birmingham	-3.6%	12.3%	7.8%	-14.0%	-13.8%	9.1%
BPP Bristol	-2.6%	6.3%	12.1%	-0.8%	-11.4%	-1.6%
BPP Leeds	-26.9%	20.6%	-26.7%	8.6%	-1.3%	-2.9%
BPP London	-3.7%	12.7%	-10.2%	-6.6%	7.6%	-1.2%
BPP Manchester	-2.6%	16.1%	-16.1%	0.1%	-2.3%	-12.9%
Cardiff	-2.0%	13.6%	0.7%	20.7%	-2.9%	-19.0%
City	12.3%	13.7%	7.1%	-8.7%	3.0%	-5.5%
Hertfordshire						
ICCA	0.0%	6.7%	14.3%	-5.4%	-5.3%	-7.1%
MMU	-13.3%	0.8%	9.1%	15.8%	-26.0%	-17.9%
Northumbria		3.8%	8.4%	3.6%	-12.5%	6.9%
NTU		-9.2%	4.6%	8.7%	-9.4%	1.8%
ULaw Birmingham		12.8%	9.2%	-17.8%	-20.5%	-6.3%
ULaw Bristol		-3.1%	-25.0%		-5.6%	0.0%
ULaw Leeds		17.9%	7.9%	17.9%	-9.0%	-4.0%
ULaw Liverpool					-8.1%	10.0%
ULaw London		0.1%	-5.3%	-7.6%	-8.2%	-13.3%
ULaw Manchester		21.5%	-2.3%	0.0%	-15.7%	5.6%
ULaw Newcastle						
ULaw Nottingham		-22.9%	-100.0%	0.0%	-27.7%	-4.8%
UWE		13.0%	5.5%	-7.3%	-5.1%	-19.5%
Average	-4.7%	7.6%	-5.5%	0.4%	-9.2%	-4.3%
	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24	Average
BPP Birmingham	0.8%	-21.2%	-18.8%	-3.1%	-12.8%	-5.2%
BPP Bristol		-77.8%	22.2%	15%	27.9%	-1.1%
BPP Leeds	-3.8%	-11.1%	-15.6%	-5.8%	-38.6%	-9.4%
BPP London	11.0%	-9.8%	0.8%	-1.1%	-11.2%	-1.1%
BPP Manchester	13.2%	-8.4%	-5.0%	-1.6%	-21.6%	-3.7%
Cardiff	17.8%	-27.8%	-22.6%	-8.0%	-22.5%	-4.7%
City	9.1%	-0.5%	11.9%	-9.1%	3.3%	3.3%
Hertfordshire	3.1%	11.1%	14.3%	0%	0.0%	5.7%
ICCA	-2.6%	-5.0%	0.8%	-0.9%	-3.3%	-0.7%
MMU	-10.5%	16.7%	14.3%	5%	41.9%	3.3%
Northumbria	-14.3%	-10.8%	18.5%	6%	-3.4%	0.6%
NTU	-16.7%	1.6%	11.3%	10%	1.8%	0.5%
ULaw Birmingham	-2.2%	1.8%	4.1%	8%	-4.3%	-1.5%
ULaw Bristol	33.3%	-8.3%	23.8%		-3.2%	1.5%
ULaw Leeds	0.0%	0.0%	7.8%	-3.0%	1.7%	3.7%
ULaw Liverpool	50.0%	-6.4%	7.6%	-10.4%	2.8%	6.5%
ULaw London	6.7%	-3.7%	10.2%	-11.2%	8.8%	-2.4%
ULaw Manchester	57.1%	-17.3%	22.6%	-12.7%	14.3%	7.3%
ULaw Newcastle		-44.5%	-20.0%		0.0%	-21.5%
ULaw Nottingham	66.7%	-10.2%	0.0%		15.4%	-9.3%
UWE	28.3%	0.3%	14.3%	-3.6%	7.4%	3.3%
Average	13.0%	-11.0%	9.9%	-1.5%	0.2%	

Despite the overall passing rates in both Litigation subjects being very close in the April 2024 sitting, there were 9 AETO cohorts that performed more strongly in Criminal Litigation compared to Civil Litigation.

5.4 AETO average passing rates since December 2020

An analysis of passing rates achieved by each AETO cohort in both Litigation subjects across all ten Bar Training Course examination sittings to date (adjusted to allow for the fact that some AETOs may not have had candidates for some sittings) shows the following:



The ICCA has the highest average passing rate across both Litigation subjects and all sittings to date at 90.1%, and NTU the lowest at 34.2%. The ICCA is, thus far, some way ahead of the other AETO centres in terms of cohort performance, the gap between it and second placed ULaw Newcastle being 22.7% (the ULaw Newcastle figure itself needs to be seen in the context of this AETO having only entered 2 cohorts to date) There are 11 AETO centres where the average passing rate across both Litigation subjects and all sittings to date is below 50%. Again, it is important to bear in mind the caveats flagged at 1.2.6 when considering these results.

5.5 Overall passing rates across both subjects December 2020 to April 2024 23

5.5.1 Cumulative passing rate to date disaggregated by AETO centre

BT Civil and Criminal Litigation December 2020 to August 2023			
AETO	Total No. of Attempts	Total No. of Passes	% Pass
ICCA	1016	914	90.0%
Ulaw Bristol	229	158	69.0%
Ulaw Leeds	623	411	66.0%
City	4126	2661	64.5%
Cardiff	854	532	62.3%
Ulaw Manchester	535	320	59.8%
Ulaw Nottingham	124	73	58.9%
ULaw Newcastle	46	27	58.7%
Ulaw London	2477	1412	57.0%
Northumbria	765	418	54.6%
BPP Manchester	1330	699	52.6%
Ulaw Liverpool	423	215	50.8%
Ulaw Birmingham	941	477	50.7%
BPP Leeds	415	207	49.9%
BPP London	4684	2194	46.8%
BPP Bristol	234	108	46.2%
UWE	1554	714	45.9%
BPP Birmingham	842	376	44.7%
MMU	344	146	42.4%
NTU	864	302	35.0%
Hertfordshire	68	16	23.5%
TOTAL	22494	12380	55.0%

This table aggregates all the attempts by candidates at both the Criminal Litigation and Civil Litigation examinations across all eleven sittings from December 2020 to April 2024. In total there have been 22,494 Bar Training candidate entries, of which 12,380 have been successful (55%). As can be seen, 12 AETO centres fall below this overall passing rate, with nine AETO centres failing to achieve a 50% passing rate overall in the centralised assessments since the introduction of the Bar Training course in 2020. Overall pass rates (derived by dividing the total number of passes by the total number of attempts) are not the same as the simple average of pass rates shown at 5.4, the data in the above table arguably giving a more accurate picture of how successful each AETO centre has been in supporting its candidates to pass the centralised Litigation assessments.

5.5.2 Cumulative passing rate disaggregated by AETO group – 11 sittings to date

The table below takes the data used for table 5.5.1 but aggregates the cumulative totals for the six University of Law centres and the five BPP centres, to produce an aggregate cumulative score for each of those AETOs across all their centres.

BT Civil and Criminal Litigation December 2020 to April 2024			
AETO	Total No. of Attempts	Total No. of Passes	% Pass
ICCA	1016	914	90.0%
City	4126	2661	64.5%
Cardiff	854	532	62.3%
ULaw Group	5398	3093	57.3%
Northumbria	765	418	54.6%
BPP Group	7505	3584	47.8%
UWE	1554	714	45.9%
MMU	344	146	42.4%
NTU	864	302	35.0%
Hertfordshire	68	16	23.5%

Presenting the data this way shows that the ICCA remains the most successful AETO in terms of the percentage of candidates entering for a centralised assessment securing a pass, 26% ahead of the second placed AETO, City. Of the two largest AETOs, ULaw is ahead of BPP, although ULaw has not entered cohorts for all sittings. Five AETO groups have not, to date, managed to exceed the 50% overall success level for centralised Litigation assessments candidates.

6. BAR TRAINING RESIT RESULTS APRIL 2024

For the December 2023 sitting the BSB decided to pilot a scheme to allow candidates, who commenced their Bar training from September 2020 onwards, to take further re-sits of the elements of assessment that are necessary to be Called to the Bar (which the BSB regulates), even if they had reached the maximum number of permitted re-sits for the academic award at their training provider such as a Postgraduate Diploma or LLM (which the BSB does not regulate). For the December 2023 pilot scheme this facility was made available for BPP students only, with a view to extending the facility to all students, subject to review of its operation. Candidates attempt the same assessments as other bar Training and BTT candidates. Candidates were offered this resit facility for the April 2024 sitting, the results for which were as follows:

Bar Training Resit Post-Intervention	Dec-23		Apr-24	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	8	6	19	31
Passing Rate	50.0%	33.3%	26.3%	51.6%

7. BAR TRANSFER TEST RESULTS APRIL 2024

The results for Bar Transfer Test ('BTT') candidates attempting the April 2024 BTT assessments were considered by the Litigation Subject Exam Boards and the Final Board. For the April 2024 sit, all BTT candidates attempted the same centrally assessed exam papers as the Bar Training Course candidates. See sections 3 and 4 (above) for details of the exam board discussion of interventions etc.

7.1 BTT Passing rates December 2021 to April 2024

Bar Transfer Test Post-Intervention	Apr-22		Aug-22		Dec-22	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	70	62	65	51	41	39
Passing Rate	43.0%	45.2%	38.5%	33.3%	29.3%	61.5%
Bar Transfer Test Post-Intervention	Apr-23		Aug-23		Dec-23	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	24	18	42	54	40	33
Passing Rate	50.0%	44.4%	23.8%	39.0%	42.5%	45.5%
Bar Transfer Test Post-Intervention	Apr-24		Aug-24		Dec-24	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	58	31				
Passing Rate	48.3%	51.6%				

The BTT passing rates for both litigation subjects fall within the range of the last six sittings. For Criminal Litigation the April 2024 BTT passing rate was comfortably above the average of 39% across the seven sittings. For Civil Litigation the April 2024 passing rate was 6% above the average across the seven sittings.

8. BPTC RESULTS APRIL 2024

8.1 Unification of assessment regimes

8.1.1 There are no longer any discrete BPTC assessments, the final opportunity to take an 'old style' BPTC 75 MCQ Civil Litigation paper was the April 2022 sit. See sections 3 and 4 (above) for details of the exam board discussion of interventions etc.

8.2 BPTC Passing rates December 2021 to April 2024

BPTC Post-Intervention	Apr-22		Aug-22		Dec-22	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	167	229	70	43	45	31
Passing Rate	48.5%	31.0%	44.3%	25.6%	40.0%	45.2%
BPTC Post-Intervention	Apr-23		Aug-23		Dec-23	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	36	57	29	37	15	12
Passing Rate	42.0%	53.0%	17.2%	30.0%	40.0%	25.0%
BPTC Post-Intervention	Apr-24		Aug-24		Dec-24	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	24	18				
Passing Rate	29.2%	22.2%				

As the above table shows, the number of BPTC candidates is steadily declining, with a total of 42 candidate entries across the two Litigation assessments for the April 2024 sitting, compared with 93 for the April 2023 sitting. Understandably, given the cohort composition and distance in time between the delivery of tuition and attempting the assessment, the BPTC outcomes do not compare favourably with those for the main Bar Training cohort, passing rates being 31.1% lower in Criminal Litigation, and 37.7% lower in respect of Civil Litigation. The BPTC passing rate for Civil Litigation in April 2024 was 11% below the average across the last 7 BPTC cohort sittings, and for Criminal Litigation the figure was 8% below.

Professor Mike Molan
 Chair of the Central Examination Board
 5 July 2024