

## **Standard setting**

### **Vocational component examinations**

The Bar Standards Board sets the education and training requirements to ensure that newly qualified barristers have the knowledge, skills and understanding they need to provide quality advocacy to the public. The aim of vocational component examinations (taken by Bar training and Bar Transfer Test (BTT) candidates) is to assess competence and therefore to separate the competent candidates from the not yet competent candidates. Centralised examinations in two key areas - Civil Litigation and Criminal Litigation - ensure consistency across Authorised Education and Training Organisations (AETOs); standard setting those examinations helps us to ensure consistency of outcomes, assuring the public about the [threshold standard](#) of competence that is expected of those who are able to progress to the next stage of training – pupillage.

#### ***Why the Centralised Examination Board (CEB) undertakes standard setting***

There are challenges in ensuring that examination papers in different sittings are of the same level of difficulty, therefore a fixed pass mark which does not change between sittings is not appropriate. To ensure parity between cohorts, and therefore fairness to candidates, a standard setting exercise is undertaken in respect of each of the centrally assessed vocational component subjects<sup>1</sup>.

#### ***The standard setting method used by the CEB***

The Angoff method is used as the standard setting process for the Civil Litigation and Criminal Litigation examinations. Standard setters ('judges') estimate how a group of *borderline* candidates would perform on each question in the examination. This method is one of the most widely used standard setting methods; it is used to determine the pass standard for all postgraduate medical multiple choice examinations (including those at the Royal Colleges of Anaesthetists, General Practitioners, Physicians, Paediatrics, Radiologists, and Emergency Medicine) as it has a vast body of research supporting its use.

#### ***The rationale for the standard setting method chosen by the CEB***

The Angoff method of standard setting is used for the Civil Litigation and Criminal Litigation examinations because it is well-suited to multiple-choice question (MCQ) examinations. It should be noted that the method does not compare test-takers to their peers but only to the pass standard. As a result, the method does not result in quotas of passing and failing candidates (or in quotas of candidates allocated to a particular grading).

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<sup>1</sup> Bar Training and BTT candidates sit the same centrally assessed examination papers on the same day. Therefore, the pass standard is the same for both cohorts of candidates.

<sup>2</sup> This is deemed to be 'pupillage ready' (irrespective of the number of pupillages available).

### ***Explanation of the method used by the CEB***

Standard setting for the Litigation subjects takes place before the examinations are taken because the process is based on the level of difficulty of questions, rather than on candidate performance.

The Angoff method computes the passing score from an estimate of the probability of a hypothetical borderline candidate answering each question correctly. After a discussion and agreement of the characteristics of a borderline candidate, each judge (a subject matter expert) makes an independent assessment of the probability that a borderline candidate will answer each question correctly. The judges' assessments for each question are summed to give the probable total score of the borderline candidate. The median value across all judges is used to identify the recommended pass standard for the assessment as a whole.

The following sequence of steps is applied:

1. The selected judges are asked to consider each question presented in a paper and make a judgement on the probability of a borderline candidate correctly answering the question.
2. All judgements are sent to the BSB, where they are collated.
3. Judges are then sent the mark scheme and allowed time to reflect on their evaluation. No amendment to the evaluation submitted takes place at this stage.
4. A Standard Setting meeting takes place, where a brief discussion is conducted, observing the following:
  - a. Each judge's choice of probability for each question is shown.
  - b. Any judgements that are found to have a high level of deviation across judges are discussed. For such items, a judge choosing a high probability of borderline passing candidates getting the question right is asked to explain the reasoning for doing so. The same is asked of a judge evaluating it to be a more difficult question. There is then a wider discussion regarding the group's judgements. Test items which have lower levels of deviation across judges are not necessarily discussed, unless one of the judges wishes to raise a query on them.
  - c. Having listened to the discussion, the judges are then told that they can change their judgements if they want. It is reiterated that the judgements are to describe the performance of *borderline* candidates.
5. The judgements of each judge are added up in order to arrive at their estimate of the borderline candidate's expected score for the whole examination.
6. The scores for all judges are organised from lowest to highest to find the median. This median represents the consensus judgement of the score that a borderline candidate would be expected to achieve and becomes the recommended pass standard.

A translation process is required to express candidates' results as a percentage of the marks available. Thus, if the standard setting process identifies a score of 43/75

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as representing the pass standard, any candidate achieving 43/75 will be reported as achieving the pass mark of 60%. All other marks above and below this figure have an appropriate factor applied to them so that they too can be reported as percentages. This is done because the other components of Bar Training and BTT which are set and assessed by AETO, rather than the CEB, have a pass mark of 60% so it is easier for Providers to combine these with CEB marks reported with a pass mark of 60% to give candidates' overall marks for the BPTC and BTT.

#### *How we select and train standard setters who are best placed to determine the minimum level of competence for a pass*

The panel of standard setters is required to conceptualise the minimum level of performance required for a pass in the examination. In order to do so, they must be knowledgeable about the candidate population, the content of the examination (ie they must have legal expertise and also be familiar with the Bar Training syllabi and the Professional Statement for Barristers), and importantly, the reference group (eg the borderline candidate) which forms the basis of the performance standard.

As such, the panel of standard setters for each of the examinations includes examiners, Bar Training tutors, and practising barristers (including pupil supervisors).

For the Litigation subjects, careful consideration is given to the number of standard setters required; our panels have a minimum of ten standard setters per subject as this is considered best practice for this method.

Standard setters receive training, so that they can provide their judgements in an informed manner. We are able to use real data from previous examinations in training exercises; the independent psychometrician can isolate a group of 'just passing' candidates and compare their performance on questions with the judges' ratings.

#### *Making the standard as reproducible as possible*

Variability between standard setters is inevitable, but in addition to training the standard setters, the way in which it is implemented helps to ensure that, if the standard setting process for the examination was repeated under the same conditions, the same results would be achieved. The minimum level required for a pass is clearly described and discussed by the panel at the start of the standard setting process.

Steps are taken to minimise the statistical impact of outliers. We do this by ensuring that the median of the judges' ratings is used, rather than an average. The impact is also minimised by group discussion, allowing standard setters time to reflect on the mark scheme after they have submitted their ratings, and allowing judges to alter their judgements after the discussion.

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*Carrying out a sense check on the outcomes*

As part of our quality assurance processes, we carry out a sense check on the standard setting outcomes at both Subject Boards and the Final Examination Board.

As the borderline candidate is adequately described and discussed before standard setting, (and training exercises use real data from past examinations) and due process is followed, there is no need to revisit the standard once it has been set. The ultimate responsibility for setting the pass standard resides with the Chair and Final Examination Board, and the pass standards are provisional until agreed by the Final Examination Board. For this reason, the pass standards are not made public before examinations take place. Pass standards are published within the Chair's report for each examination sitting.