BAR STANDARDS BOARD

REGULATING BARRISTERS

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

**Bar Training, BTT, BPTC & BTR
December 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 nine 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 thirteenth iteration of examinations attempted by Bar Training course candidates in December 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	Aug-24
Civil Litigation						
No. of candidates	929	1671	889	833	1748	987
Passing rate	56.4%	59.8%	45.1%	53.2%	59.8%	45.4%
Criminal Litigation						
No. of candidates	596	1583	842	805	1754	1008
Passing rate	49.8%	65.6%	39.9%	55.2%	60.5%	47.6%
	Dec-24	Apr-25	Aug-25	Dec-25	Apr-26	Aug-26
Civil Litigation						
No. of candidates	937					
Passing rate	59.4%					
Criminal Litigation						
No. of candidates	887					
Passing rate	50.3%					

In comparing results across the thirteen 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 December 2024 sitting there were 21 AETO assessment centres providing candidate cohort results. As can be seen in the above table, the December 2024 passing rates for both Criminal Litigation and Civil Litigation are largely in line with previous December sitting outcomes. See further on candidate numbers at 1.3 and 1.4, below.

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.
- AETO cohorts within which candidates are given more resit opportunities will tend to have a wider gap between the percentage of candidates who ultimately pass the assessments and the average single-examination 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.
- 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 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 sits, 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

1.3 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	Aug-24
BPP Birmingham	56	42	55	35	38	61
BPP Bristol	8	9	6	5	17	5
BPP Leeds	16	18	9	24	15	13
BPP London	260	299	244	217	257	222
BPP Manchester	73	73	79	72	74	89
Cardiff	72	25	13	81	37	19
City	75	397	105	46	429	132
Hertfordshire	13	6	7	1	2	5
ICCA	89	38	14	117	82	34
MMU	23	12	7	37	5	11
Northumbria	14	69	24	10	78	27
NTU	24	74	42	25	70	45
ULaw Birmingham	30	89	46	12	61	51
ULaw Bristol	3	33	9	N/A	31	5
ULaw Leeds	12	60	31	9	73	48
ULaw Liverpool	2	56	21	14	100	30
ULaw London	101	197	96	57	169	102
ULaw Manchester	7	44	18	11	74	18
ULaw Newcastle	N/A	9	5	N/A	11	6
ULaw Nottingham	6	12	3	N/A	13	6
UWE	45	109	55	60	112	58
TOTAL	929	1671	889	833	1748	987

AETO	Dec-24	Apr-25	Aug-25	Dec-26	Apr-26	Aug-26
BPP Birmingham	36					
BPP Bristol	6					
BPP Leeds	29					
BPP London	253					
BPP Manchester	61					
Cardiff	92					
City	47					
Hertfordshire	2					
ICCA	165					
MMU	29					
Northumbria	14					
NTU	37					
ULaw Birmingham	18					
ULaw Bristol	4					
ULaw Leeds	20					
ULaw Liverpool	15					
ULaw London	54					
ULaw Manchester	9					
ULaw Newcastle	3					
ULaw Nottingham	2					
UWE	41					
TOTAL	937					

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 December 2024 sit, BBP London had the largest cohort, accounting for 27% of the Civil Litigation candidate entries, and BPP London has also provided 22% of the total number of candidate entries across the thirteen sittings offered thus far. As noted above, six AETOs have cohort numbers in single figures for the December 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	Aug-24
BPP Birmingham	36	32	33	60	33	36
BPP Bristol	N/A	1	9	4	4	13
BPP Leeds	5	14	20	5	23	19
BPP London	120	184	249	215	207	256
BPP Manchester	35	65	49	68	74	51
Cardiff	20	68	15	37	65	17
City	61	408	114	73	419	142
Hertfordshire	15	9	10	1	4	3
ICCA	92	37	9	129	69	24
MMU	24	8	7	35	21	12
Northumbria	14	75	14	9	77	25
NTU	24	69	38	27	77	51
ULaw Birmingham	19	80	40	12	67	54
ULaw Bristol	2	32	7	N/A	31	5
ULaw Leeds	9	60	30	11	76	50
ULaw Liverpool	2	59	20	13	96	35
ULaw London	76	174	103	54	167	111
ULaw Manchester	3	43	13	10	75	28
ULaw Newcastle	N/A	9	1	N/A	11	6
ULaw Nottingham	3	13	3	N/A	13	8
UWE	36	143	58	42	145	62
TOTAL	596	1583	842	805	1754	1008

AETO	Dec-24	Apr-25	Aug-25	Dec-26	Apr-26	Aug-26
BPP Birmingham	58					
BPP Bristol	6					
BPP Leeds	8					
BPP London	238					
BPP Manchester	64					
Cardiff	21					
City	69					
Hertfordshire	1					
ICCA	177					
MMU	48					
Northumbria	15					
NTU	37					
ULaw Birmingham	18					
ULaw Bristol	2					
ULaw Leeds	16					
ULaw Liverpool	15					
ULaw London	47					
ULaw Manchester	8					
ULaw Newcastle	1					
ULaw Nottingham	5					
UWE	33					
TOTAL	887					

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 December 2024 sit, BPP London had the largest cohort, accounting for 26.8% of the Criminal Litigation candidate entries, and BPP London has also provided 20.8% of the total number of candidate entries across the twelve sittings offered thus far. As noted above, seven AETOs have cohort numbers in single figures for the December 2024 Criminal Litigation 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, appropriate measures are put in place (including the use of non-disclosure agreements) to ensure the integrity of the assessments. 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 December 2024 Bar Training exam dates were as follows:

Civil Litigation (paper 1): Tuesday 3 December 2024 at 14:00
Civil Litigation (paper 2): Thursday 5 December 2024 at 14:00
Criminal Litigation: Monday 9 December 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 AETOs 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 Final Board's members include the Chair of the CEB, the relevant Chief Examiners, and one of either the BSB's Director General, the BSB's Director of Regulatory Standards, or the BSB's Assessment Lead. The meeting is also attended by an independent psychometrician and an independent observer who provide advice and oversight, and BSB staff serving in an administrative role. 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 Examination Boards. The actual scores achieved by candidates need to be aligned with the 60% pass mark used by AETOs for their own postgraduate award, where applicable. 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 DECEMBER 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 December 2024 Criminal Litigation assessment, requests for intervention from AETOs were received in relation to 9/75 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 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.8	1	Passing rate 0.53%. Point Biserial 0.23 Ok Discrimination AETO Feedback asked for option [C] to be credited. The Chief Examiner did not agree with the feedback and pointed out that the statistics backed this. *The board decided not to intervene.*
Q.9	1	Passing rate 38%. Point Biserial 0.18 Poor Discrimination AETO Feedback asked for option [A] to be credited. The Chief Examiner disagreed with this commenting that there was sufficient difference between option [A] and the correct answer [D]. *The board decided not to intervene.*

Item	Number of AETOs requesting an intervention	Exam Board decision and rationale
Q.21	1	Passing rate 52%. Point Biserial 0.45. Very Good Discrimination AETO Feedback asked for option [D] to be credited. The team disagreed with this and commented that the statistics back up the correct answer. *The board decided not to intervene.*
Q.28	1	Passing rate 31%. Point Biserial 0.41 Very Good Discrimination AETO Feedback asked for option [B] to be credited. The team disagreed with this noting that the reading in Blackstone's and the statistics backed up the correct answer. *The board decided not to intervene.*
Q.31	1	Passing rate 73%. Point Biserial 0.33 Good Discrimination AETO Feedback asked for option [B] to be credited. The team disagreed with this feedback, commenting that, this was a single best answer question and there was no merit in credit option [B] as although it could be argued that an attack on the defendant's character has been made, s101(3) applies to gateway (g) but does not apply to gateway (f). The team agreed to add additional references to the answer explanations before reusing the question. *The board decided not to intervene.*

Item	Number of AETOs requesting an intervention	Exam Board decision and rationale
Q.53	1	Passing rate 35%. Point Biserial 0.34 Good Discrimination AETO Feedback asked for option [C] to be credited. The team disagreed with the feedback noting that the wording in Blackstone's clearly made [A] the correct answer. *The board decided not to intervene.*
Q.61	1	Passing rate 66%. Point Biserial 0.31 Good Discrimination AETO Feedback asked for option [B] to be credited and to re-draft the fact pattern. The team disagreed with crediting [B] and noted that the statistics backed this. The team did agree to look at the fact pattern before using the question again. *The board decided not to intervene.*
Q.68	1	Passing rate 61%. Point Biserial 0.29 Good Discrimination AETO Feedback asked for option [A] to be credited. The team disagreed with the feedback, noting that the statistics backed this and that the wording in the question came directly from text in Blackstone's. *The board decided not to intervene.*

3.2 Post-intervention pass rate of MCQs

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

BT Criminal Litigation Winter 2024 Post Intervention MCQ ALL AETO Question-by-Question Histogram Pass Rate %
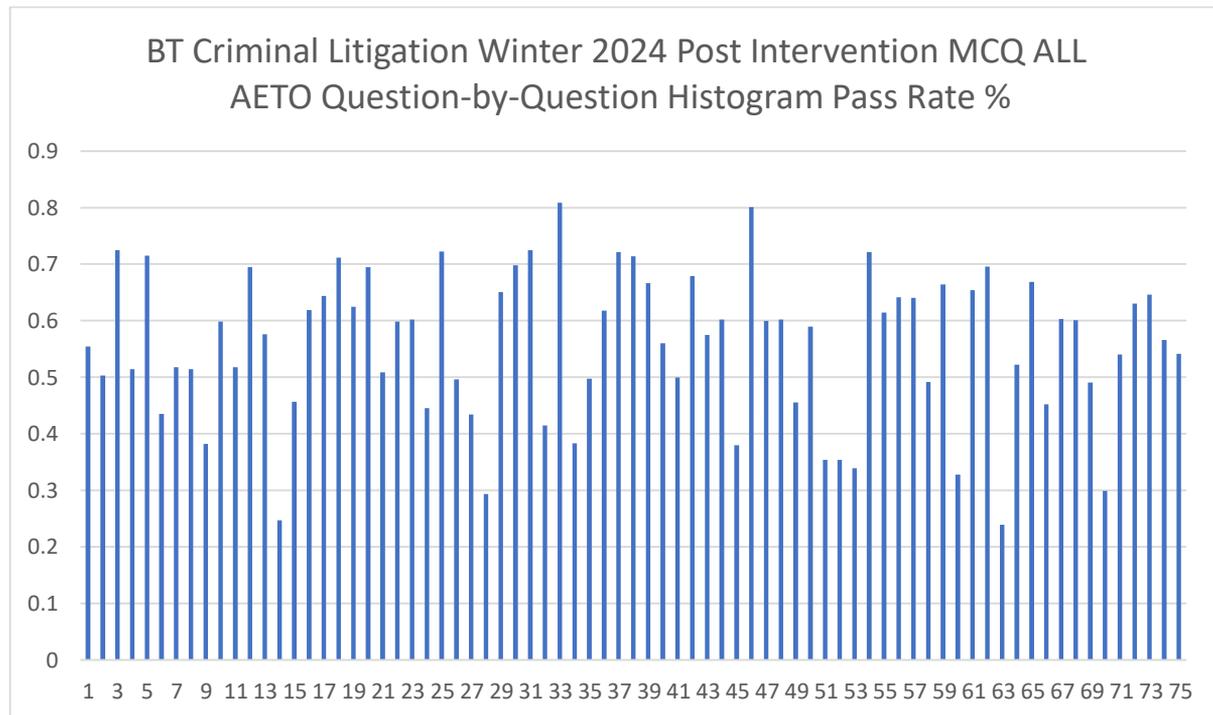
The post-intervention data shows 11 MCQs with an all-AETO cohort pass rate below 40% (compared to 16 for the August 2024 sit). There is no significant evidence suggesting a fall-off in candidate performance during the examination (assuming most candidates attempted the 75 MCQs in the order presented). Across the first 25 MCQs the average pass rate was 57%, across MCQs 26 to 50 it increased to 59%, and across MCQs 51 to 75 it dropped to 54%. The Final Board did not feel that the word count of the assessment was 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 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.

	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24	Aug-24	Dec-24
No. of Candidates	594	1583	840	805	1754	1008	961
No. of Scored Items	75	75	75	75	75	75	75
Pass Standard	44 (58.7%)	43 (57.3%)	43 (57.3%)	42 (56.0%)	41 (54.7%)	41 (54.7%)	41 (54.7%)
No. Passing	296 (49.8%)	1039 (65.6%)	297 (35.4%)	444 (55.2%)	1062 (60.5%)	480 (47.6%)	472 (49.1%)
Mean Score	44.18 (58.91%)	47.0 (62.7%)	39.5 (52.7%)	43.6 (58.2%)	44.0 (58.7%)	40.5 (54.0%)	41.6 (55.5%)
Standard Deviation	10.81 (14.42%)	11.2 (14.9%)	10.7 (14.3%)	11.7 (15.7%)	11.2 (15.0%)	9.9 (13.2%)	11.6 (15.5%)
Range of Scores	15 to 72	11 to 74	13 to 69	13 to 73	14 to 72	5 to 69	15 to 71
Reliability (KR-20)	0.88	0.89	0.87	0.89	0.88	0.84	0.88
Reliability for Equivalent 90-item Test	0.89	0.90	0.88	0.91	0.90	0.86	0.90
Standard Error of Measurement	3.82 (5.09%)	3.7 (5.0%)	4 (5.33%)	3.9 (5.2%)	3.9 (5.2%)	3.9 (5.3%)	4.0 (5.3%)

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 December 2024

All-AETO Post-Intervention	Criminal Litigation August 2022	Criminal Litigation December 2022	Criminal Litigation April 2023	Criminal Litigation August 2023
Number of Candidates	802	594	1583	840
Passing Rate	52.5%	49.8%	65.6%	39.9%
All-AETO Post-Intervention	Criminal Litigation December 2023	Criminal Litigation April 2024	Criminal Litigation August 2024	Criminal Litigation December 2024
Number of Candidates	805	1754	1008	887
Passing Rate	55.2%	60.5%	47.6%	50.3%

The table above shows the all-AETO December 2024 post-intervention Bar Training cohort pass rate of 50.3% for Criminal Litigation, based on a passing standard recommended to the Final Board (as a result of the standard setting process) of 41/75. Although the post-intervention passing rate is nearly 5% lower than the December 2023 sitting, it is broadly consistent with the average passing rate across the 5 December sittings of the current exam format, which is 54.2%, (see Executive Summary).

3.7 December 2024 Criminal Litigation pass rates by AETO centre

BT Winter 2024 Criminal Litigation Passing Rate by AETO Centre
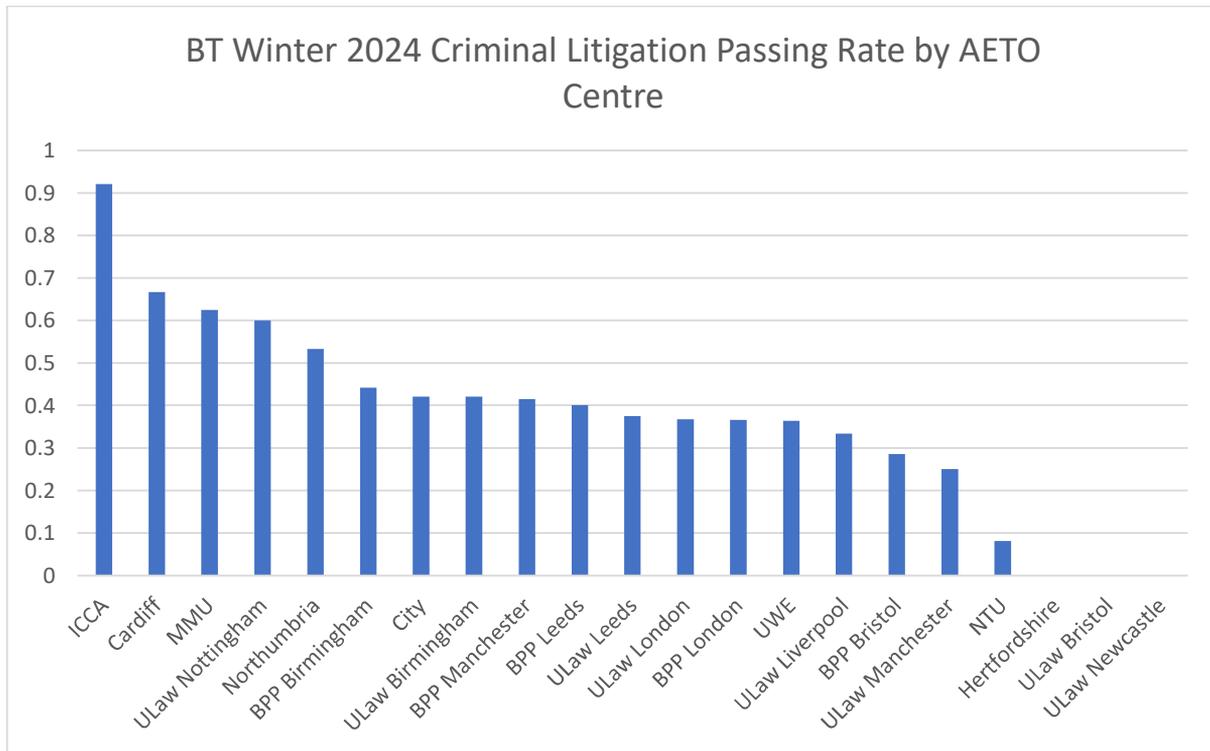
3.7.1 In the above graph the 21 AETO centre cohorts are ranged left to right in declining order of their December 2024 pass rates in the Criminal Litigation assessment. The ICCA achieved the highest passing rate of 92% based on a cohort of 177 candidates. Hertfordshire, ULaw Bristol and ULaw Newcastle did not have any passing candidates but had only 1 or 2 candidates. NTU entered 37 candidates but only 8% were successful.

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

AETOs Ranked by % of cohort first sitting			
AETO	**Cohort Size**	**# First Sit**	**% First Sit**
ICCA	177	172	97.2%
BPP Birmingham	58	54	93.1%
MMU	48	42	87.5%
BPP Manchester	64	51	79.7%
Cardiff	21	14	66.7%
BPP London	238	132	55.5%
BPP Leeds	8	4	50.0%
ULaw London	47	16	34.0%
BPP Bristol	6	2	33.3%
UWE	33	8	24.2%
City	69	15	21.7%
Northumbria	15	2	13.3%
ULaw Liverpool	15	1	6.7%
Hertfordshire	1	0	0.0%
NTU	37	0	0.0%
ULaw Birmingham	18	0	0.0%
ULaw Bristol	2	0	0.0%
ULaw Leeds	16	0	0.0%
ULaw Manchester	8	0	0%
ULaw Newcastle	1	0	0%
ULaw Nottingham	5	0	0%
OVERALL	887	513	57.8%

Seven of the 21 AETO centres entering candidates for the December 2024 Criminal Litigation assessment had a preponderance of first sit candidates. Eight AETOs had no first sit candidates in the December 2024 Criminal Litigation assessment.

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

First Sit Pass Rates and Resit Pass Rates CRIMINAL LITIGATION		
AETO	First Sit % Pass	Resit % Pass
BPP Birmingham	46%	29%
BPP Bristol	50%	20%
BPP Leeds	50%	33%
BPP London	39%	34%
BPP Manchester	49%	14%
Cardiff	86%	29%
City	53%	39%
Hertfordshire	N/A	0%
ICCA	93%	60%
MMU	67%	33%
Northumbria	50%	54%
NTU	N/A	8%
ULaw Birmingham	N/A	42%
ULaw Bristol	N/A	0%
ULaw Leeds	N/A	38%
ULaw Liverpool	100%	29%
ULaw London	63%	24%
ULaw Manchester	N/A	25%
ULaw Newcastle	N/A	0%
ULaw Nottingham	N/A	60%
UWE	50%	32%
OVERALL	64%	32%

Data presented to the exam boards for the December 2024 sitting showing the split between first sit and resit candidates for Criminal Litigation revealed that 58% 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 42% 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 December 2024 Criminal Litigation examination, for the 19 AETO centres with first sit and resit candidates, none 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 December 2024 sitting.

AETOs Ranked by First Sit Pass Rate CRIMINAL LITIGATION	
AETO	**First Sit % Pass**
ULaw Liverpool	100%
ICCA	93%
Cardiff	86%
MMU	67%
ULaw London	63%
City	53%
BPP Bristol	50%
BPP Leeds	50%
Northumbria	50%
UWE	50%
BPP Manchester	49%
BPP Birmingham	46%
BPP London	39%
Hertfordshire	N/A
NTU	N/A
ULaw Birmingham	N/A
ULaw Bristol	N/A
ULaw Leeds	N/A
ULaw Manchester	N/A
ULaw Newcastle	N/A
ULaw Nottingham	N/A

Excluding the 8 AETOs not entering any first sit candidates, there were 3 AETO centres where fewer than 50% of first sit candidates managed to pass the December 2024 Criminal Litigation assessment.

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

	Apr 23 % Pass	Aug 23 % Pass	Dec 23 % Pass	Apr 24 % Pass	Aug-24% Pass	Dec 24% Pass	Average over 6 sits
ICCA	89.2	77.8	91.5	**89.9**	**87.5**	**92.1**	88.0
ULaw Newcastle	88.9	**100.0**		45.5	83.3	66.7	69.1
Cardiff	83.8	53.3	78.4	73.8	58.8	37.5	55.2
Ulaw Leeds	66.7	56.7	36.4	73.7	60.0	36.7	54.4
Ulaw London	67.2	54.4	46.3	60.5	61.3	42.1	54.0
BPP Birmingham	68.8	51.5	51.7	57.6	47.2	44.3	53.5
City	74.3	38.6	54.8	68.0	46.5		52.9
BPP Leeds	50.0	60.0	60.0	65.2	26.3	53.3	52.0
Northumbria	76.0	35.7	44.4	66.2	36.0	60.0	51.3
BPP Manchester	64.6	53.1	54.4	55.4	37.3	41.5	51.0
Ulaw Nottingham	76.9	**100.0**		46.2	**25.0**	40.0	50.3
Ulaw Bristol	75.0	42.9		77.4	40.0	25.0	47.0
BPP London	63.6	31.6	43.9	49.8	41.8	33.3	46.9
Ulaw Birmingham	60.0	35.0	33.3	56.7	46.3	42.1	45.6
BPP Bristol	**100.0**	11.1	**25.0**	**25.0**	61.5	36.6	44.5
Ulaw Manchester	62.8	38.5	40.0	58.7	57.1	62.5	42.5
MMU	25.0	14.3	48.6	38.1	66.7	36.4	42.0
Ulaw Liverpool	47.5	40.0	46.2	54.2	60.0	28.6	41.9
UWE	48.3	29.3	45.2	52.4	40.3	0.0	39.2
Hertfordshire	**22.2**	**0.0**	**100.0**	50.0	33.3		34.3
NTU	36.2	31.6	25.9	32.5	29.4	**8.1**	27.3

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 centralised assessments. 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 (88%), 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 average passing rate at 27.3%, that figure driven in part by a very low passing rate in the December 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 attempts at the exam by candidates at that AETO made over all sittings thus far, and to compare this with the number of those attempts which were passing attempts. Note that a candidate who, for example, passes on their third attempt, will be recorded in the second column ("total number of attempts") three times, but will only appear in the third column ("total number of passes") once, the final column should not therefore be taken as the "percentage of candidates at each AETO who have passed," but should instead be understood as the "percentage of attempts at this assessment which were successful."

BT Criminal Litigation - December 2020 to December 2024 (13 sits)			
AETO	Total Number of Attempts	Total Number of Passes	% Pass
ICCA	707	645	91.2%
ULaw Bristol	119	81	68.1%
ULaw Newcastle	28	19	67.9%
ULaw Leeds	390	245	62.8%
Cardiff	463	290	62.6%
City	2350	1437	61.1%
ULaw Nottingham	70	41	58.6%
ULaw Manchester	299	175	58.5%
ULaw London	1402	809	57.7%
Northumbria	395	220	55.7%
BPP Manchester	752	389	51.7%
ULaw Birmingham	549	283	51.5%
ULaw Liverpool	259	132	51.0%
BPP Leeds	225	114	50.7%
MMU	238	111	46.6%
BPP Birmingham	504	235	46.6%
BPP London	2712	1254	46.2%
BPP Bristol	124	57	46.0%
UWE	919	403	43.9%
NTU	520	168	32.3%
Hertfordshire	43	9	20.9%
TOTAL	13068	7117	54.5%

As can be seen from the above table Criminal Litigation assessments have been passed 7,117 times since the first sitting in December 2020, based on 13,068 attempts – thus the aggregate passing rate to date is 54.5%. There are 11 AETOs whose cumulative percentage of passing attempts is lower than this. The range between the AETO with the highest rate of passing attempts and that with the lowest is 70.3%. Seven AETO centres have a cumulative rate of passing attempts below 50%. As discussed above, this does not necessarily mean that less than half of that AETO's candidates pass this exam, but it does mean that the exam is passed less than 50% of the times it is attempted at that AETO.

4. BAR TRAINING CIVIL LITIGATION RESULTS DECEMBER 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 December 2024 Civil Litigation assessment requests for intervention from AETOs were received in relation to 7/90 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 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.22	2	Passing rate 40%. Point Biserial 0.19. Poor Discrimination The Board noted the lower than desired discrimination but agreed there was negative correlation for all the distractors other than the intended best answer. The Board considered the AETO feedback and agreed to that the question would be edited before reuse. *The Board decided not to intervene.*
Q.48	1	Passing rate 65%. Point Biserial 0.43. Very Good Discrimination. The Board considered the AETO feedback but agreed it had no merit. *The Board decided not to intervene.*

Item	Number of AETOs responding	Exam Board decision and rationale
Paper 2		
Q.7	1	Passing rate 37%. Point Biserial 0.30. Good Discrimination. The Board noted the AETO feedback but agreed it had no merit. *The Board decided not to intervene.*
Q.11	1	Passing rate 53%. Point Biserial 0.42. Very Good Discrimination. The Board noted the AETO feedback but agreed it had no merit. *The Board decided not to intervene.*
Q.17	1	Passing rate 50%. Point Biserial 0.16. Poor Discrimination. This question was intended to assess the candidates' knowledge and understanding of what advice should be given to a client where the opponent had failed to serve witness evidence. The designated best answer was [D], (ie no need to take action) which relied upon there being an in-built sanction at CPR 32.10. On the given facts, the opponent was in default and, in order to rely upon any witness evidence at trial, would have needed to make an application to apply for relief from sanction. 50% selected this option but with a less than optimum point biserial of 0.16. However, there were comments from an AETO suggesting that option [C] should also be credited as a reasonable response for candidates to have given, particularly noting that the candidates would have no practitioner or tactical knowledge. Option [C] - that the client should be advised to strike out the opponent's claim - was selected by 15% of candidates albeit with negative discrimination of -0.03. The board concluded that there was an argument in favour of crediting [C] as well as [D], as [C], whilst not the best answer, may have held wider appeal for candidates who may have been swayed by the opponent being a litigant in person, and the client being 'puzzled' that the opponent had not served any witness statements and, therefore, the client may have required action to be taken.

Item	Number of AETOs responding	Exam Board decision and rationale
		Intervention: The Board decided to credit answer option [C] in addition to correct answer [D].
Q.32	1	Passing rate 58%. Point Biserial 0.20. Poor Discrimination The Board considered the AETO feedback and agreed there was a drafting error in option [D]. The question was intended to assess the test to be applied by the court hearing an application for permission to adduce medical evidence. The designated best answer at option [D] was intended to present the wording in the White Book commentary stating the three-stage test given in *British Airways Plc v Spencer* [2015]. Unfortunately, the wording in option [D] wrongly referred to assisting the judge in determining the *application* rather than the *issue.* It was acknowledged that this may have confused candidates in choosing between the options. Although it was agreed that options [A] and [B] could readily be eliminated, option [C] was closer to the wording of the test but was incomplete hence not the best answer. In light of the error, and in fairness to the candidates, it was determined that the only appropriate course was to suppress the question recognising that the question would not be reused without the wording of option [D] being corrected. **Intervention: The Board decided to suppress this question.**

4.2 Post-intervention pass rate of MCQs

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

4.2.1 Paper 1

BT Civil Litigation Paper 1 Winter 2024 Post-Intervention MCQ All-AETO question-by-question histogram pass rate %
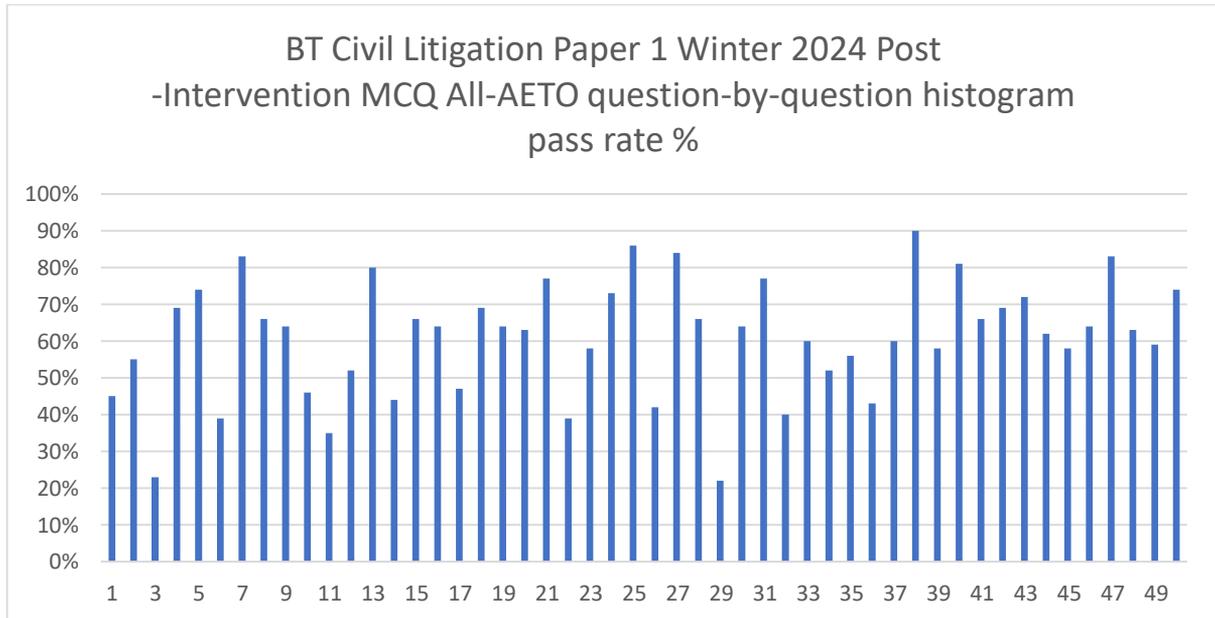
For Civil Litigation paper 1 the post-intervention data shows 5 MCQs with an all-AETO cohort pass rate below 40% (compared to 13 out of 50 for the August 2024 sit). Assuming candidates attempted the questions in the order presented there no evidence of candidate fatigue being a factor. The average passing rate was 60% across both the first 25 MCQs and 63% across MCQs 26 to 50 (see discussion on pass standard below).

4.2.2 Paper 2

BT Civil Litigation Paper 2 Winter 2024 Post-Intervention MCQ All-AETO question-by-question histogram pass rate %
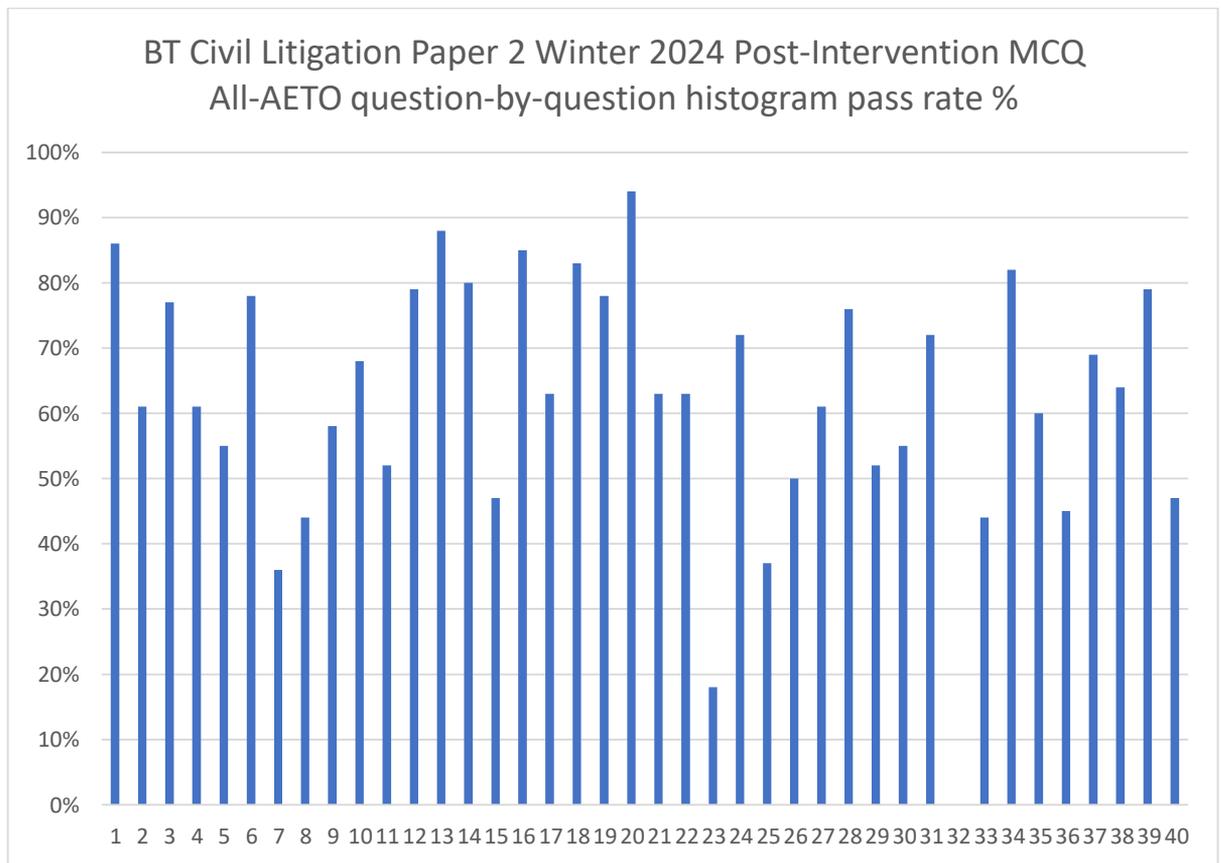
For Civil Litigation paper 2 the post-intervention data show 3 MCQs with an all-AETO cohort pass rate below 40% (compared to 6 for the August 2024 sit). Across both papers 1 and 2 there were, therefore 8/89 questions (Q32 on Paper 2 having been supressed) with a passing rate of 40% or below, compared to 19/90 in the August 2024 sitting. Assuming candidates attempted the paper 2 questions in the order presented there is no evidence of candidate fatigue being a factor. The passing rate for the various sections of the paper were as follows:

Paper 2 first questions 1-5	0.69
Paper 2 RCS1 questions 56-62	0.60
Paper 2 RCS2 questions 63-69	0.73
Paper 2 RCS3 questions 70-76	0.51

Paper 2 RCS4 questions 77-83	0.61
Paper 2 RCS5 questions 84-90	0.64

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 49/90, however, following the suppression of question 32 on Paper 2, the recalculated value was 50.3/89. The board's usual convention would round this up to 51/89, a more exacting standard than 49/90. Bearing in mind both the reservations expressed at the Civil Subject Board meeting about the possibility of prejudice to candidates arising from the suppression of question 32 on Paper 2, and the significant increase in word count for Paper 2 compared to previous sits, the Board agreed the passing standard should be 50/89.

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 0.91, exceeding the benchmark of 0.8. The Exam Board noted that all other data suggested an assessment operating as expected.

	Dec-22	Apr-23	Aug-23	Dec-23	Apr-24	Aug-24	Dec-24
No. of Candidates	929	1671	889	833	1748	987	**1008**
No. of Scored Items	90	89	89	90	90	90	**89**
Pass Standard	48 (53.3%)	51 (57.3%)	50 (56.2%)	49 (54.4%)	51 (56.7%)	49 (54.4%)	**50 (56.2%)**
No. Passing	524 (56.4%)	1000 (59.8%)	401 (45.1%)	443 (53.2%)	1046 (59.8%)	448 (45.4%)	**604 (59.9%)**
Mean Score	50.50 (56.11%)	53.7 (60.4%)	48.2 (53.6%)	51.6 (57.3%)	54.6 (60.7%)	48.0 (53.3%)	**54.8 (61.6%)**
Standard Deviation	13.43 (14.92%)	13.2 (14.9%)	13.2 (14.7%)	14.7 (16.4%)	14.7 (16.3%)	12.1 (13.4%)	**13.7 (15.4%)**
Range of Scores	18 to 86	15 to 87	17 to 84	15 to 87	14 to 88	18 to 87	**23 to 87**
Reliability (KR-20)	0.9	0.90	0.90	0.92	0.92	0.87	**0.91**
Reliability for Equivalent 90-item Test	0.9	0.90	0.90	0.92	0.92	0.87	**0.91**
Standard Error of Measurement	4.20 (4.67%)	4.10 (4.6%)	4.3 (4.7%)	4.1 (4.8%)	4.1 (4.6%)	4.3 (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 December 2024

All-AETO Post-Intervention	Civil Litigation December 2022	Civil Litigation April 2023	Civil Litigation August 2023	
Number of Candidates	929	1671	889	
Passing Rate	56.4%	59.8%	45.1%	
All-AETO Post-Intervention	Civil Litigation December 2023	Civil Litigation April 2024	Civil Litigation August 2024	Civil Litigation December 2024
Number of Candidates	833	1748	987	937
Passing Rate	53.2%	59.8%	45.4%	59.4%

The table above shows the all-AETO December 2024 post-intervention Bar Training cohort pass rate of 59.4% for Civil Litigation, based on a passing standard recommended to the Final Board of 50/89. The post-intervention passing rate is slightly higher than recent December sittings.

4.7 December 2024 Civil Litigation pass rates by AETO

BT Winter 2024 Civil Litigation Passing Rate by AETO Centre
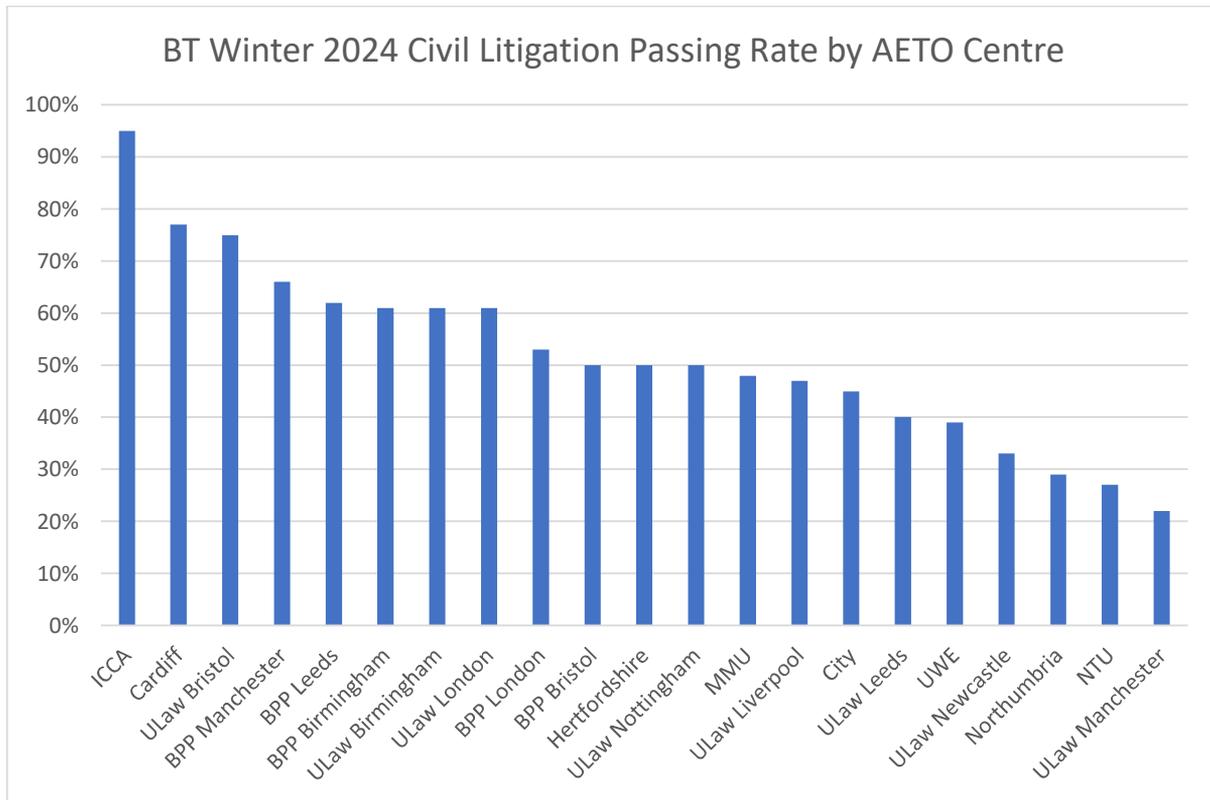
4.7.1   The 21 AETO centre cohorts entering candidates for the Civil Litigation assessment are ranged left to right in descending order of their December 2024 pass rates. As was the case with the Criminal Litigation assessment, the ICCA cohort achieved the highest passing rate at 95%. Cardiff had the second highest passing rate, some way behind on 77%. ULaw Manchester's cohort of 9 candidates (all of whom were attempting on a first sit basis) had the lowest passing rate at 22%.

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

AETOs Ranked by % First Sit			
AETO	Cohort Size	# First Sit	% First Sit
ULaw Birmingham	18	18	100.00%
ULaw Bristol	4	4	100.00%
ULaw Leeds	20	20	100.00%
ULaw Liverpool	15	15	100.00%
ULaw Manchester	9	9	100.00%
ULaw Newcastle	3	3	100%
ULaw Nottingham	2	2	100%
ICCA	165	159	96.40%
ULaw London	54	52	96.30%
Cardiff	92	81	88.00%
BPP Manchester	61	53	86.90%
MMU	29	20	69.00%
BPP London	253	144	56.90%
UWE	41	22	54%
BPP Birmingham	36	15	41.70%
Northumbria	14	5	35.70%
BPP Leeds	29	10	34.50%
City	47	16	34.00%
BPP Bristol	6	1	16.70%
NTU	37	2	5.40%
Hertfordshire	2	0	0.00%
OVERALL	937	651	69.50%

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

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

First Sit Pass Rates and Resit Pass Rates		
CRIMINAL LITIGATION		
AETO	**First Sit % Pass**	**Resit % Pass**
BPP Birmingham	73%	52%
BPP Bristol	0%	60%
BPP Leeds	70%	58%
BPP London	63%	39%
BPP Manchester	70%	38%
Cardiff	78%	73%
City	44%	45%
Hertfordshire	N/A	50%
ICCA	96%	67%
MMU	60%	22%
Northumbria	20%	33%
NTU	0%	29%
ULaw Birmingham	61%	N/A
ULaw Bristol	75%	N/A
ULaw Leeds	40%	N/A
ULaw Liverpool	47%	N/A
ULaw London	60%	100%
ULaw Manchester	22%	N/A
ULaw Newcastle	33%	N/A
ULaw Nottingham	50%	N/A
UWE	32%	47%
OVERALL	N/A	N/A

Data presented to the exam boards for the December 2024 sitting showing the split between first sit and resit candidates for Civil Litigation revealed that 69.5% 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 30.5% 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 December 2024 Civil Litigation examination, only four of the 13 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 December 2024 sitting

AETOs ranked by First Sit Pass Rate CIVIL LITIGATION	
AETO	First Sit % Pass
ICCA	96%
Cardiff	78%
ULaw Bristol	75%
BPP Birmingham	73%
BPP Leeds	70%
BPP Manchester	70%
BPP London	63%
ULaw Birmingham	61%
MMU	60%
ULaw London	60%
ULaw Nottingham	50%
ULaw Liverpool	47%
City	44%
ULaw Leeds	40%
ULaw Newcastle	33%
UWE	32%
ULaw Manchester	22%
Northumbria	20%
BPP Bristol	0%
NTU	0%
Hertfordshire	N/A

Disregarding Hertfordshire (no first sit candidates), nine AETO centres had fewer than 50% of their first sit candidates passing the December 2024 Civil Litigation assessment. By way of contextualisation, only 2/37 NTU candidates were first sitting, and for BPP Bristol the figure was 1/6.

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

	Apr-23	Aug-23	Dec-23	Apr-24	Aug-24	Dec-24	Average over 6 sits
ICCA	84.2	78.6	90.6	86.6	88.2	95.2	87.23
Ulaw Nottingham	66.7	100	0	61.5	50	50	54.70
Ulaw Bristol	66.7	66.7	0	74.2	40	75	53.77
Ulaw London	63.5	64.6	35.1	69.2	58.8	61.1	58.72
Ulaw Leeds	66.7	64.5	33.3	75.3	54.2	40	55.67
Cardiff	56	30.8	70.4	51.4	47.4	77.2	55.53
City	73.8	50.5	45.7	71.3	47	44.7	55.50
Ulaw Birmingham	61.8	39.1	41.7	52.5	54.9	61.1	51.85
BPP Manchester	56.2	48.1	52.8	33.8	53.9	65.6	51.73
Northumbria	65.2	54.2	50	62.8	48.1	28.6	51.48
ULaw Newcastle	44.4	80	0	45.5	50	33.3	42.20
BPP Birmingham	47.6	32.7	48.6	44.7	49.2	61.1	47.32
UWE	48.6	43.6	41.7	59.8	44.8	39	46.25
Ulaw Liverpool	41.1	47.6	35.7	57	43.3	46.7	45.23
Ulaw Manchester	45.5	61.1	27.3	73	38.9	22.2	44.67
BPP Leeds	38.9	44.4	54.2	26.7	30.8	62.1	42.85
BPP London	53.8	32.4	42.9	38.5	33.8	52.6	42.33
MMU	41.7	28.6	54.1	80	0	48.3	42.12
Hertfordshire	33.3	14.3	100	50	0	50	41.27
BPP Bristol	22.2	33.3	40	52.9	20	50	36.40
NTU	37.8	42.9	36	34.3	15.6	27	32.27

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. The data shows that the ICCA has achieved the highest average passing rate (87.2%), and NTU the lowest at 32.3%. 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 attempts at the exam by candidates at that AETO made over all sittings thus far, and to compare this with the number of those attempts which were passing attempts. As discussed in section 3.8.2 above, note that individual candidates may attempt an assessment multiple times before making a passing attempt, and so the data below does not represent the percentage of candidates who pass, it represents the percentage of attempts made at the exam which were passing attempts.

BT Civil Litigation - December 2020 to December 2024 (13 sits)			
AETO	Total Number of Attempts	Total Number of Passes	% Pass
ICCA	695	639	91.94%
ULaw Bristol	121	84	69.42%
ULaw Newcastle	30	20	66.67%
Cardiff	534	347	64.98%
ULaw Leeds	394	247	62.69%
City	2328	1426	61.25%
ULaw London	1409	824	58.48%
ULaw Manchester	300	175	58.33%
ULaw Nottingham	67	39	58.21%
Northumbria	394	216	54.82%
BPP Manchester	749	402	53.67%
ULaw Birmingham	549	286	52.09%
BPP Leeds	246	128	52.03%
ULaw Liverpool	259	134	51.74%
BPP Birmingham	482	230	47.72%
BPP London	2727	1279	46.90%
BPP Bristol	124	58	46.77%
UWE	927	407	43.91%
MMU	219	95	43.38%
NTU	520	175	33.65%
Hertfordshire	44	10	22.73%
TOTAL	13118	7221	55.05%

As can be seen from the above table, Civil Litigation assessments have been passed 7,221 times since the first sitting in December 2020, based on 13,118 attempts – thus the aggregate passing rate to date is 55.05%. There are 12 AETOs whose cumulative percentage of passing attempts is lower than this. The range between the highest rate of passing attempts and lowest rate of passing attempts is 69.2%. Seven AETO centres have a cumulative rate of passing attempts below 50%. As noted above with regard to the Criminal Litigation data, this does not imply that less than 50% of candidates ultimately pass this exam, but it does mean that the Civil Litigation exam is passed less than 50% of the times it is attempted at that AETO.

5. FURTHER COMPARATIVE ANALYSIS

5.1 Comparing performance in Criminal and Civil Litigation examinations

At 59.4%, the passing rate for the December 2024 Civil Litigation assessment was just over 9% higher than the passing rate for the Criminal Litigation assessment. It should be noted that 57.8% of the Criminal Litigation cohort were attempting on a first-sit basis, as opposed to 69.5% of the Civil Litigation cohort. A total of 382 candidates attempted both Litigation assessments at the December 2024 sitting and the cross-tabulated outcomes, are as follows:

(a) All candidates attempting both papers:

All BT Sitting Both Exams (382)		
	Pass Crime	Fail Crime
Pass Civil	173	42
Fail Civil	20	178

	Pass Crime	Fail Crime
Pass Civil	45.30%	11.00%
Fail Civil	5.20%	46.60%

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

BT First Sitting Both Exams (172)		
	Pass Crime	Fail Crime
Pass Civil	144	8
Fail Civil	3	20

	Pass Crime	Fail Crime
Pass Civil	83.70%	4.70%
Fail Civil	1.70%	11.60%

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

BT Resitting Both Exams (90)		
	Pass Crime	Fail Crime
Pass Civil	7	16
Fail Civil	9	84

	Pass Crime	Fail Crime
Pass Civil	7.80%	17.80%
Fail Civil	10.00%	93.30%

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 examinations in Civil and Criminal Litigation have 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 assessments (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 fist sit candidates. As the tables below indicate, using the Pearson correlation coefficient ('Pearson R' analysis of correlation) suggest a strong correlation in terms of the performance of all candidates attempting both examinations.

Bar Training Candidates Sitting Both Exams Correlation of Criminal Litigation and Civil Litigation Post-Intervention Scores			
Group	Number of Candidates	Pearson's R	Interpretation
All BT Candidates Sitting Both Exams	382	0.9	**Very Strong Correlation**
BT Candidates First Sitting Both Exams	172	1	**Very Strong Correlation**
BT Candidates Resitting Both Exams	90	0.99	**Very Strong Correlation**

Pearson's R Interpretation Index	
Pearson's R	**Interpretation**
0.80 --- 1.00	**Very Strong Correlation**
0.60 --- 0.799	**Strong Correlation**
0.40 --- 0.599	**Moderate Correlation**
0.20 --- 0.399	**Weak Correlation**
0.01 --- 0.199	**Very Weak Correlation**
0.00	**No Correlation**

It should be noted that whilst there were 382 candidates attempting both assessments – as represented in table (a), not all candidates were first sitting both assessments or resitting both assessments (some may have been first sitting one and resitting another) – hence the sum of tables (b) and (c) does not equal 382.

5.2 Centralised assessment post-intervention pass rates compared December 2020 to December 2024

ALL-AETO Post-Intervention	Dec-20		Apr-21		Aug-21	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidate	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 Candidate	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 Candidate	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 Candidate	805	833	1754	1748	1008	975
Passing Rate	55.2%	53.2%	60.5%	59.8%	47.6%	45.8%
Pass Standard	42/75	49/90	41/75	51/90	41/75	49/90
Reliability Score	0.91	0.92	0.90	0.92	0.84	0.87
ALL-AETO Post-Intervention	Dec-24		Apr-25		Aug-25	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidate	887	937				
Passing Rate	50.3%	59.4%				
Pass Standard	41/75	50/89				
Reliability Score	0.88	0.92				

For both Criminal and Civil Litigation candidate numbers for December 2024 were the highest for a December sitting since the new format for the centralised assessments was introduced in December 2020. The passing rates for both assessments are largely in line with previous December sittings, although the passing rate in Civil Litigation is the highest for a December sitting since the new format for the centralised assessments was introduced. The April 2023 passing rate for Criminal Litigation (65.6%) remains the highest recorded for either subject across

the 13 sittings to date, and the August 2023 passing rate for Criminal Litigation (39.9%) is the lowest. 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. Nine cohorts were entered for December 2020, 18 for April 2021, and 21 centres had been authorised by the time of the April 2023 sitting.

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

AETO	Civil Litigation	Criminal Litigation	AVERAGE
ICCA	95%	92%	93.5%
Cardiff	77%	67%	71.8%
MMU	48%	63%	55.3%
ULaw Nottingham	50%	60%	55.0%
BPP Manchester	66%	42%	53.8%
BPP Birmingham	61%	44%	52.6%
ULaw Birmingham	61%	42%	51.6%
BPP Leeds	62%	40%	51.0%
ULaw London	61%	37%	48.9%
BPP London	53%	37%	44.8%
City	45%	42%	43.6%
Northumbria	29%	53%	41.2%
ULaw Liverpool	47%	33%	40.2%
BPP Bristol	50%	29%	39.3%
ULaw Leeds	40%	38%	38.8%
UWE	39%	36%	37.7%
ULaw Bristol	75%	0%	37.5%
Hertfordshire	50%	0%	25.0%
ULaw Manchester	22%	25%	23.5%
NTU	27%	8%	17.6%
ULaw Newcastle	33%	0%	16.5%

5.3.1 AETO cohorts are listed in descending order of the average of their passing rates across the two December 2024 Litigation examinations. The ICCA, therefore, had the highest average passing rate across both litigation subjects at 93.5%, with Cardiff next on 66.7%. ULaw Newcastle recorded the lowest average at 16.5% largely due to having no candidates passing Criminal Litigation. Overall, 13 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 December 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	Dec-24 Criminal Candidates	Dec-24 Civil Candidates	Total Dec-24 Instances of Assessment	Total Passing Criminal Dec-24	Total Passing Civil Dec-24	Total Dec-24 Candidates Passing an Exam	Overall % of Candidates Passing an Exam in Dec-24
ICCA	177	165	342	163	155	318	93.0%
Cardiff	21	92	113	14	70	84	74.3%
BPP Leeds	8	29	37	2	21	23	62.2%
ULaw Nottingham	5	2	7	3	1	4	57.1%
BPP Manchester	64	61	125	27	36	63	50.4%
BPP Birmingham	58	36	94	27	20	47	50.0%
ULaw Bristol	2	4	6	0	3	3	50.0%
ULaw London	47	54	101	18	32	50	49.5%
Northumbria	15	14	29	8	6	14	48.3%
BPP London	238	253	491	88	142	230	46.8%
City	69	47	116	30	23	53	45.7%
ULaw Birmingham	18	18	36	7	9	16	44.4%
ULaw Leeds	16	20	36	6	9	15	41.7%
MMU	48	29	77	30	2	32	41.6%
ULaw Liverpool	15	15	30	5	7	12	40.0%
UWE	33	41	74	12	16	28	37.8%
Hertfordshire	1	2	3	0	1	1	33.3%
ULaw Manchester	8	9	17	2	3	5	29.4%
ULaw Newcastle	1	3	4	0	1	1	25.0%
BPP Bristol	6	6	12	1	1	2	16.7%
NTU	37	37	74	3	9	12	16.2%
TOTAL	887	937	1824	446	567	1013	55.5%

As the table above shows, the ICCA was the most successful AETO in terms of the percentage of candidates entered for any of the December 2024 examinations achieving a pass, in either examination, with a figure of 93%. At the other extreme, at NTU, only 16.2% of its candidates managed to get through either exam. Out of 21 AETO centres, 14 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 December 2024 sitting, there were 1,824 candidates across the two litigation subjects, of which 660 (56.7%) were resitting. It might be expected that the ICCA, with the highest percentage of first sit candidates across the two litigation assessments taken together (96.8%) had the highest overall passing rate as detailed at 5.3.2 (above). Similarly, NTU with the lowest passing rate detailed at 5.3.2 had only 2.7% of first sit candidates (2/74 candidates across both assessments. MMU, on the other hand, did not appear to benefit from having a higher proportion of first sit candidates (80% across the two assessments), achieving a passing rate across both assessments of only 41%.

5.3.4 Looking across the last thirteen 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 thirteen 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.

	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	Aug-24
BPP Birmingham	0.8%	-21.2%	-18.8%	-3.1%	-12.8%	2.0%
BPP Bristol		-77.8%	22.2%	15%	27.9%	-42.0%
BPP Leeds	-3.8%	-11.1%	-15.6%	-5.8%	-38.6%	5.0%
BPP London	11.0%	-9.8%	0.8%	-1.1%	-11.2%	-8.0%
BPP Manchester	13.2%	-8.4%	-5.0%	-1.6%	-21.6%	18.0%
Cardiff	17.8%	-27.8%	-22.6%	-8.0%	-22.5%	-12.0%
City	9.1%	-0.5%	11.9%	-9.1%	3.3%	2.0%
Hertfordshire	3.1%	11.1%	14.3%	0%	0.0%	-33.0%
ICCA	-2.6%	-5.0%	0.8%	-0.9%	-3.3%	0.0%
MMU	-10.5%	16.7%	14.3%	5%	41.9%	-67.0%
Northumbria	-14.3%	-10.8%	18.5%	6%	-3.4%	12.0%
NTU	-16.7%	1.6%	11.3%	10%	1.8%	-13.0%
ULaw Birmingham	-2.2%	1.8%	4.1%	8%	-4.3%	9.0%
ULaw Bristol	33.3%	-8.3%	23.8%		-3.2%	0.0%
ULaw Leeds	0.0%	0.0%	7.8%	-3.0%	1.7%	-3.0%
ULaw Liverpool	50.0%	-6.4%	7.6%	-10.4%	2.8%	-17.0%
ULaw London	6.7%	-3.7%	10.2%	-11.2%	8.8%	-1.0%
ULaw Manchester	57.1%	-17.3%	22.6%	-12.7%	14.3%	-18.0%
ULaw Newcastle		-44.5%	-20.0%		0.0%	-33.0%
ULaw Nottingham	66.7%	-10.2%	0.0%		15.4%	25.0%
UWE	28.3%	0.3%	14.3%	-3.6%	7.4%	6.0%
Average	**13.0%**	**-11.0%**	**9.9%**	**-1.5%**	**0.2%**	**-8.0%**

	Dec-24	Apr-25	Aug-25	Dec-25	Apr-26	Aug-26	Average
BPP Birmingham	16.7%						-3.0%
BPP Bristol	21.4%						-2.6%
BPP Leeds	22.0%						-5.9%
BPP London	16.4%						-0.2%
BPP Manchester	24.5%						0.1%
Cardiff	10.3%						-4.1%
City	2.9%						3.2%
Hertfordshire	50.0%						6.5%
ICCA	2.9%						-0.4%
MMU	-14.5%						-3.5%
Northumbria	-24.3%						-0.5%
NTU	18.9%						0.9%
ULaw Birmingham	18.9%						1.1%
ULaw Bristol	75.0%						8.7%
ULaw Leeds	2.5%						3.1%
ULaw Liverpool	13.7%						4.7%
ULaw London	24.3%						0.0%
ULaw Manchester	-3.0%						4.3%
ULaw Newcastle	33.0%						-12.9%
ULaw Nottingham	-10.0%						-6.2%
UWE	2.6%						3.5%
Average	14.5%						

The biggest average differential is recorded by the ULaw Newcastle – 12.9% higher in Criminal Litigation (albeit across only 5 sittings). For the 8 AETO centres with results across all 13 sittings, the biggest average differential is at BPP Leeds with a 5.9% better outcome in respect of Criminal Litigation. For the December 2024 sitting, the higher passing rate in Civil Litigation (possibly due to the higher proportion of first sit candidates) is reflected in the fact that only 4 out of 21 AETO cohorts 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 13 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:
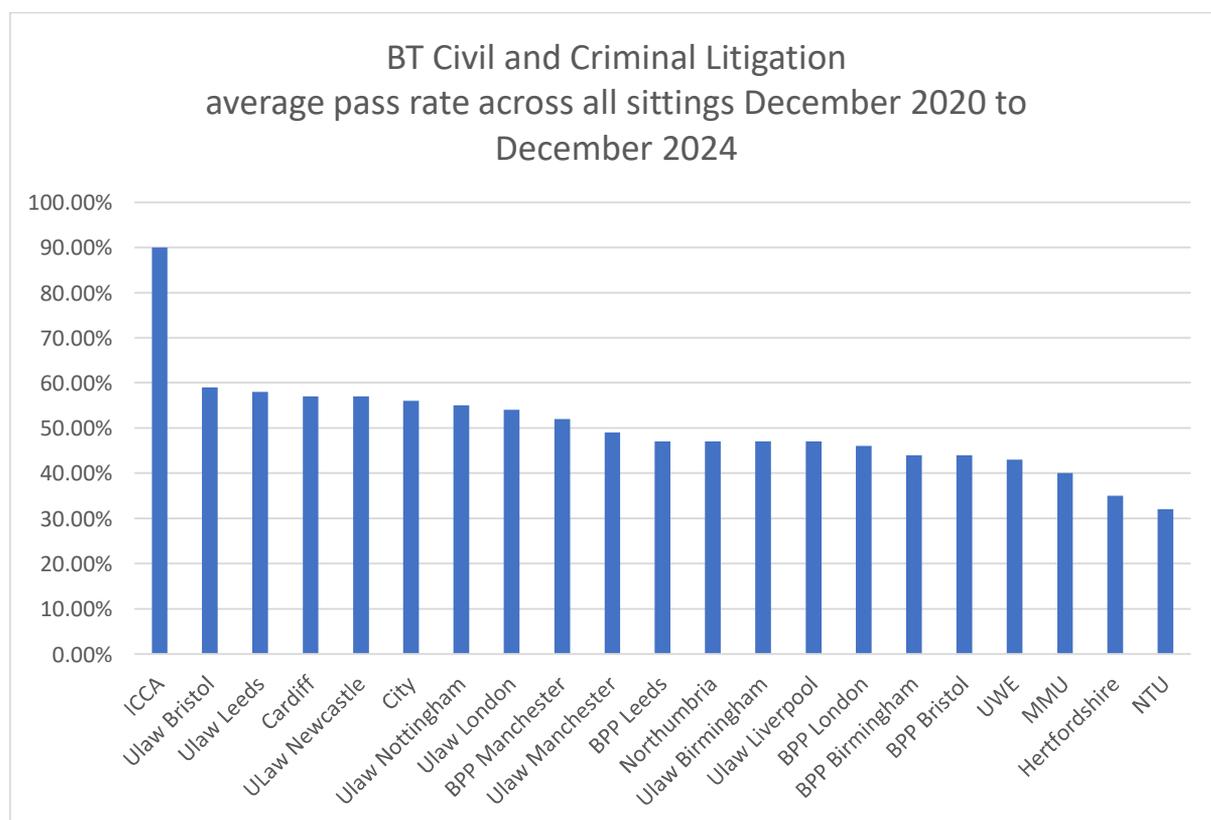
The ICCA has the highest average passing rate across both Litigation subjects and all sittings to date at 90%, and NTU the lowest at 32%. The ICCA is, thus far, some way ahead of the other AETO centres in terms of cohort performance, the gap between it and second placed ULaw Bristol being 31%. There are 12 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 December 2024

5.5.1   Cumulative passing rate to date disaggregated by AETO centre

BT Civil and Criminal Litigation December 2020 to December 2024			
AETO	**Total No. of Attempts**	**Total No. of Passes**	**% Pass**
ICCA	1402	1284	91.6%
ULaw Bristol	240	165	68.8%
ULaw Newcastle	58	39	67.2%
ULaw Leeds	924	592	64.1%
City	857	537	62.7%
ULaw Manchester	4678	2863	61.2%
ULaw Nottingham	1479	865	58.5%
ULaw London	599	350	58.4%
Cardiff	1469	848	57.7%
Northumbria	789	436	55.3%
ULaw Birmingham	1501	791	52.7%
BPP Manchester	1098	569	51.8%
ULaw Liverpool	505	260	51.5%
BPP Leeds	484	248	51.2%
BPP Bristol	720	341	47.4%
BPP Birmingham	3231	1514	46.9%
BPP London	2836	1312	46.3%
UWE	1051	464	44.1%
MMU	1138	498	43.8%
NTU	1040	343	33.0%
Hertfordshire	87	19	21.8%
TOTAL	26186	14338	54.8%

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 December 2024. In total there have been 26,186 attempts at the centralised assessments by Bar Training candidates, of which 14,338 have been successful (54.8%). As can be seen, 11 AETO centres have a cumulative rate of passing attempts lower than this overall passing rate, with seven AETO centres seeing less than 50% of all attempts being passing attempts since the introduction of the Bar Training course in 2020. As discussed at sections 3.8.2 and 4.8.2, this does not equate to less than 50% of candidates passing because individual candidates may be recorded as having multiple failing attempts before ultimately making a single passing attempt. Similarly, overall pass rates from the table above (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; however, both pieces of data provide insights into how successful each AETO centre has been in supporting its candidates to pass the centralised Litigation assessments within fewer attempts.

5.5.2   Cumulative passing rate disaggregated by AETO group – 13 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 December 2024			
AETO	Total No. of Attempts	Total No. of Passes	% Pass
ICCA	1402	1284	91.6%
City	857	537	62.7%
ULaw	9984	5925	59.3%
Cardiff	1469	848	57.7%
Northumbria	789	436	55.3%
BPP	8369	3984	47.6%
UWE	1051	464	44.1%
MMU	1138	498	43.8%
NTU	1040	343	33.0%
Hertfordshire	87	19	21.8%

Presenting the data this way shows that the ICCA remains the most successful AETO in terms of the percentage of attempts at a centralised assessment being deemed a pass, 29% 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.

6. BAR TRAINING RESIT RESULTS DECEMBER 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. From April 2024 this was facility was extended to students from all AETOs. Candidates attempt the same assessments as other Bar Training and BTT candidates. Candidates were again offered this resit facility for the December 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%
Bar Training Resit Post-Intervention	Aug-24		Dec-24	
	Criminal Litigation	Civil Litigation	Criminal Litigation	Civil Litigation
No of Candidates	26	26	38	41
Passing Rate	42.3%	46.2%	24.0%	43.9%

7. BAR TRANSFER TEST RESULTS DECEMBER 2024

The results for Bar Transfer Test ('BTT') candidates attempting the December 2024 BTT assessments were considered by the Litigation Subject Exam Boards and the Final Board. For the December 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. The BTT passing rates in December 2024 for both litigation subjects fall within the range of previous sittings, and both exceed the to date average passing rates.

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	25	24	25	21
Passing Rate	48.3%	51.6%	44.0%	50.0%	52.0%	42.9%

8. BPTC RESULTS DECEMBER 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 December 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	19	17	11	40
Passing Rate	29.2%	22.2%	15.8%	29.4%	36.0%	55.0%

As the above table shows, although the number of BPTC candidates is steadily declining, the December 2024 sitting, with a total of 51 candidate entries across the two Litigation assessments) saw the highest number of candidates since the August 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 normally compare favourably with those for the main Bar Training cohort, however the December 2024 passing rate of 55% for Civil Litigation is close to the main Bar Training cohort passing rate, and the best yet achieved by a BPTC cohort during this legacy period.

Professor Mike Molan
Chair of the Central Examination Board
14 March 2025