

JDD CONSULTANTS

ANALYSIS OF THE PEB 2015 EXAM RESULTS

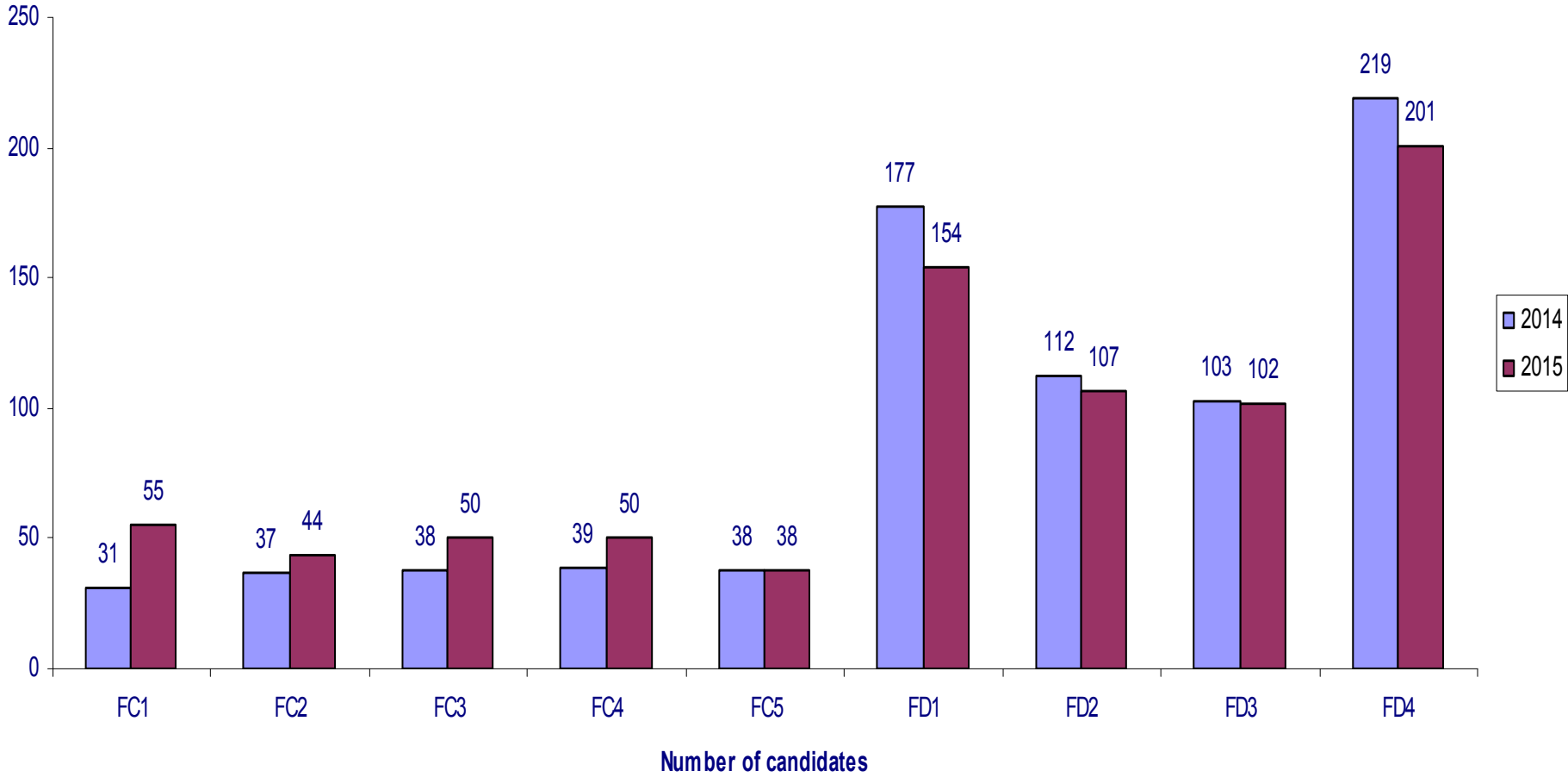
[MARCH 2016]

Candidate numbers

- **Foundation Certificate (FC) papers:**
the number of candidates ranged from 38 on FC5 to 55 on FC1 and, overall, were up by 30% on 2014 (**Figure 1**).
- **Final Diploma (FD) papers:**
the number of candidates ranged from 102 on FD3 to 201 on FD4 and, overall, were down by 8% on 2014 (**Figure 1**).

Figure 1

Candidates taking the PEB papers in 2014 and 2015



Pass rates

- **FC papers:**
pass rates rose for the FC2 (Law), FC3 (P5) and FC4 (D&C) papers and remained stable (and high) for FC1 (P1) and FC5 (P7) (**Figure 2**).
- **FD papers:**
pass rates fell for the FD1 (P2), FD2 (P3) and FD4 (P6) papers and were stable for FD3 (P4) (**Figure 3**).

Figure 2

Pass rates for all candidates in the 2014 and 2015 FC exams

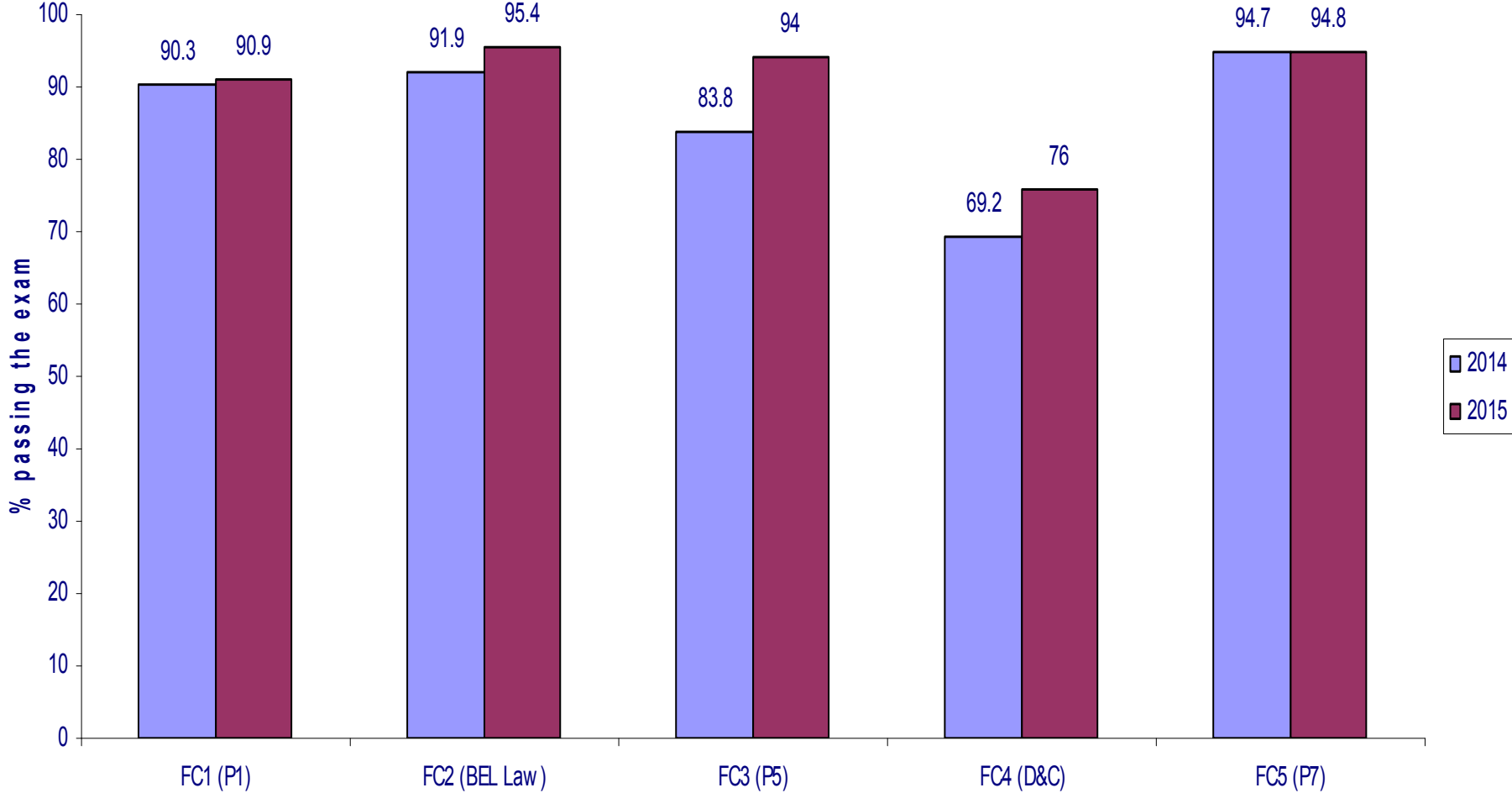
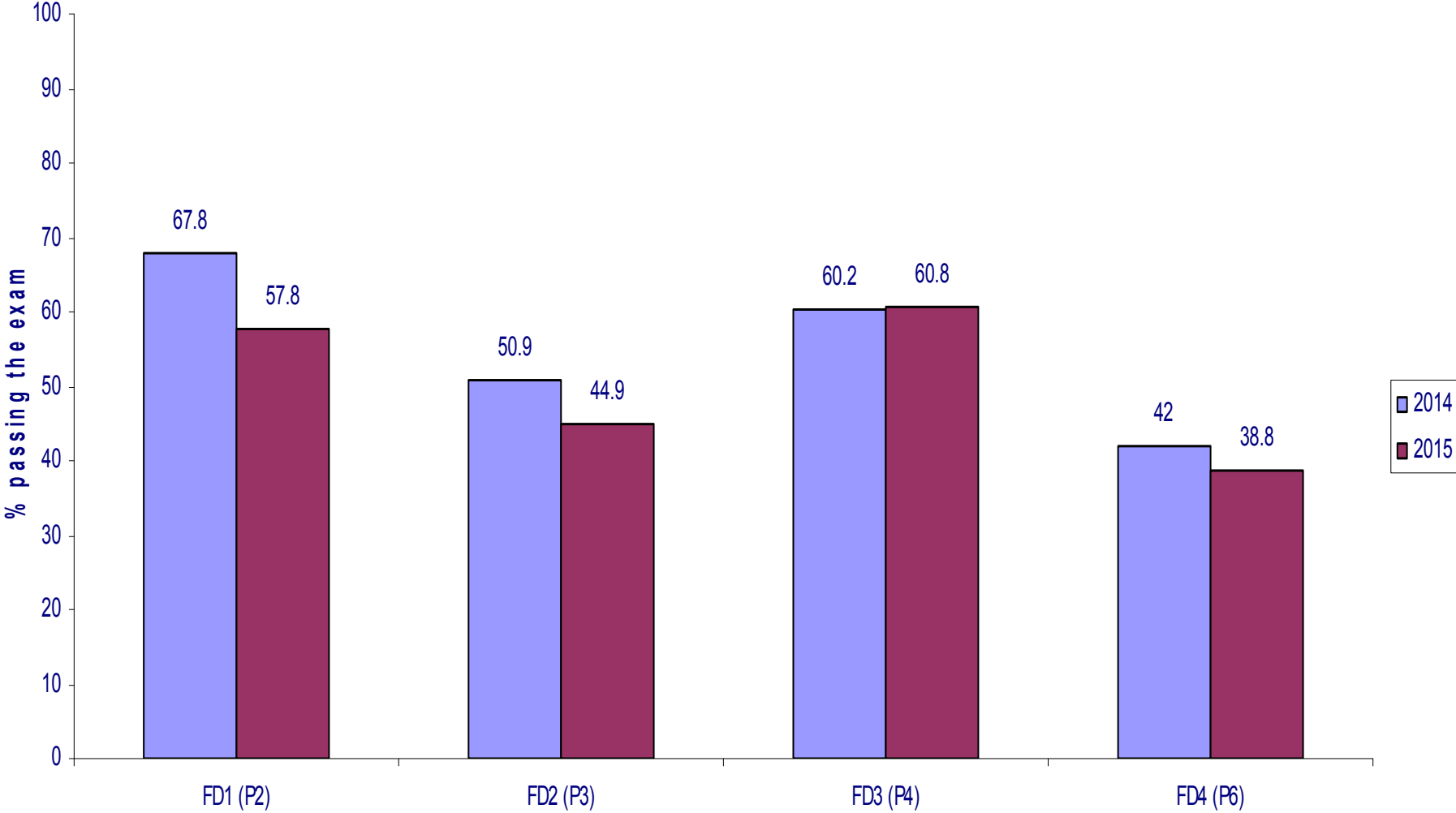


Figure 3

Pass rates for all candidates in the 2014 and 2015 FD exams

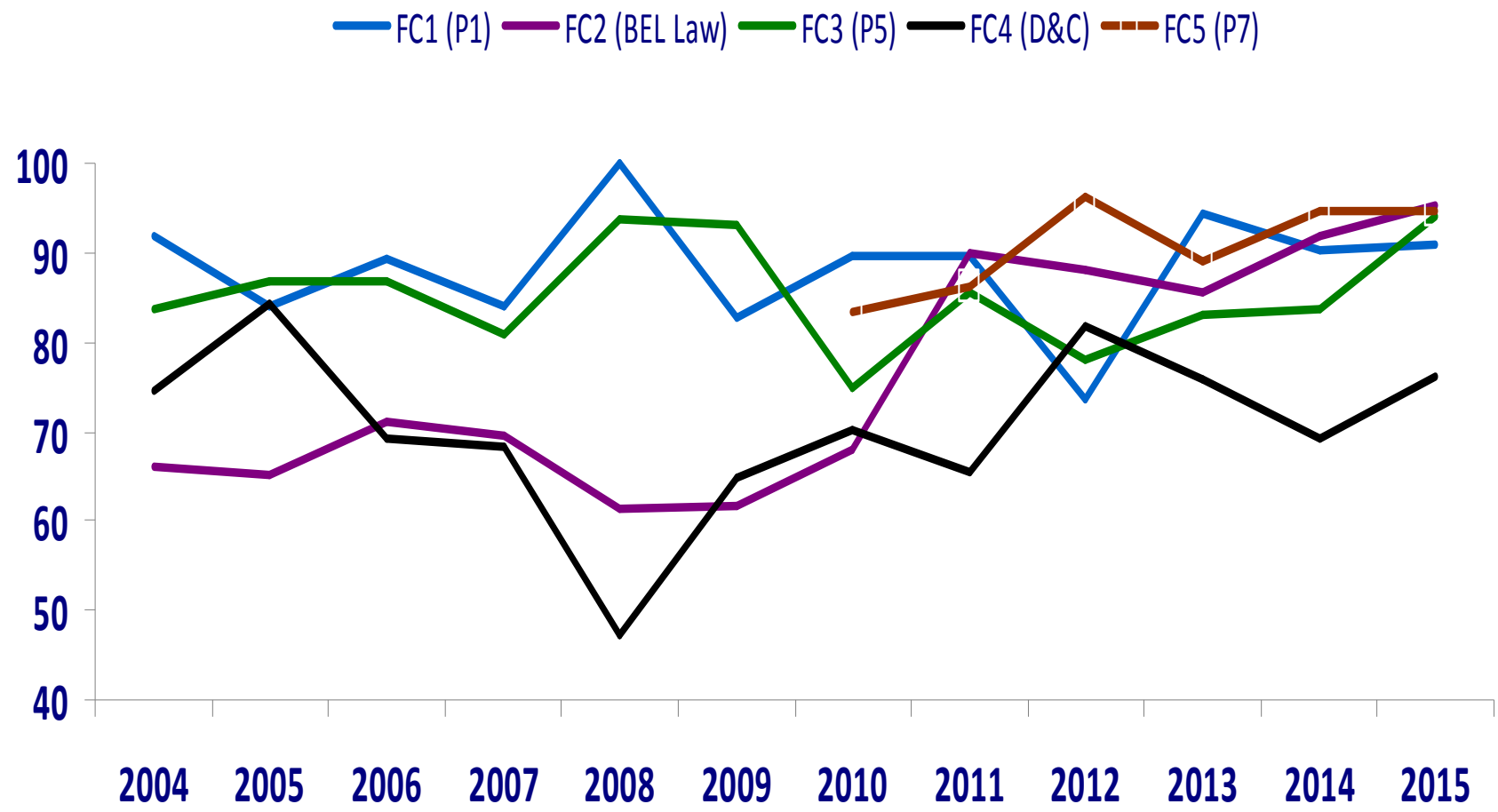


Trends in FC pass rates

- Pass rates have always been very high for FC1, FC3 and FC5, but have improved over recent years for FC2 (English Law) and FC4 (D&C) (**Figure 4**).

Figure 4

Trends in % Pass Rates for All Candidates in Foundation Certificate Exams



Trends in FD pass rates

- Year-to-year fluctuations in pass rates have been greater for FD papers (than for FC) (**Figure 5**).
- For FD1, FD2 and FD3, the long-term trend since 2000 has been an improving pass rate:
 - for FD1 the average has risen from 48% between 2000-03 to 60% between 2013-15;
 - for FD2 from 34% to 52%; and
 - for FD3 from 46% to 63% (**Figures 6-8**).
- For FD4, there has been no real upward trend: the 39% passing, on average, between 2000-03 and 41% between 2013-15 (**Figure 9**).

Figure 5

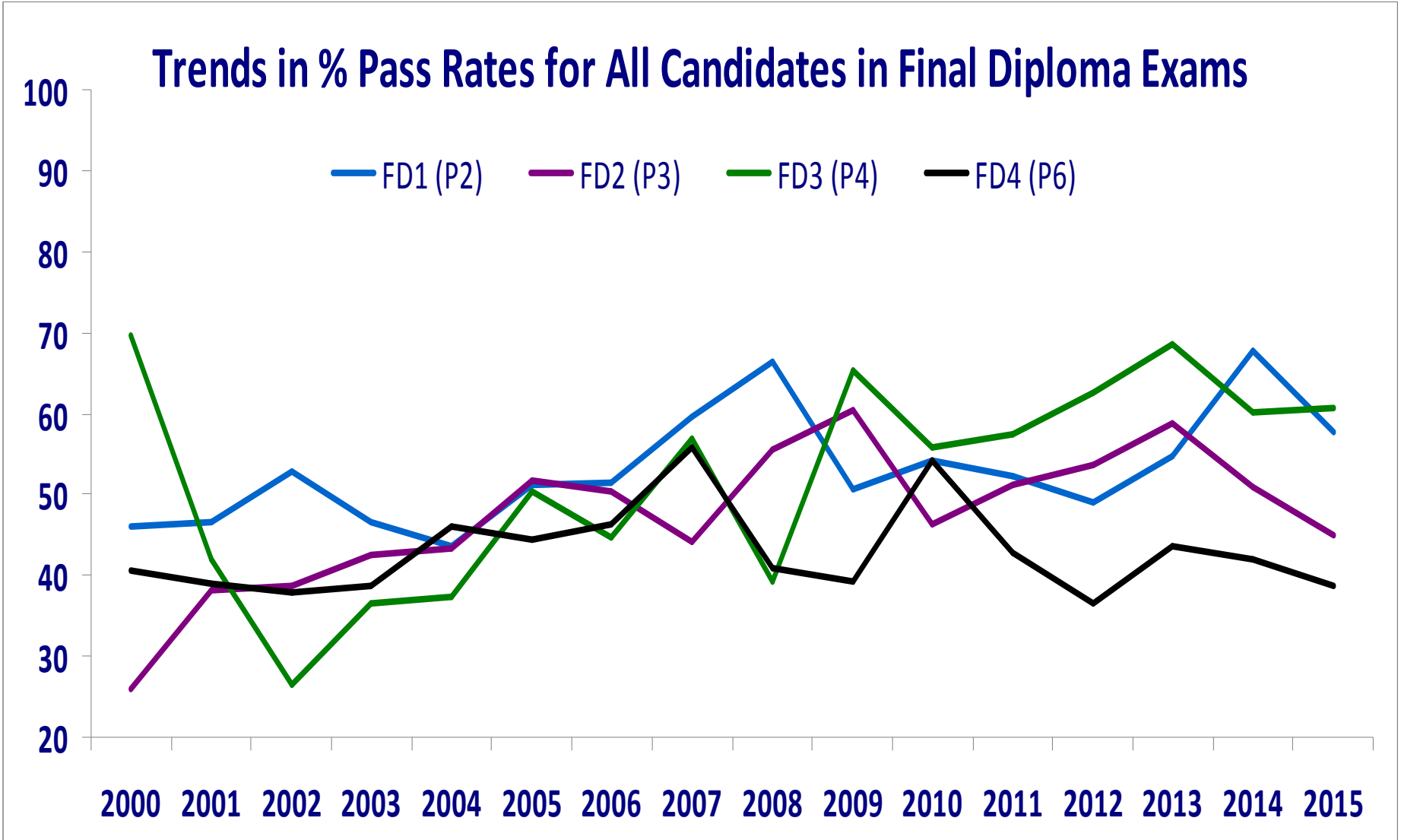
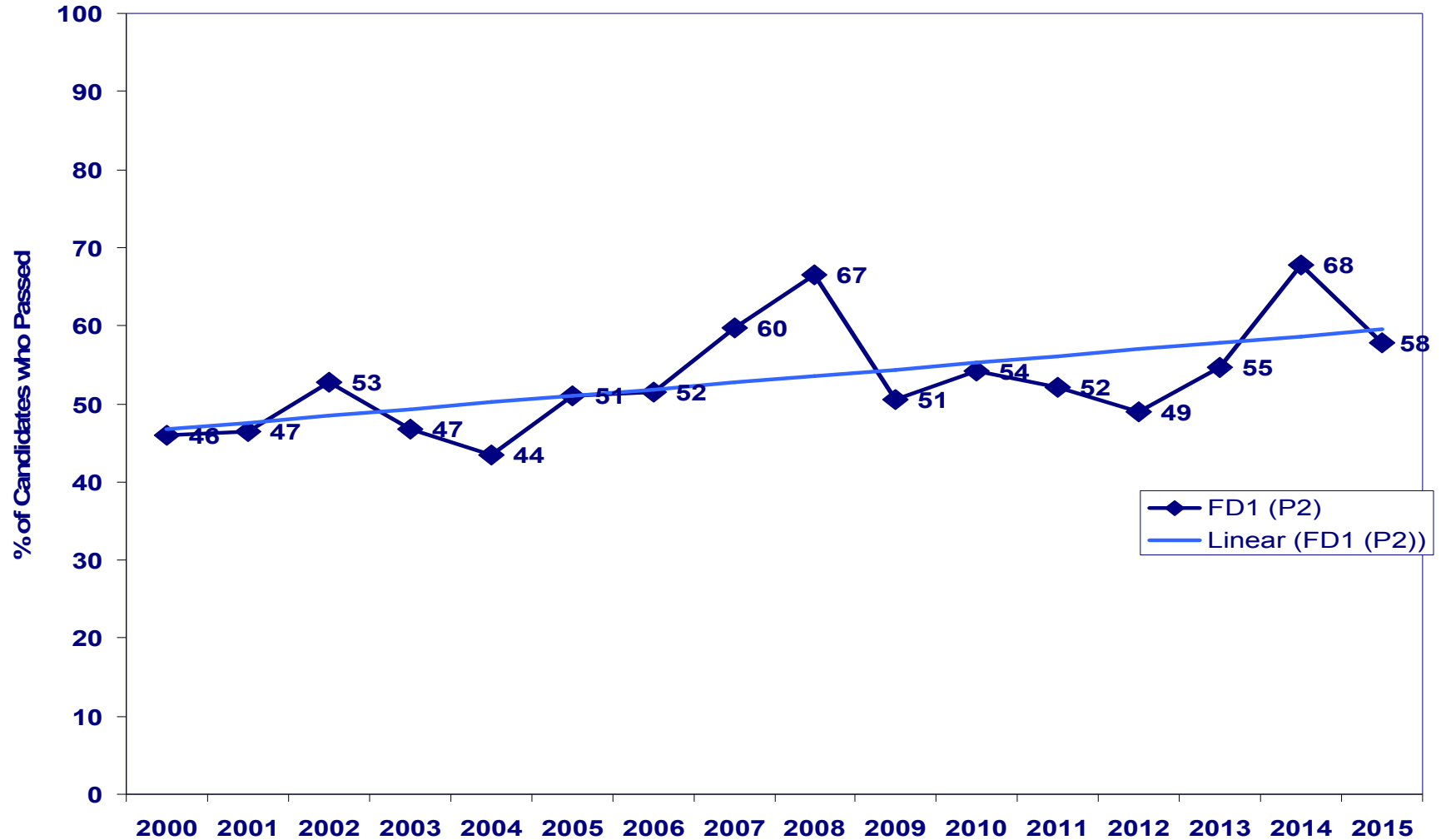


Figure 6

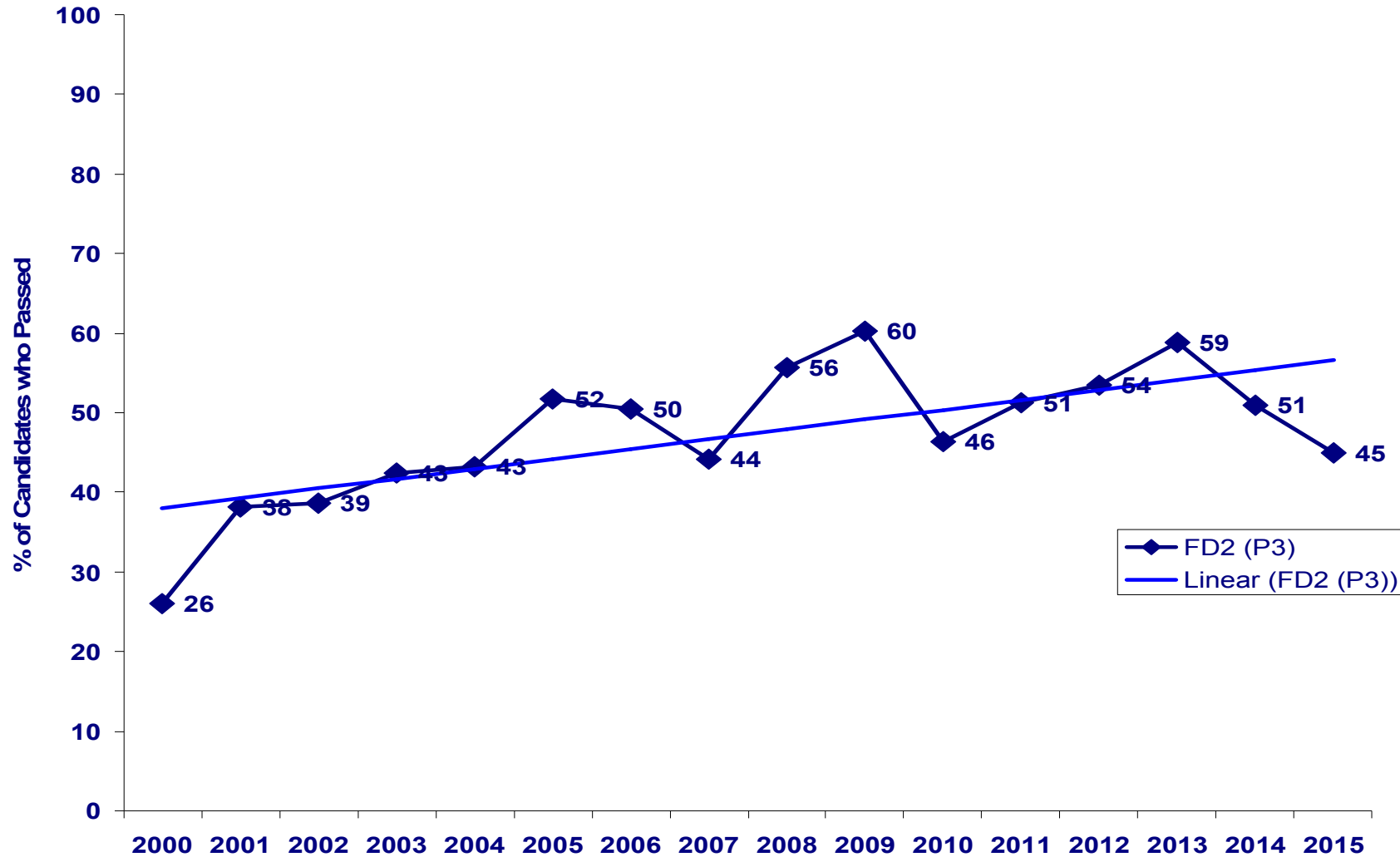
Trends in FD1 (P2) Pass Rate for All Candidates: 2000-15



The pass rate for FD1 shows a steady trend upwards, from an average of 48% in 2000-03 to 60% in 2013-15.

Figure 7

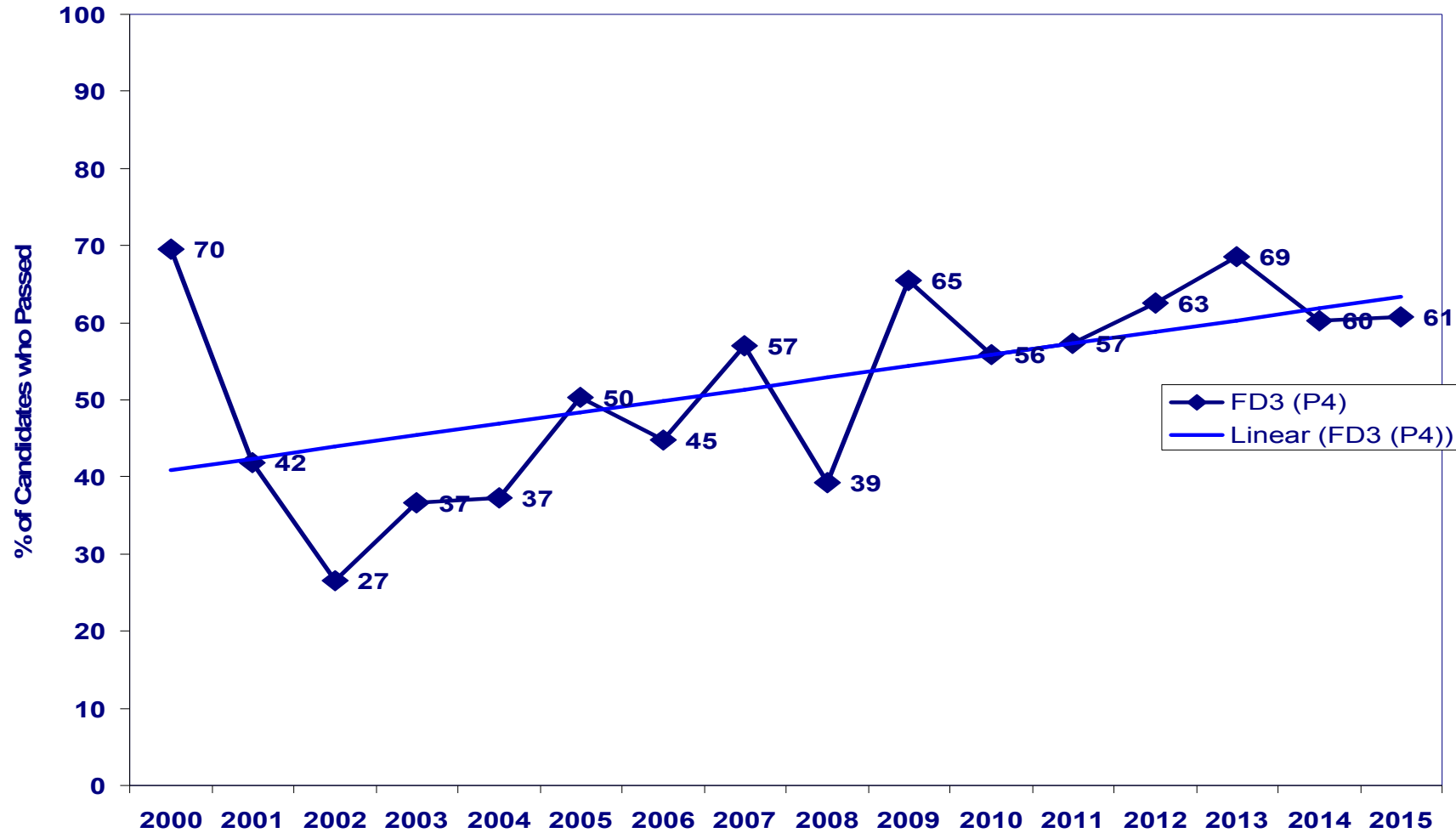
Trends in FD2 (P3) Pass Rate for All Candidates: 2000-15



The pass rate for FD2 shows a trend upwards, from an average of 34% in 2000-03 to 52% in 2013-15.

Figure 8

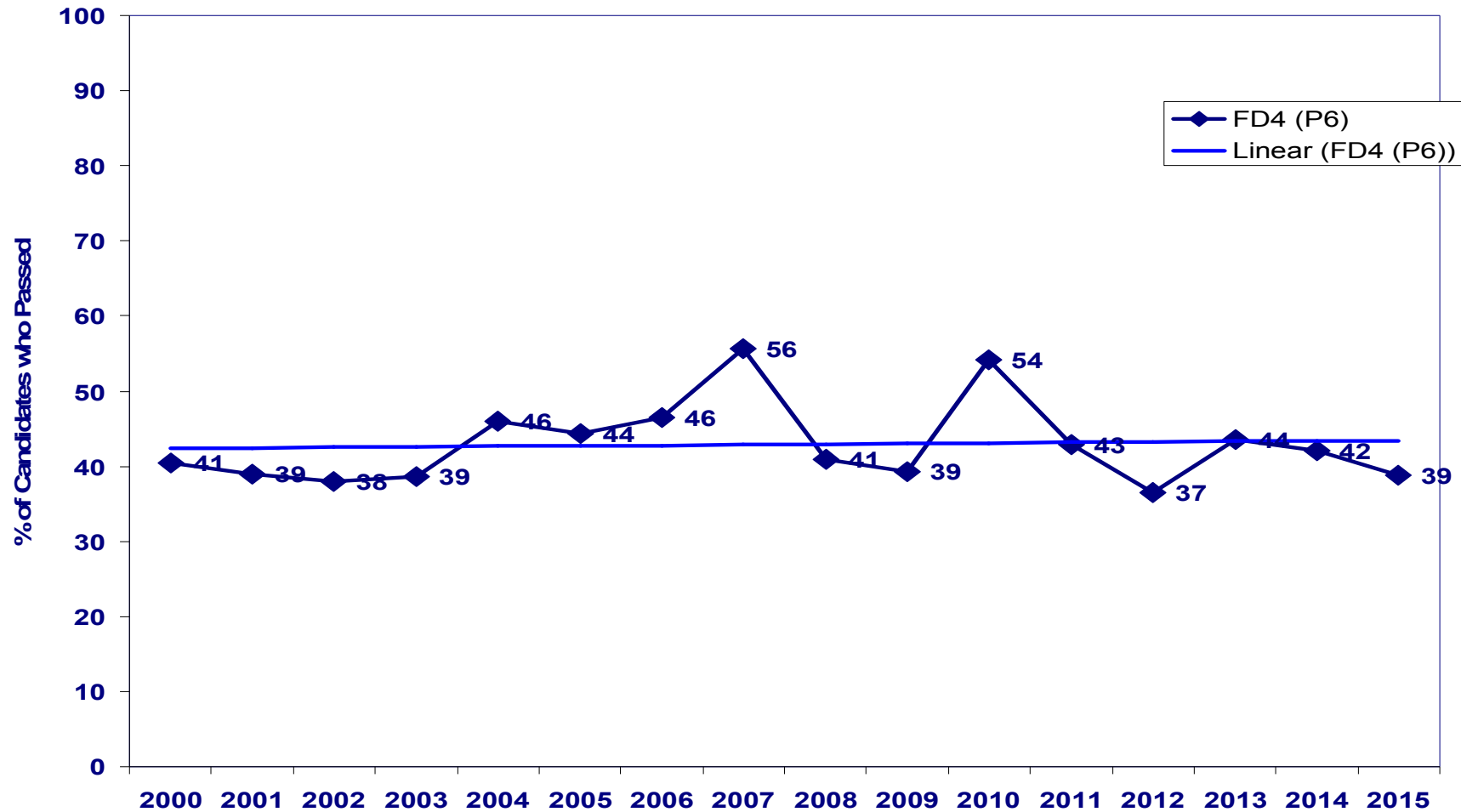
Trends in FD3 (P4) Pass Rate for All Candidates: 2000-15



The pass rate for FD3 shows a trend upwards, from an average of 46% in 2000-03 to 63% in 2013-15.

Figure 9

Trends in FD4 (P6) Pass Rate for All Candidates: 2000-15



The pass rate for FD4 shows little real trend, averaging 39% in 2000-03 and 41% in 2013-15.

Pass rates for those attending JDD courses

When calculating pass rates for those attending JDD revision courses three caveats apply:

1. Some JDD course attendees do not sit the examination until the year following the course. In some cases, they advise us of this, but this is not always the case.
2. Each year some of our FD2 and FD3 course attendees withdraw from the exam because, in the period between booking and the October exam, they receive notice that they have passed Papers A and/or B of the March EQE.
3. Each year, a significant number of those who pass PEB papers have attended a JDD course one or two years before and have built on the guidance and knowledge from the course to have success at a second or further attempt. These candidates are shown in Figures 10 and 11 which follow as 'non-JDD', but in fact will have benefitted from attending a JDD course on the paper in an earlier year.

Foundation Certificate courses

- FC pass rates, for all candidates, are typically high, but also:
 - a high proportion of candidates attend JDD FC revision courses;
 - as in previous years, pass rates for those who attended our FC course(s) in 2015 were significantly higher than for those who did not attend our course(s): in the case of FC4 it was a fifth higher.

Final Diploma courses

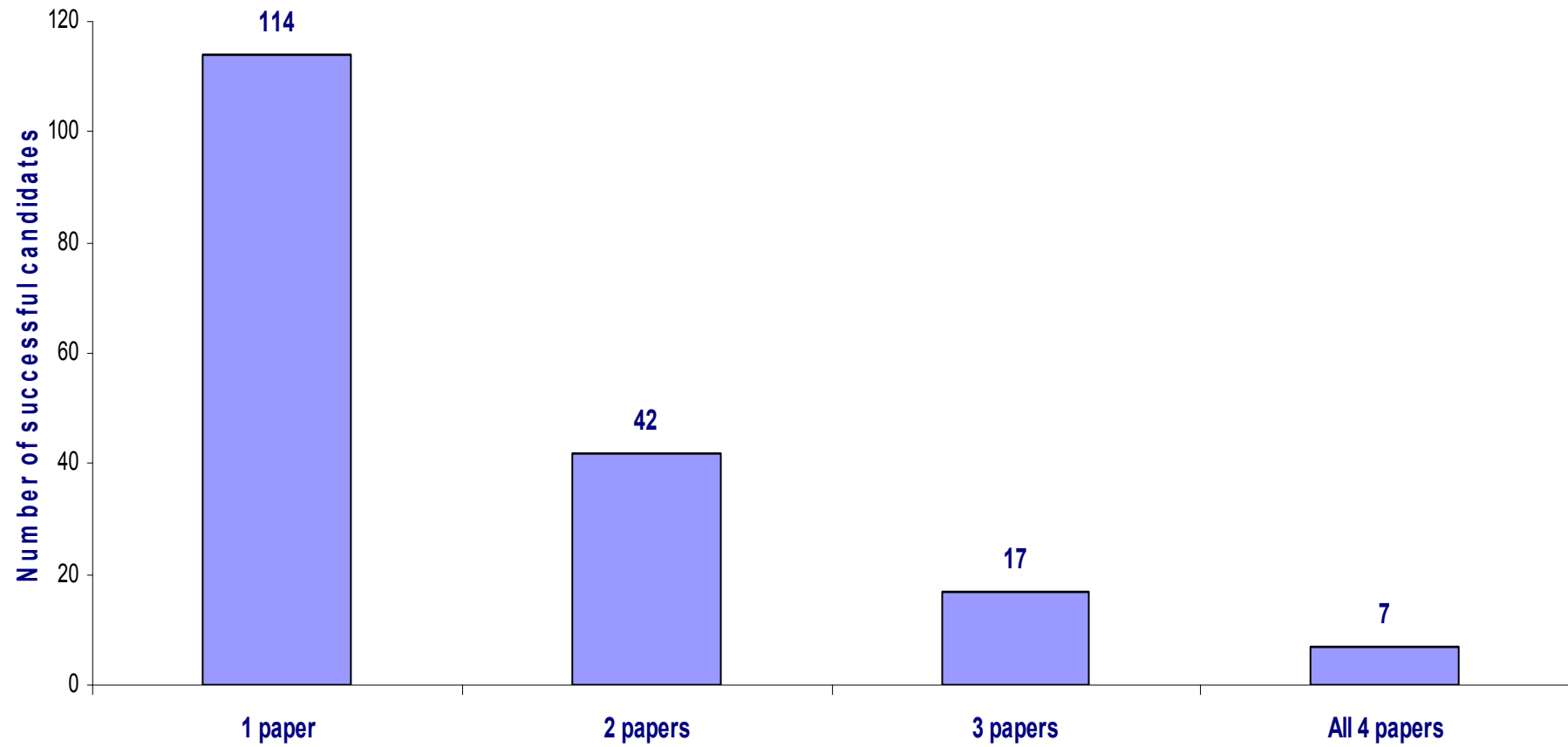
- In the cases of FD1, the pass rate for those who attended a JDD revision on the paper in 2015, was almost two-fifths higher than those who did not, while for FD4 it was more than a quarter higher.
- For FD2 and FD3, given that each year EQE Papers A and B exemptions lead to a number of those who attend our FD2 and FD3 not sitting the PEB exams, we are unable to reliably calculate pass rates. But the evidence we have suggests that for FD2 pass rates in 2015 for our course attendees was a quarter higher than for non-attendees and the pass rate for our FD3 attendees was at least 60%.
- Furthermore, a substantial proportion of those who passed the 2015 exam without taking a JDD revision course for the paper in 2015 had attended a JDD course on that paper in 2014 or 2013: over a third in the case of FD4, a fifth for FD2, a sixth for FD1 and a seventh for FD3. In these cases, the candidates will have been able to build on guidance provided in the courses.

Successful FD candidates and how many papers they passed

- In 2015, the overall pass rate for FD papers was 49% (i.e. there were, in total, 564 entries for the four papers and there were 277 passes).
- Around a half of candidates attempted just one paper (typically FD1 or FD4) in 2015, some two (the most common combinations being FD1 with FD4 or FD2 with FD3), some three and some all four. We estimate that the average number of FD papers taken was 1.7 and that there were around 330 unique candidates.
- 180 candidates passed one or more FD paper in 2015: i.e. 55% of unique candidates had some success.
- 99 of these 180 successful candidates attended one or more JDD FD courses in 2015. While, overall, 70% of the trainees who attended a JDD FD course in 2015 passed one or more of the FD papers.
- A further 21 successful candidates in 2015 had attended a JDD course on that paper in the previous years.
- **Figure 10** shows that 114 of the 180 successful candidates passed one paper, 42 passed two papers, 17 three papers and seven all four papers.

Figure 10

Successful candidates in FD exams in 2015: Numbers passing



The profile of those who passed FD exams

Figure 11 shows the profile by 'student year' of those who passed the FD1, FD2, FD3 and FD4 exams in 2015.

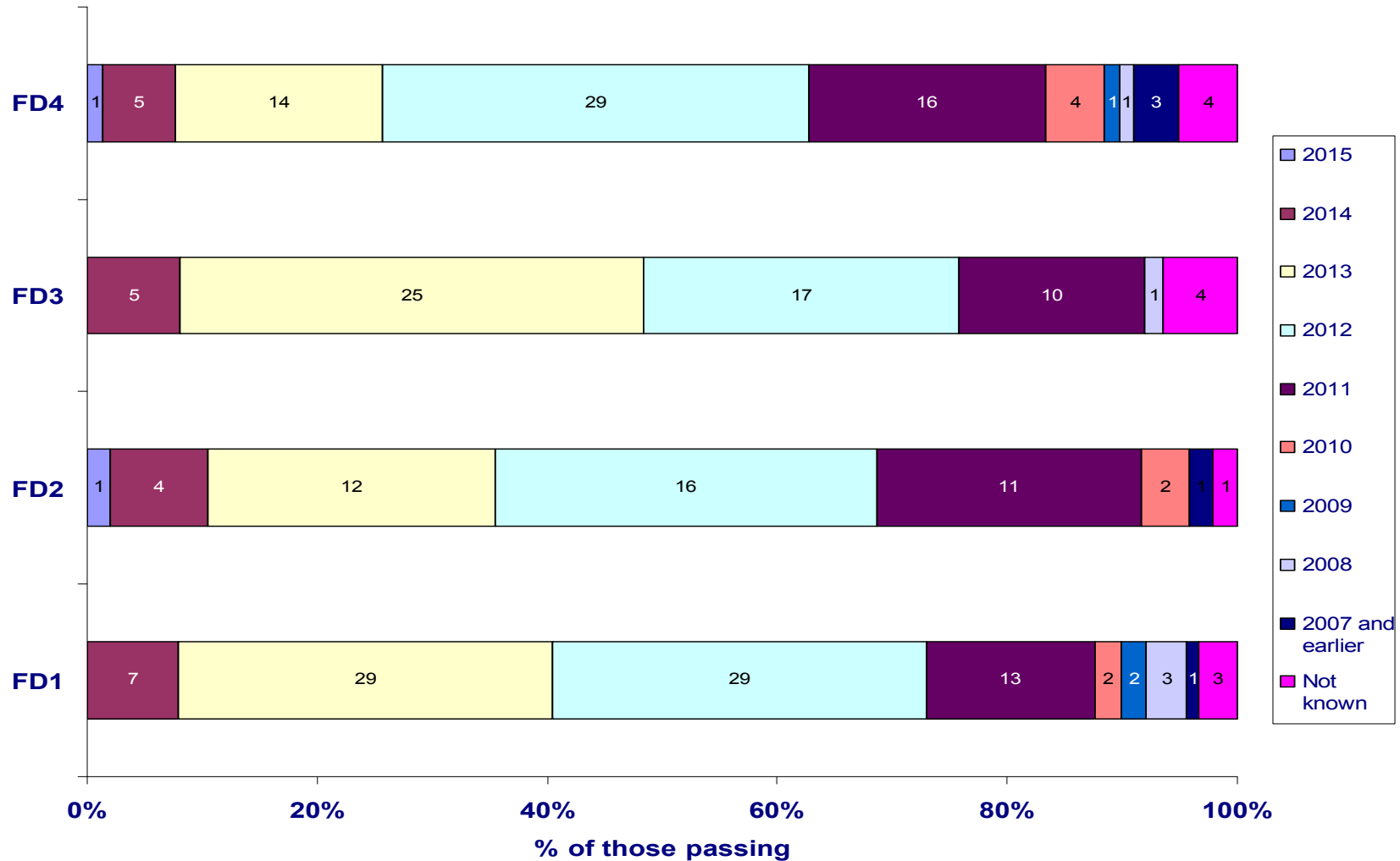
'Student year' is the first year in which a person appears on the CIPA list as a student member. With CIPA no longer publishing an annual list of members, it is increasingly difficult to track this metric and we have had to estimate the student year in many cases.

Given this caveat, Figure 11 indicates that:

- Between three-quarters and four-fifths of those who passed FD papers in 2015 came from the student years of 2011-13: 81-84% for FD2 and FD3, 80% for FD1 and 76% for P6.
- A substantial proportion of those who passed FD4 in 2015 were re-sitters who had taken the examination several times before. Indeed, we know that 16 (or 21%) of those who passed FD4 in 2014 had attended a JDD course in 2014 or earlier and eight of those who passed from our 2015 courses were re-sitters.
- More than half of the 'first-timers' who did pass FD4 in 2015 were attendees on our 2015 courses.

Figure 11

Profile of Those Passing FD1, FD2, FD3 and FD4 in 2015 by Student Year



The numbers shown in each band are the **number (not percentage)** of candidates who passed the exam. In total 89 passed FD1, 48 passed FD2, 62 passed FD3 and 78 passed FD4.

The fall in FD1, FD2 and FD4 pass rates in 2015 (1)

- For **FD1** the pass rate was down substantially on that in PEB 2014, but remained historically high.
- The Examiner's Report noted "candidates who scored well this year identified the key issue at the heart of the question and worked through it methodically using the information provided. Most marks are awarded for the most pertinent issues and spending time on peripheral issues ... waste candidates valuable time".
- It also suggested that some candidates "are attempting the papers too soon in their professional careers. It is advised that Final Diploma examinations are only attempted by those who have worked towards them by committing time to the appropriate training and believe they are ready to sit the examination".

The fall in FD1, FD2 and FD4 pass rates in 2015 (2)

- For **FD2** the fall in the pass rate was substantial, to below the recent average of over 50%.
- The Examiner's Report does not comment on this decline, except indicating that those who failed did not stop and think, but instead rushed "by claiming the product the client had made, which was not the invention (it was too narrow)".
- It noted that this year "The invention was incredibly simple and exposed those candidates who are skilled enough to deal with such simple inventions. More thought was probably required than in previous years as how best to set out the information, particularly the specific description".

The fall in FD1, FD2 and FD4 pass rates in 2015 (3)

- For **FD4** the fall in the pass rate was not large, but the pass rate was below the recent average of over 40%.
- The Examiner's Report notes that "the background to this year's paper was a situation which many of the candidates may not have encountered in practice, a request for a declaration of non-infringement". This suggests that some candidates may have been 'thrown' by this unexpected scenario.
- It states that candidates are unlikely to pass if they do not attempt all of the sections or provide only a cursory attempt on inventive step. But it notes that "overall, it was thought that the amount of materials to consider and digest was appropriate and there seemed little evidence this year that candidates had failed to attempt all sections (on the grounds that candidates seemed able to provide a response in all sections)".
- "Anecdotally, it appeared to the examiners that many candidates were either taking the examination without adequate preparation, too early, or both. These candidates clearly did not meet the requirements of the assessment criteria".

The challenge of FD4 (1)

- **FD4** is a notoriously difficult exam. Figure 9 has shown that pass rates have been consistently low and there has not been the significant upward trend evident for the FD1, FD2 and FD3 papers.
- We know from our tutors' experience of reading and marking trainees' attempts on past papers that students can 'score' well on a paper from one year but can then struggle with one attempted from another year. This means each paper presents a unique challenge and can 'suit' some students better than others. This puts a premium on the practice of a range of past papers to build up resilience for the challenges posed by the exam.
- Indeed, one of our successful candidates shared with us the following advice for future candidates:
 - *“Practice is the only thing which will help you to pass the exam – read through Nigel Frankland’s book to understand the exam technique, and then apply the same logic to real-world infringement cases that you might be working on. The exam is primarily a study in spotting the relevant features in the claims, and then comparing and contrasting with the infringing device, and everything will fall into place in your head much more quickly if you apply the exam-style to a case you are working on.”*

The challenge of FD4 (2)

- Indeed, we know also that pass rates on our courses can vary significantly when delivered by the **same tutor(s) with the same content**. This underlines the fact that a key variable in exam success is each student's own preparation and in-office/peer support, in addition to the guidance they receive from the revision courses.
- It is for this reason that to support our 2016 face-to-face courses we are introducing a Moodle discussion forum to connect in an online learning community the trainees attending our FC and FD courses. The forum supports trainees ahead and after the face-to-face courses, encouraging them to share their insights on what they are finding most useful and challenging in their study and revision for each paper, as well as resources and answer attempts.
- The PEB papers involve an absolute standard (the 50 pass mark hurdle) rather than passing a proportion of candidates each year. This means that trainees are not competing against each other but against the exam. Consequently, their pooling of knowledge and support makes sense and can benefit each and all candidates.

JDD Consultants

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