

Bar Training
Professional Ethics examination during pupillage/work-
based learning

Adjustments and other arrangements appeals policy and
procedures

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1. Introduction

- 1.1 We are committed to providing supportive and fair opportunities to all candidates taking the Professional Ethics exam during the pupillage/work-based learning component of training. This policy covers our approach to appeals against adjustments and other arrangements including your right to appeal, the appeals process and the possible outcomes.

2. Adjustments and other arrangements

- 2.1 We make adjustments to our assessment methods for candidates who are entitled to request them (candidates with disabilities or short- or long-term medical conditions). We also make other arrangements for candidates who require adjustments which are not related to a disability or other medical condition. Please refer to our [Adjustments and other arrangements policy](#).

3. Right to appeal

- 3.1. Most concerns about a decision can be resolved in dialogue with the BSB. Please contact us **immediately** if you are not happy with the decision. However, if you have discussed the offer with the Examinations team without reaching agreement and you remain dissatisfied with the adjustments offered, you can appeal against the offer of reasonable adjustment.
- 3.2. An Appeals Panel will normally convene before the exam has taken place. If your appeal is upheld, while we will make our best endeavour to do so, we cannot guarantee that we will have time to implement the change in adjustment for the imminent sit, as this will depend on the nature of the adjustment.
- 3.3. If you believe the adjustment offered is incorrect, unfair or unreasonable and therefore choose not to sit the exam, you must cancel your exam in line with the timeframes set out at 5.3 in the [Adjustments and other arrangements policy](#). Failure to attend an exam which has not been cancelled within the timeframes will result in a non-attendance charge being incurred.

4 The appeals process

- 4.1 If you wish to appeal a decision relating to an adjustment or other arrangement, you must notify us of your intention to appeal in writing **within 2 weeks of the date of receiving the decision**. Any notification of intention to appeal after this will be accepted only at the discretion of the Examinations Manager.
- 4.2 Your appeal must include reasons for why you think the decision is wrong. Reasons for appeal could include (but are not limited to):

- Evidence of the application review process failing (eg the reviewer(s) not taking account of all available evidence) or an irrational or biased decision being made.
- The provision of additional evidence that may not have been reviewed by the Examinations Manager and Senior Examinations Officers (with good reason for the evidence not having been submitted with the original application).

4.3 The Appeals Panel will convene prior to each exam session, subject to applications being made. Prior to the Appeals Panel meeting to review appeals the Examination Manager will:

- Notify the Chair (Head of Supervision) and have obtained availability for membership of the panel. The Chair should ensure that those selected for the Appeals Panel have no current or previous connection to the candidate and were not previously involved in any decisions relating to the candidate's application for adjustments.
 - The panel will typically consist of the Chair, the Head of Equality and Access to Justice (or a nominated deputy), either the Director General of the BSB or the Director of Regulatory Operations, and at least one external expert in Equality and Diversity. The panel will be appointed by the Assessment Lead.
 - In addition, the Examinations Manager and/or a Senior Examinations Officer may attend in an advisory capacity only. The Examinations Manager will ensure that anyone attending in this advisory capacity is not the same person who was involved in taking the first-instance decision on the application for adjustments.
- Have agreed a date for the panel to meet.
- Forward to the members of the Appeals Panel any and all relevant information including email and written correspondence in order that they can familiarise themselves with the case.

4.4 Where reasonably practicable, the Appeals Panel will convene within 2 weeks of an appeal being made and will consider the candidate's appeal based on the documentary evidence provided. There is no right to an oral hearing. The Panel may also seek written clarification from you.

- 4.5 You will be given the opportunity to make written representations in advance to the Panel. You will not be interviewed as part of the Panel's decision-making process and you may not make oral representations.
- 4.6 Should any member of the Appeals Panel need to discuss the case, or seek clarification on specific points, with the Examinations Manager, Senior Examinations Officers or external disability experts, this will be documented and made available to you. This will include the nature of the discussion, the specific points discussed and an outline of any additional information given. Any and all related written or email correspondence will also be documented.
- 4.7 All personal details relating to you and your adjustments or other arrangements will be anonymised for the Appeals Panel.
- 4.8 The Chair of the Appeals Panel may invite the Examinations Manager and/or Senior Examinations Officers attending in an advisory capacity to respond to any procedural questions.
- 4.9 The Appeals Panel, taking all relevant factors into account, will determine whether any or all of
- i. the adjustment offered to you; and/or
 - ii. the manner in which the decision to offer that adjustment was reached; and/or
 - iii. the decision not to offer an adjustment involved material irregularity and/or was manifestly unreasonable and/or irrational.
- 4.10 The possible outcomes of the Appeals Panel are:
- the appeal (in whole or in part) is **accepted**
 - the appeal is **rejected**
 - **insufficient evidence** for a finding to be made.
- 4.11 If your appeal is accepted before your examination has taken place, while we will make our best endeavour to do so, we cannot guarantee that we will have time to implement the change in adjustment for the imminent sit, as this will depend on the nature of the adjustment.
- 4.12 If your appeal is accepted after your examination has taken place, likely outcomes will include the sit being discounted (if you have not achieved a Pass), any fees relating to the sit being waived or reimbursed, and a formal apology granted. The Appeals Panel does not have dispensation to change the result of any exam.

4.13 The panel will, in writing, finalise its decision at the latest within 5 working days of the meeting and provide the decision to you in writing by sending it to your email address.

4.14 There is no further right to appeal.