

# Centralised Assessments

## Regulations Governing Student Review

The Regulations Governing Student Review may be accessed in other formats: for further information please contact the [Exams Team](#).

### 1. Scope of Regulations

1.1 These regulations apply to all candidates who are fully enrolled on a Bar Training Course at an AETO and have attempted a centrally set examination (Civil Litigation or Criminal Litigation).

1.2 For the purpose of these Regulations:

BSB	Bar Standards Board
CEB	The Chair and Examiners of the Centralised Examinations Board as appointed by the BSB
AETO	Authorised Education and Training Organisation. An institution authorised by the BSB to deliver the vocational component of Bar Training
Bar Training Course	A course, delivered by an AETO, which satisfies the requirements of the vocational component of Bar Training.
Cohort	All candidates attempting an assessment, all candidates attempting an assessment at a relevant AETO, all candidates attempting an assessment at a relevant AETO in a particular assessment location, or a sub-group of candidates at an AETO or AETOs within parameters identified by the Centralised Examinations Board from time to time.
Clerical Error Check	A check carried out at the relevant AETO to ensure that results have been correctly processed, transcribed, and recorded at the AETO
Enhanced Clerical Error Check (ECEC)	A check carried out by the BSB to ensure that results have been correctly scanned or extracted, processed, marked, translated, recorded, assigned to a candidate, and communicated to the AETO.
Request for Review	The form for submitting a request for review of a decision taken by the CEB with respect to cohort results.
Centralised Examination Review Panel	The panel appointed by the BSB to consider requests to review CEB decisions

## **2. Clerical error check**

2.1 If you want assurance that your results are accurate, you must first request that your AETO conducts a clerical error check. The AETO will check whether or not there has been any error at the AETO during its processing, computation, or transcription of the results either before sending your responses to the BSB or after receiving the results from the BSB.

2.2 You must submit a request under 2.1 in writing to your AETO within 10 working days of your AETO notifying candidates of results (date of dispatch, not receipt).

2.3 Your AETO will notify you of the result of your clerical error check. If an error is identified, it will also notify the BSB.

## **3. Enhanced clerical error check**

3.1 You can request an Enhanced Clerical Error Check (ECEC) with the BSB directly. Under this process, the BSB will check if your results have been captured and processed correctly. This process is not a remarking of your examination, and no remarking is offered under the Student Review Processes.

3.2 You may only request an ECEC after having received a response to a clerical error check from your AETO under 2.3.

3.3 You must submit a request under 3.1 on the appropriate [Enhanced clerical error check form](#) to the BSB. The fee for the ECEC is £75 for Criminal Litigation and £100 for Civil Litigation and must be paid after the form is submitted, but no later than 10 days from the form being submitted. The BSB will attempt to process payment twice, after which you must provide different payment details.

3.4 A request under this section will only be processed on receipt of a completed ECEC form and payment of the stated fee. The fee will be refunded in full if a correction to your results is confirmed by the BSB under section 3.7.

3.5 The deadlines for applying for an ECEC are 10 days after receiving a response from your AETO regarding your clerical error check.

3.6 On receipt of a request under section 3.1, the BSB shall undertake a check of your marks and will normally respond to you within 20 working days of receipt of the payment, confirming the notified results as correct, or advising of any changes. If the BSB has to extend the 20-working day deadline, you will be told in writing of the reason for the additional time, together with an adjusted deadline.

3.7 Where the ECEC request under section 3.1 reveals that a change to your marks is required, the BSB will prepare a recommendation to the Chair of the CEB who will action the correction and confirm any changes to the relevant AETO. The amendment to your results, including the recalculation of marks, must be ratified in writing at the relevant AETO examination board (or by Chair's action) in accordance with the relevant AETO's assessment regulations and communicated in writing to you.

#### 4. Review of CEB decisions

4.1 A request for review may be submitted in respect of a decision taken by the CEB in confirming cohort marks for the centralised assessments. The only permissible ground for a request is that, in exercising its discretion to confirm cohort marks, the CEB acted irrationally and/or in breach of natural justice. The fee for this process is £250 per subject (for singular or joint applications).

4.2 Requests under 4.1 can only be submitted by a candidate (or group of candidates) who has attempted a Civil or Criminal Litigation assessment at an AETO. Requests will only be accepted after the Chair's Report for the Sit for the examination being challenged has been published. Candidates must read the Chair's Report, as it will inform them of the decisions made by the CEB.

4.3 Any request for review under 4.1 must be submitted:

- (a) in the required format – on the [Review form](#);
- (b) by the required deadline (as advised on the BSB website);
- (c) with the required fee.

Requests for review received after the published deadline will not be considered, except in exceptional circumstances and at the discretion of the BSB. Exceptional circumstances must be such as are beyond the candidate's control, and which the candidate could not have foreseen. Evidence of exceptional circumstances must be supplied in support of a late request. The Examinations Manager will determine whether the request for review ought to be admitted out of time.

4.5 A request for review will only be accepted on receipt of full payment of the fee as advised in 4.1. The fee will only be refunded if the Request for Review is deemed by the CEB to be successful (ie a decision under 7.1(b)).

4.6 The BSB (Examinations Manager or his/her delegate as appropriate) will examine the documentation submitted by the candidate(s) under this section to determine whether it provides evidence of an arguable case falling within the jurisdiction of the Central Examination Review Panel. It is the decision of the BSB to refer the case to the Central Examination Review Panel. Where necessary the BSB can request clarification or further evidence from the candidate in order to determine the admissibility of a request for review under 4.3.

4.7 The BSB will normally make its decision as to the admissibility of a request for review under section 4.6 within 10 working days of the acknowledgement of receipt of the request for review form. If the BSB has to extend the 10-working day deadline the candidate(s) will be told in writing of the reason for the additional time, together with an adjusted deadline.

4.8 Having considered the admissibility of the request for review under 4.6 the BSB will either:

- (a) confirm that it will not be referring the request to the Central Examinations Review Panel on the basis that no arguable case has been made out in accordance with section 4.3 (thus concluding the review request process); or

(b) confirm that it will be referring the request to the Central Examinations Review Panel on the basis that an arguable case has been made out in accordance with section 4.3.

4.9 A decision as to admissibility under section 4.8(a) is final. There is no right of appeal.

4.10 Where the BSB determines under section 4.8(a) that a request for review is not to be referred to the Central Examination Review Panel it shall inform the candidate(s) in writing normally within 5 working days of its decision giving reasons for its decision.

4.11 Where the BSB determines under section 4.8(b) that a request for review is to be referred to the Central Examination Review Panel it shall:

(a) inform the candidate(s) in writing normally within 5 working days of its decision;

(b) provide the Chair of the CEB with a copy of the request for review, and a brief statement as to why the request has been referred to the Central Examination Review Panel, within 5-working days of that decision;

(c) refer the request for review to the Central Examination Review Panel normally within 10 working days.

4.12 The procedure under this section is paper-based and there is no right to an oral hearing on the part of the candidate.

4.13 Subject to section 6.2, candidates may not submit further evidence to the BSB under this section once a decision as to admissibility has been taken under 4.8

## **5. The Central Examination Review Panel**

5.1 The BSB will appoint the members of the Central Examination Review Panel. The Review Panel will normally comprise a Chair and two members nominated by the BSB.

5.2 No member of the Central Examination Board may be appointed as members of the Central Examination Review Panel. Members of the Central Examination Review Panel shall be independent of the relevant AETOs and should not have had previous knowledge of the candidate(s) or the reason for the request for the review.

5.3 The Examinations Manager (or his/her delegate of appropriate seniority) will act as Secretary to the Central Examination Review Panel and will take no part in the decision-making process.

## **6. Decisions of the Central Examination Review Panel**

6.1 In considering a request for review referred to it by the BSB under section 4.8 (b) the Central Examination Review Panel shall have before it the following documents:

(a) copies of all minutes of relevant meetings of the CEB;

(b) request for review form and any other documentation the candidate has been requested to supply by the BSB;

(c) any response from the Chair of the CEB in respect of the issues raised in the candidate's request for review.

6.2 The Chair of the Central Examination Review Panel will have the discretion to request that the candidate(s), the BSB, an AETO or the Chair of the CEB provide additional evidence as he or she deems necessary to assist the Central Examination Review Panel.

6.3 After considering the request for review the Central Examination Review Panel shall either:

(a) uphold the original decision of the CEB (thus concluding the review request process); or

(b) refer the request for review back to the CEB stating the reasons why reconsideration by the CEB is warranted.

6.4 The Central Examination Review Panel will normally provide its decision in respect of the request for review in writing to both the candidate and the Chair of the CEB, within 15 working days of the request being referred to it by the BSB.

6.5 The procedure under this section is paper-based and there is no right to an oral hearing on the part of the candidate(s).

6.6 A decision to uphold the original decision of the CEB under 6.3(a) shall be final. There is no right of appeal.

## **7. Referral to the CEB**

7.1 Where the Central Examination Review Panel refers the request for review back to the CEB for reconsideration in accordance with 6.3(b) the CEB shall, through formal meeting or consultation of CEB members and Chair's action, review the decision that is the subject of the request for review and take such action as it sees fit within its terms of reference to:

(a) uphold its original decision (thus concluding the review request process); or

(b) conclude that the review request raises issues of substance such as to warrant a change of decision that may impact on cohort marks.

7.2 Any decision of the CEB under 7.1 shall be accompanied by reasons and communicated in writing to both the Chair of the Central Examination Review Panel and the candidate(s) within 10 working days of the Central Examination Review Panel decision to refer under 6.3(b).

7.3 To the extent that any decision of the CEB made under 7.1(b) requires the rectification of cohort marks the CEB Chair will take appropriate action and notify in writing relevant AETOs of any consequential changes that need to be made to cohort marks.

7.4 Where relevant AETOs are notified under 7.3 of changes to cohort marks, any subsequent amendments to the marks of individual candidate and classification of results must be ratified at the relevant AETO's examination board or by Chair's action in accordance with the relevant AETO's assessment regulations and communicated to the candidates.

7.5 The procedure under this section is paper-based and there is no right to an oral hearing on the part of the candidate.

7.6 A decision of the CEB under 7.1 is final. There is no right of appeal.