

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Bar Training
Professional Ethics examination during
pupillage

Adjustments and other arrangements
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 pupillage. This policy covers our approach to reasonable adjustments including how we communicate with candidates and the arrangements we can make to our assessment methods.

2. What are reasonable adjustments?

2.1. Reasonable adjustments are reasonable steps taken to ensure candidates are not disadvantaged by reason of disability (as defined in the Equality Act 2010) or other conditions or circumstances that could potentially disadvantage and prevent them from demonstrating their competence. This applies to any disadvantage caused by a provision, criterion, or practice, or any physical feature of premises. Reasonable adjustments can be made through the provision of equipment or auxiliary aids or changing processes or procedures to meet the needs of candidates with a disability. Reasonable adjustments are available for candidates with a disability and/or other conditions or circumstances that would impact on their performance in the Professional Ethics exam during their pupillage.

2.2. The legal obligation to provide reasonable adjustments does not mean lowering the competence standards required of individuals with disabilities. All candidates must be able to demonstrate the learning outcomes outlined in our [guidance](#) to the Threshold Standard as expressed in the [Professional Statement](#).

3. Candidates who are entitled to request reasonable adjustments

Disability

3.1. The Equality Act 2010 defines disability as a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities. This means that, in general:

- a. you must have an impairment that is either physical or mental;
- b. the impairment must have adverse effects which are substantial; ie more than minor or trivial;
- c. the substantial adverse effects must be long-term; ie 12 months or more.

Other conditions

3.2. This policy also covers other short- or long-term medical conditions that are not classified as a disability but may impact on your ability to take the exam to the best of your ability. For example, if you have broken your arm, you may request a scribe to type your answers for you.

4. Other arrangements which do not relate to a disability

- 4.1. We acknowledge that requests for special arrangements may vary / be unique and, as such, are not included in the more common examination arrangements listed in this policy. If you wish to have an adjustment which does not relate to a disability or other medical condition you should contact us.
- 4.2. For example, if you cover your head for religious reasons, or you are wearing a head covering which covers your face, you will be asked to lift it briefly in order to verify your identity. You will also need to show your ears to confirm that you are not wearing headphones or other earpiece devices. In all such cases you may request that your identity be checked in a separate room if you are sitting an exam in a test centre, or may specify the gender of the person who checks your identity either at a test centre or for online proctoring, when your identification and environment is checked.
- 4.3. If you are breast-feeding, you may request a separate room at a test centre. If we are made aware of your requirements, we will make arrangements to support you if you are pregnant or nursing.
- 4.4. If you express your gender in a way which differs from that stated/portrayed on your government-issued identity document, please let us know in advance so we can ensure that there will be no disruptions during the check-in and identification processes.
- 4.5. Requests must be made in advance of an examination and in line with the timelines set out in this document.

5. Adjustments and other arrangements policy

- 5.1. The purpose of this policy is to provide a framework:
 - a. to help you in determining the specific support you require for your Professional Ethics exam;
 - b. to help BSB staff to support candidates who require adjustments to or other arrangements for their Professional Ethics exams;
 - c. that outlines your rights if you request adjustments to or other arrangements for your exams and the process to be followed when submitting a request; and
 - d. to inform you as to how to appeal a decision made in relation to an adjustment or other arrangement.
- 5.2. We will review this policy regularly to ensure it remains current and reflects best practice.

6. Candidates' responsibilities

- 6.1. As an examination candidate, you are responsible for:

- a. telling us about your disability or other medical condition at the earliest opportunity if you wish to request an adjustment that relates to it;
- b. providing evidence to support the disability (such as a diagnostic assessment for learning impairments, medical or GP's letters/reports for physical or mental health conditions, or existing disabled students allowance (DSA) needs assessment from your vocational component AETO). For dyslexia or Specific Learning Difficulties, an educational psychologist's report will be required or your previous Disabled Students' Allowance Needs Assessment Report;
- c. telling us about any changes such as increased impairment (eg because of a deteriorating condition requiring new adjustments or a modification of existing adjustments);
- d. providing documentation to support the recommended adjustments;
- e. specifying a preferred test centre location within your application for an adjustment (if applicable).

6.2. The documentary evidence must confirm the adjustments that should be put in place for examination. Any information you provide will remain confidential; it will only be used for determining adjustments. The information will be deleted from our systems when your Full Practising Certificate has been issued or after two years, whichever is sooner.

7. The adjustments which are available

7.1. We will consider all requests for adjustments; applications will be considered on an individual basis and according to the BSB's reasonable discretion. Decisions may vary according to the exact nature of your needs and supporting evidence submitted.

Types of reasonable adjustments commonly requested

7.2. As a standard, the following functions are available both online and at test centres (you do not need to apply for adjustments for these):

- a. Different font colours and background colours (see annex A)
- b. Adjustable font contrast from 20% - 100%
- c. Use of browser zoom controls in order to adjust font size

7.3. The following adjustments are available to candidates who have gone through the agreed process and received approval from us:

- a. Extension of time to complete the exam (calculated as a percentage of the total exam time)
- b. Regular breaks (calculated as minutes per hour and added on to the total exam time)
- c. Different font sizes

Other adjustments that may be available in test centres include:

- a. a separate / private room
- b. Support for JAWS and Dragon Naturally Speaking
- c. Support for Windows Magnifier
- d. a reader who can read the questions out loud to you
- e. a scribe who can record your responses on the computer
- f. the exam in pen and paper format (for example if font or colour options outside of the standard options are required)
- g. the exam in Braille format
- h. Keyboard-only navigation

Please note that for an adjustment or other accommodation which will be implemented in a test centre, you must include a preferred location in your application for that adjustment.

7.4. This is not an exhaustive list and other adjustments may be considered on an individual basis.

Comfort Aids, Medical and Mobility equipment

7.5. We recognise the need to allow you to have certain items present at the time of the exam. A list of permitted items which are allowed into all test centres and do not require pre-approval from us is available in Annex A. However, you will need to notify the BSB no later than **two weeks before the date of your exam** that you will bring the item with you at the time of the exam. Items listed will be allowed in the testing room upon visual inspection by the Test Centre staff.

7.6. Should you need an item that is not included in the list, you should contact us as soon as you register for the exam and no later than four weeks before the date of your exam.

8. How to apply for adjustments

Applying for a first attempt

8.1. You must apply for adjustments and other arrangements before the booking window opens and according to the timeframes outlined in 8.3 and Section 12. We cannot schedule the exam unless we receive your application according to the timeframes below. This is to ensure that you are able to sit the exam with your adjustments in place.

8.2. If you require adjustments or other arrangements, you must complete an [adjustments request form](#), available from the BSB website.

8.3. If you are applying for adjustments or other arrangements, you should submit all relevant evidence **at least two weeks before the exam booking window opens.**

- 8.4. The completed adjustments request form should be submitted, together with the relevant documentary evidence, to the Exams team at EthicsExam@barstandardsboard.org.uk.
- 8.5. You will receive email confirmation of receipt of your adjustments request form from the exams team.
- 8.6. Senior Examinations Officers will be involved in the initial review of the evidence provided and in determining how we can support your request and whether your request is deemed to be reasonable.
- 8.7. "Reasonable" will depend on the circumstances of an individual case and an assessment of factors, which may include:
- a. The effectiveness of the adjustment, at removing or reducing the disadvantage(s) experienced by the person with a disability;
 - b. The practicality of the adjustment ie the resource implications of making it;
 - c. The cost of making the adjustment;
 - d. The impact of the adjustment, upon other people and upon our systems or processes;
 - e. The health and safety implications of making the adjustment.
- 8.8. We will consider each request in line with this policy and will aim to communicate our decision to you within 10 working days.
- 8.9. Once your application has been considered, we will:
- a. Inform you of the decision and of the next steps (including an explanation for the decision if an application is not accepted);
 - b. Implement the adjustment if you are sitting via online proctored delivery;
 - c. Notify BTL to implement the adjustment if you are sitting at a test centre.

Applying for a second or subsequent attempt

- 8.10. If you do not achieve a Pass and would like to apply to take the exam at the next opportunity, you will be required to contact the BSB **before you book your next exam** in order to re-confirm your adjustments or other arrangements. If you fail to do so before booking, the BSB cannot guarantee that your adjustment or other arrangement will be in place for the next sit.
- 8.11. If there is no change to your adjustment or other arrangement, you will only need to re-confirm your requirements and do not need to resubmit the same evidence. Applications to amend an adjustment or other arrangement may require submission of further evidence.
- 8.12. The BSB Exams team does not hold records of adjustments provided at exams other than the Professional Ethics exam. You should not assume that

because you have had an adjustment implemented for a previous exam, it will be in place for your Professional Ethics exam.

9. Cancelling an exam

9.1. You have the right to cancel an online-proctored exam up to two weeks prior to the exam date, regardless of adjustments or other arrangements. You will be charged for non-attendance or cancellations made after this point, unless an application for extenuating circumstances is received and accepted (see the [Extenuating Circumstances policy](#) for full information).

10. Right to appeal

10.1. If you are not satisfied that appropriate adjustments have been offered, and have discussed the offer with the Examinations team without reaching agreement, you can appeal against the offer of reasonable adjustment. Please see the [adjustments appeal policy](#).

11. Complaints

11.1. If you feel your adjustment or other arrangement was not properly implemented, you can submit a service complaint. Your complaint will be reviewed, and appropriate action may be taken. This may include the sit being discounted, fee reimbursement (where a fee has been paid), a formal apology issued, any other appropriate action.

11.2. Full information on how to submit a service complaint can be found in our Service Complaints Policy on the BSB website.

12. Timeline

12.1. The next page summarises timelines for the process for applying for and finalising adjustments and other arrangements (please ensure you refer to the specific dates published for each scheduled exam session):

Figure 1 is the timeline for:

- (a) First-time sitters
- (b) Re-sitters, where the previous attempt was not at the most recent exam sitting (for example if you are applying for an October re-sit and did not attempt at the previous sitting in April)

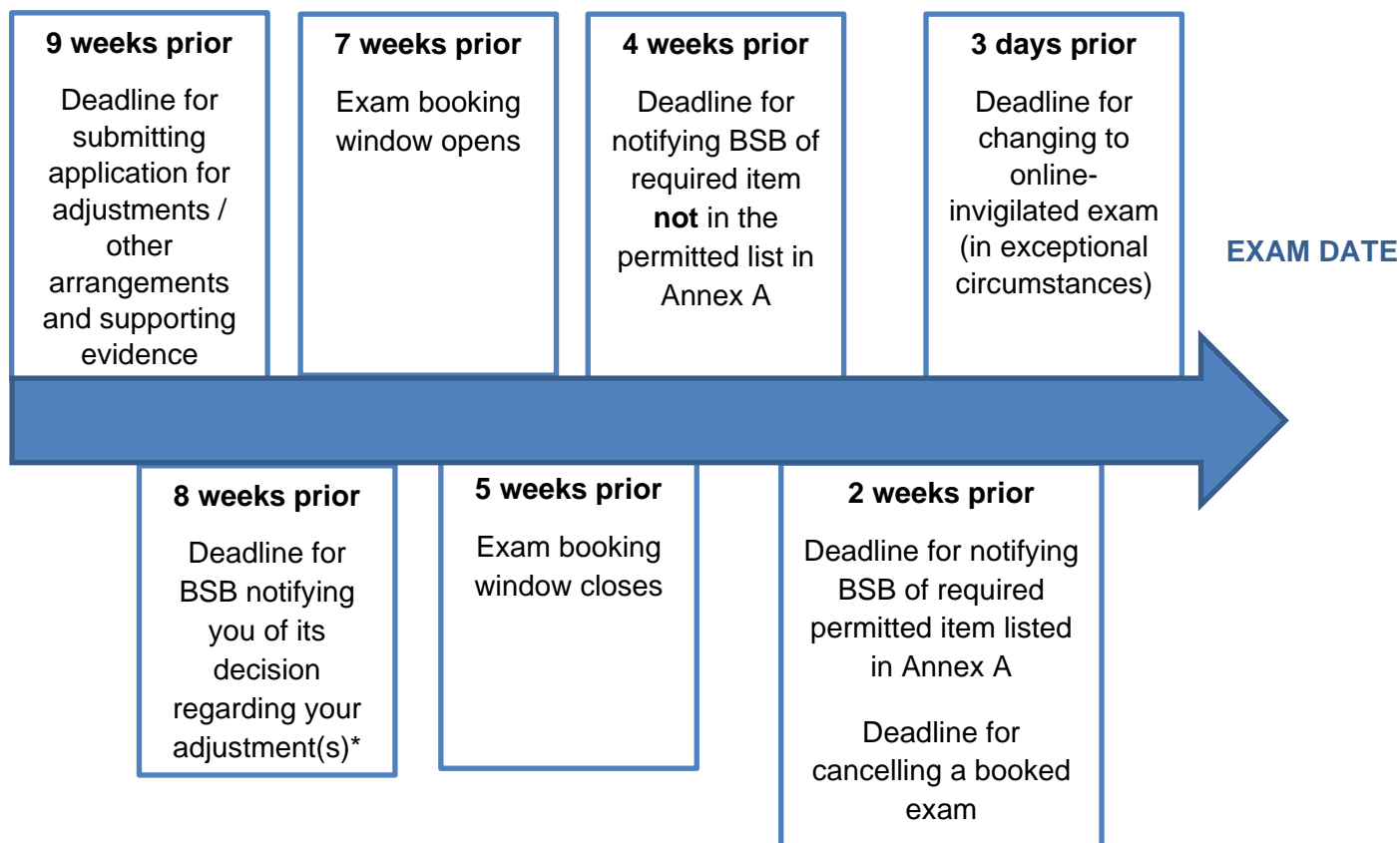


Figure 1

*Any appeal against this decision must be submitted within 4 weeks of receiving the decision.

Figure 2 is the timeline for candidates applying for a re-sit at the next available sitting following a result of Not Yet Competent (for example if you are applying for an October re-sit having received your result from the previous sitting in April).

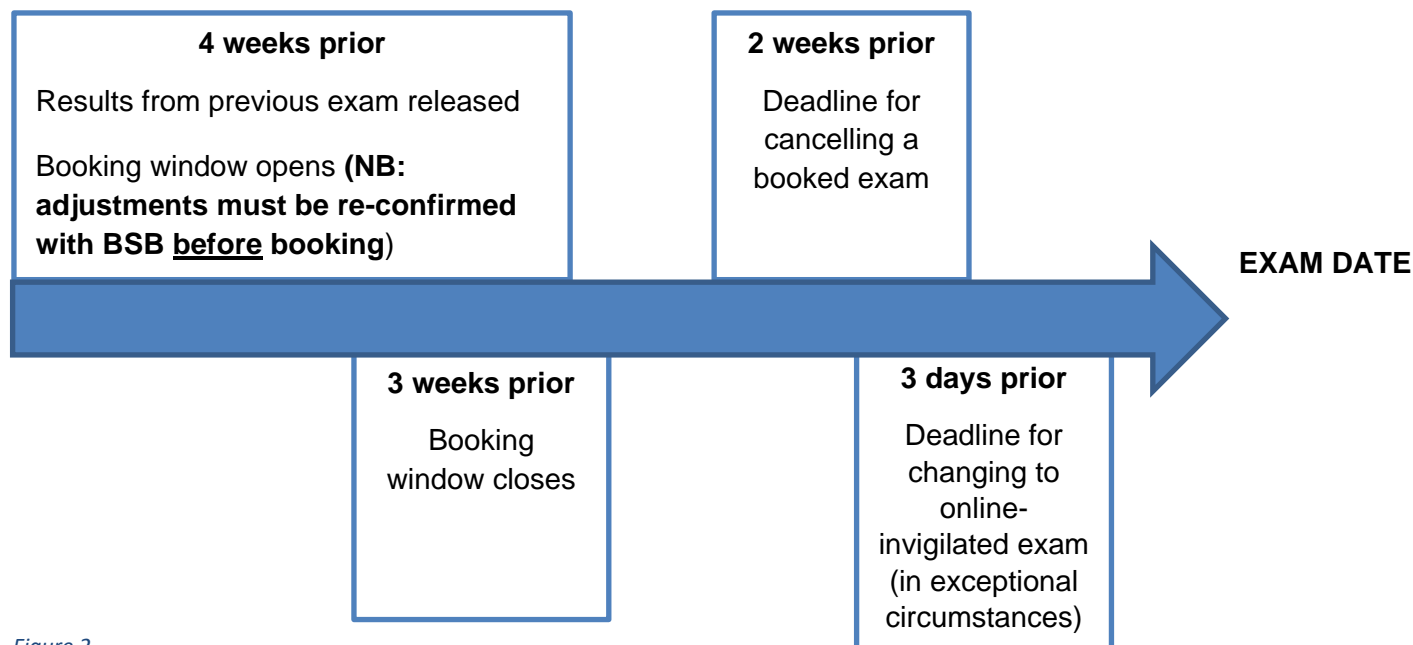


Figure 2

13. Case Studies

Candidate A has a visual impairment and requests a Braille examination paper, and a scribe to write his answers. He submits his request, supported by a letter from his GP. The exams team makes arrangements for a Braille paper to be sent to his nearest test centre. He sits the exam in a separate room in the test centre where a scribe records his responses.

Candidate B has dyslexia and requests additional time for their Ethics examination. They submit an educational psychologist's report confirming their dyslexia, and which states that they need 50% extra time. The exams team considers their request and makes arrangements for them to sit their exam with the additional time requested.

Candidate C has multiple disabilities. She requires frequent rest periods and has a personal care attendant. She also needs additional time to help her perform at her best in examinations. She submits medical evidence confirming this. The exams team considers her request and makes arrangements for her to sit the exam over two days as she requires 100% extra time, plus additional breaks. Her personal care attendant attends the test centre with her on her examination days.

Candidate D has recently had a baby. Although she is on maternity leave, she wishes to sit her Ethics examination, and asks for additional breaks in a separate room in order to breastfeed. She submits a letter from her GP confirming the birth of her child. The exams team considers her request. Arrangements are made for her to attend the test centre with her partner and child. Her partner looks after the baby while she completes her examination. She takes breaks during the exam in order to breastfeed.

14. Disclosure and Confidentiality

- 14.1. We will record and evaluate all candidate requests, outcomes and feedback to ensure consistency.
- 14.2. We will communicate your name, your contact details and agreed adjustment. No other information will be shared unless it is essential to ensure that the adjustment or other arrangement is implemented.
- 14.3. We will record the approved adjustment or other arrangement and the reason why it was approved on your profile on our data management system. This data will be retained until you are issued with a Full Practising Certificate or after two years, whichever is sooner.
- 14.4. We will report annually to the Equality and Access to Justice Board on the number of adjustment applications received and implemented. No personal or identifiable data will be shared. The findings from this reporting will be used to improve our procedures and policies.

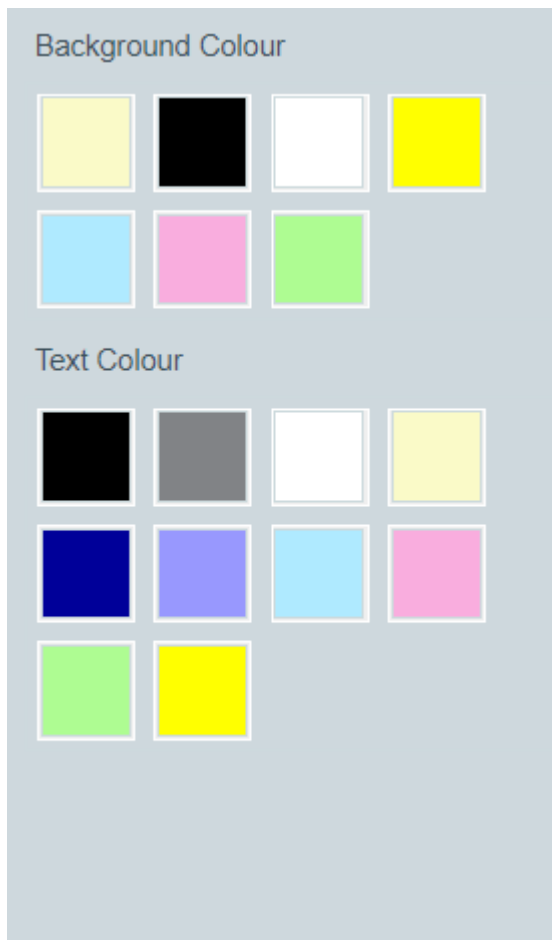
15. ANNEX A

Font adjustments available as standard:

1. During the test, candidates will be able to select from the following default font/background colour combinations:



2. Additionally, the following colours are available in “More Options” (icon in top right corner):



3. Candidates will be prevented from choosing the same colour for both text and background.
4. Candidates will be able to change the contrast of the text anywhere between 20% and 100% using a sliding scale.

Comfort Aids and permissible items / equipment in test centres

5. The items below are comfort aids available at all test centres and do not require pre-approval from us, but you must notify the BSB if you will require comfort aids. Once you have scheduled your test, please contact the BSB no later than two weeks before your test date.
6. Candidates are not permitted to bring their own comfort aids unless agreed adjustments are in place.

Comfort Aids
Earplugs

Noise Cancelling Headphones

Medicine and Medical Devices

7. The medical items below are allowed into test centres and do not require pre-approval from us, but you must notify the BSB if you intend to bring any medical items to a test centre. Once you have scheduled your test, please contact the BSB no later than two weeks before your test date.
8. Medical devices and medicine listed below will be allowed into the testing room upon visual inspection by the Testing Centre staff.

Medicine & Medical Devices
Bandages
Braces: Neck, back, wrist, leg or ankle braces
Casts - including slings for broken / sprained arms and other injury-related items
Cough Drops - must be unwrapped and not in a bottle / container
EpiPens
Eye drops
Eye patches
Glasses (without the case; smart-glasses such as Google Glass are not permitted)
Handheld (non-electronic) magnifying glass (without the case)
Hearing aids
Inhaler
Medical alert bracelet - including medical alert bracelets with USB ports
Medical device attached to a person; including Insulin pump, TENS Unit, or spinal cord stimulator
Medical / surgical face covering
Pillow / cushion
Pills: Must be in its original foil/bottle. Packaging must be properly inspected.

Mobility Devices

9. The items below are mobility devices that most test centres can accommodate access for, but you must notify the BSB in order to ensure you are allocated a test centre which is fully accessible to you. Once you have scheduled your test, please contact the BSB no later than four weeks before your test date.

Mobility Devices:
Canes / walking sticks
Crutches
Motorised scooters / chairs
Walkers
Wheelchairs