

Centralised Assessments

Regulations Governing Student Review

The Regulations Governing Student Review may be accessed in other formats: for further information please contact the [Assessments Team](#). Appropriate forms to assist this process are located in the resources section of this page.

1. Scope of Regulations

1.1 These regulations apply to all candidates who are fully enrolled on the BPTC at an accredited Provider institution and have attempted a centrally set examination in any of the three knowledge areas (Professional Ethics, Civil Litigation, and Criminal Litigation).

1.2 For the purpose of these Regulations:

BSB	Bar Standards Board
CEB	The Chair and Examiners of the Central Examination Board as appointed from time to time by the Bar Standards Board.
Knowledge areas	Professional Ethics, Civil Litigation, and Criminal Litigation.
Central Examination Review Panel	The panel appointed by the BSB to consider requests to review CEB decisions.
Provider	An accredited institution at which the candidate has been enrolled on BPTC.
BPTC course	The designated course (F/T or P/T) at the institution in which the candidate is enrolled.
Request for Review	The form for submitting a request for a review of cohort results by the BSB, the Central Examination Board and the Central Examination Review Panel.
Cohort	All candidates attempting an assessment in a knowledge area, all candidates attempting an assessment in a knowledge area at a relevant Provider, all candidates attempting an assessment in a knowledge area at a relevant Provider in a particular assessment location, or a sub-group of candidates at a Provider or Providers within parameters identified by the Central Examination Board from time to time.
Clerical error check	A check carried out at the relevant Provider to ensure that marks have been correctly assigned to a candidate.

Enhanced clerical error check A check carried out at the BSB to ensure that marks have been correctly processed and assigned to a candidate.

2. Clerical error check

2.1 A candidate can request that a Provider carries out a check of his or her knowledge area assessments to ascertain whether or not there has been any error at the Provider in the computation or transcription of marks awarded by the CEB that may have affected the outcome of an assessment.

2.2 The candidate must submit a request under 2.1 in writing to the relevant BPTC Course Leader at their Provider within 10 working days of the relevant Provider releasing notification of the results (date of despatch not receipt).

2.3 The relevant Provider shall undertake a check of the candidate's marks and respond to the candidate, either confirming that there has been no error in the computation or transcription of marks awarded, or advising that an error has been confirmed and will be referred to the BSB, in the time limits as stated in the Provider's Regulations.

2.4 Any proposed change in the candidate's marks must be notified by the Provider in writing to the BSB within 10 working days of the notification to the candidate. Where appropriate the Chair of the CEB will action the correction and confirm this to the relevant Provider. The amendment to the candidate's results must then be ratified in writing at the relevant Provider's examination board (or by Chair's action) in accordance with the relevant Provider's assessment regulations. Any change to the previous Provider examination board decision, including the recalculation of marks must be communicated to the candidate and the BSB in writing (recorded signed for and/or scanned copy of letter).

3. Enhanced clerical error check

3.1 Where a Provider confirms, under the process in section 2.3, that there has been no error affecting the recording of the candidate's marks as awarded by the CEB and notified by the Provider, the candidate may nevertheless request that an enhanced clerical error check is carried out by the BSB to ascertain whether or not there has been any error in the computation, scaling or transcription of marks at the BSB that may have affected the outcome of an assessment.

3.2 The candidate must submit a request under 3.1 on the appropriate [Enhanced clerical error check form](#) to the BSB within 10 working days of the relevant Provider confirming the outcome of a clerical error check under section 2.3.

3.3 A request under this section will only be processed on receipt of full payment of the stated fee. The fee will be refunded in full if a correction to the candidate's results is confirmed by the BSB under section 3.5.

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

3.5 Where the enhanced clerical error check request under section 3.1 reveals that a change to the candidate's 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 Provider. The amendment to the candidate's results including the recalculation of marks must be ratified in writing at the relevant Provider's examination board (or by Chair's action) in accordance with the relevant Provider's assessment regulations and communicated in writing to the candidate.

3.6 The BSB shall reject any request for an enhanced clerical error check under this section if the relevant Provider has not confirmed the accuracy or otherwise of the marks awarded to the candidate in accordance with the procedure in section 2.

4. Review of CEB decisions

4.1 A request for review may be submitted (on the grounds specified in 4.3) in respect of a decision taken by the CEB in confirming cohort marks for the centralised assessments in the knowledge areas.

4.2 Requests under 4.1 can only be submitted by a candidate who has attempted an assessment at a Provider in one of the knowledge subject areas.

4.3 The only permissible grounds for a request under 4.1 are that, in exercising its discretion to confirm cohort marks the CEB acted irrationally and/or in breach of natural justice.

4.4 Any request for review under 4.1 must be submitted:

(a) in the required format – on the [Review form](#);

(b) by the required deadline;

(c) with the required fee

as advised on the BSB website.

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. Where appropriate the BSB will refer requests for review, accompanied by evidence of extenuating circumstances, to the chair of the Central Examination Review Panel to 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 on the BSB website. The fee will only be refunded if the Request for Review is deemed by the CEB to be successful (i.e. a decision under 7.1(b)).

4.6. A candidate requesting a review under this section and a clerical error check under section 2 must invoke both processes concurrently, not consecutively.

4.7 The BSB (Assessments Manager or his/her delegate as appropriate) will examine the documentation submitted by the candidate under this section to determine whether or not 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.

4.8 The BSB will normally make its decision as to the admissibility of a request for review under section 4.7 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 will be told in writing of the reason for the additional time, together with an adjusted deadline.

4.9 Having considered the admissibility of the request for review under 4.7 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.

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

4.11 Where the BSB determines under section 4.9(a) that a request for review is not to be referred to the Central Examination Review Panel it shall inform the candidate in writing normally within 5 working days of its decision giving reasons for its decision

4.12 Where the BSB determines under section 4.9(b) that a request for review is to be referred to the Central Examination Review Panel it shall:

(a) inform the candidate 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.

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

4.14 Subject to section 6.2, a candidate may not submit further evidence to the BSB under this section once a decision as to admissibility has been taken under 4.9

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 or the BPTC Sub Committee may be appointed as members of the Central Examination Review Panel. Members of the Central Examination Review Panel shall be independent of the relevant Providers and should not have had previous knowledge of the candidate or the reason for the request for the review.

5.3 The BPTC Assessments 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.

5.4 The Central Examination Review Panel will normally meet twice a year to review the cases which have been submitted to the BSB.

6. Decisions of the Central Examination Review Panel

6.1 In considering a request for review referred to it by the BSB under section 4.9 (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, the BSB, a Provider 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.

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 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 Providers of any consequential changes that need to be made to cohort marks.

7.4 Where relevant Providers 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 Provider's examination board or by Chair's action in accordance with the relevant Provider'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.

8. Monitoring

8.1 The CEB will review as part of the Chair's Annual Report the number, nature and outcomes of enhanced clerical error checks and requests for review raised and dealt with each year, in order to monitor trends and evaluate the effectiveness of the procedures.

8.2 These regulations operate with effect from 1st September 2011 and remain in force until further notice and may be amended from time to time as approved by the BPTC Sub-committee, through Chair's action where required.