

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

Extenuating Circumstances 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 Extenuating Circumstances Panel decisions including your right to appeal, the appeals process and the possible outcomes.

2. Extenuating circumstances

- 2.1 Extenuating circumstances can be defined as “a serious or significant event affecting a candidate’s health or personal life which is beyond the candidate’s control. The events are sufficiently serious enough in nature to result in the candidate being unable to attend or complete an examination”. You may submit a request for consideration of extenuating circumstances. Please refer to our [Extenuating Circumstances policy](#).

3. Right to appeal against Extenuating Circumstances Panel decisions

- 3.1 You may appeal against a decision of the Extenuating Circumstances panel only on the following grounds: *“Where new, relevant, extenuating circumstances are presented and are supported by appropriate evidence, that for good reason were not originally made available to the Extenuating Circumstances Panel.”*

4. The appeals process

- 4.1 If you wish to appeal a decision, you must notify us of your intention to appeal in writing **within 4 weeks of the date of the decision** regarding your extenuating circumstances was sent to you. Any notification of an intention to appeal after this will be accepted only at the discretion of the Examinations Manager.
- 4.2 The Independent Reviewer will consider the new evidence. No member of the Central Examination Board may be appointed as an Independent Reviewer. The Independent Reviewer shall be independent of the relevant AETOs and should not have previous knowledge of the candidate or the reason for their appeal.
- 4.3 The possible outcomes of the appeals process are:
- **Accepted.** Where the Independent Reviewer accepts the circumstances and associated evidence as valid, then the BSB has the discretion to disregard your assessment result and offer you an opportunity to sit the assessment

again (at the first available sitting). The Independent Reviewer has no other discretion available and may not amend grades in any circumstances.

- **Rejected.** Where the Independent Reviewer does not accept the circumstances and associated evidence as valid, then we will not disregard your assessment result and your result will stand.
- **Insufficient evidence for a finding to be made.**

4.4 If your appeal is accepted, any fees relating to the attempt (for example if the attempt was a third or subsequent attempt, or your extenuating circumstances resulted in your absence from the exam without withdrawing) will be cancelled.

4.5 If your extenuating circumstances for your second attempt are rejected, this means that any subsequent attempts must be paid for. Your written pupillage agreement will set out an agreement between your Chambers or employer as to who will pay for this.

4.6 We will ensure that you are informed of the decision of the Independent Reviewer as soon as possible.

4.7 There is no further right to appeal.