



REGULATING BARRISTERS

Bar Standards Board

Bar Course Aptitude Test (BCAT) Complaints Policy and Procedure from candidates/ BPTC applicants

This document may be accessed in other formats: for further information please contact BCAT@barstandardsboard.org.uk

1. Principles and Scope

1.1 The Bar Standards Board has established processes to deal with queries, concerns and matters of complaint raised by candidates initially at an informal level and then at a formal level. This is part of a commitment to ensure a high quality experience for all candidates. It is the intention of the Bar Standards Board to address concerns or complaints in a positive spirit and to ensure issues are resolved quickly and informally.

1.2 The aim of this Policy and Procedure is to resolve all queries, concerns and complaints as they arise, avoiding recourse to the formal stages of the procedures unless the matter cannot be resolved informally.

1.3 If there is legitimate cause for complaint, the Bar Standards Board shall be able to propose any resolution that it considers reasonable and it within its powers. As part of continuous improvement the Bar Standards Board will seek to review its processes regularly and in light of any issues raised by candidates.

1.4 Issues or complaints raised anonymously cannot be investigated under this policy.

1.5 A complaint raised by a third party will not usually be considered under this policy. This includes issues raised by a Provider, parents, guardians, relatives or the spouse/partner of a candidate. In exceptional circumstances, if a complaint is raised on behalf of a candidate; it will be considered if the candidate has provided written agreement (to the Bar Standards Board) to the matter being raised by a third party provided it is accompanied by valid reasons from the candidate as to why the candidate is unable to raise the complaint himself/herself.

1.6 Reasonable adjustments to the procedures can be made, when appropriate, for candidates with additional needs or to allow for other factors that would otherwise place a candidate at a disadvantage.

1.7 Candidates should raise a concern or complaint as soon as possible after it occurs and within **10 working days** of the matter arising.

2. Issues covered by this Policy

Under this Policy candidates/BPTC applicants may raise queries, concerns or complaints relating to the following areas (the list not exhaustive):

2.1 Issues with any aspect of scheduling / taking the test at a Pearson Vue Test Centre

2.2 Issues with the confirmation of the BCAT results

2.3 Issues with the way Bar Standards Board have dealt with a candidate's BCAT test

This Policy **does not** cover:

2.4 Complaints raised about the design of the BCAT or the academic judgement in relation to the questions in the BCAT or the result of the BCAT

2.5 Complaints raised by one candidate about another candidate

2.6 Complaints raised about a Provider

3. Confidentiality

3.1 Any query, concern or complaint raised by a candidate will be treated with the highest level of confidentiality that can be maintained. However, this shall not preclude the Bar Standards Board disclosing information where necessary to allow a review or investigation to be carried out appropriately, for the discharge of duties or as required by law nor shall this preclude the Bar Standards Board, where appropriate, from disclosing information about any outcome under this policy.

3.2 To be consistent with the concept of natural justice any individual against whom a complaint has been made has the right to be informed of the nature of the allegations made against them and to be given an opportunity to respond.

4. Monitoring and Training

4.1 Concern or complaints raised by candidates under this policy will be monitored on an annual basis by the Bar Standards Board. The outcome of such monitoring may also inform other processes or activities associated with the BCAT. The BSB will be responsible for training staff in aspects of complaints handling.

5. Procedures for resolving related concerns or complaints from candidates

5.1 The procedure for resolving related concerns or complaints aims to be clear and transparent:

- It has an Informal Procedure, Stage 1 (see paragraph 6)
- It has a Formal Procedure, Stage 2 (see paragraph 7)
- It has a Review of the Stage 2 decision, Stage 3 (see paragraph 8)

Only when the **Informal Procedure** has been concluded and the candidate remains dissatisfied with the outcome should the issue move to the **Formal Procedure**.

5.2 Each case will be considered on its own merits and in accordance with the evidence and circumstances presented. The Bar Standards Board has absolute discretion to determine which stage of the procedure, if any, will be applied in any particular case taking into account the matters under consideration.

5.3 All procedures are paper based, there will no oral presentation.

5.4 Any representation from a third party legal representative will be deemed out with /outside the scope of this policy.

6. Stage 1: Informal Procedure – Decision by Bar Professional Training Course (BPTC) Team

6.1 Candidates must raise related concerns or complaints at Stage 1 **within 10 working days** of the event occurring. Failure to do so may result in the Bar Standards Board being unable to review the concern or complaint.

6.2 If a candidate has a query, related concern or complaint the Bar Standards Board aims to resolve the issue raised at the informal level.

6.3 The matter at the informal level should be raised orally (by telephone) or by email to BCAT@barstandardsboard.org.uk with the subject title;

Stage 1 Informal Procedure: Concern/Complaint and the candidate should state:

1. Details of the issues with relevant timescales and evidence
2. The preferred outcome the candidate is seeking

6.4 The Bar Standards Board should respond promptly, initially to acknowledge receipt, normally within 5 working days and depending on the complexity of the matter will normally respond in full within 15 working days of the date of the receipt of the concern or complaint.

7. Stage 2: Formal Procedures – Decision by BPTC Education Manager / or nominee *(the person who makes the decision at this stage should not have been directly involved previously with the candidate or the candidate's case)*

7.1 If the candidate is not satisfied with the response received from Stage 1 of the procedure they should submit within 10 working days of the date of the Stage 1 response a Stage 2 BCAT Complaints Form (Appendix A) to the BPTC Education Manager or nominee by email to BCAT@barstandardsboard.org.uk.

The candidate should confirm:

1. That Stage 1 has been undertaken and a response received
2. Details of the issues with relevant evidence and timescales
3. The preferred outcome the candidate is seeking
4. A statement as to why the candidate is not satisfied with the outcome at Stage 1.

7.2 Candidates should take care to raise all matters of complaint and put forward all supporting evidence at Stage 2, as they will not be able to raise new matters at Stage 3. Additional evidence will not be permitted unless candidates can show good reason why the

new evidence / information was not available to them to put forward at Stage 2. It is important to comply with this as the grounds for review at Stage 3 are limited.

7.3 The Stage 2 Complaints Form will be acknowledged normally **within 5 working days** of receipt of the form at the Bar Standards Board.

7.4 The Education Manager / nominee will be appointed to investigate the complaint. The investigator will be independent of the decision make at Stage 1 and will not have been previously involved with the candidate or the complaint.

7.5 A Stage 2 response explaining the reasons for the decision will be sent to the candidate normally **within 20 working days** of receipt of the Stage 2 Complaints Form. The candidate will be kept informed if any delays occur in the process.

8. Stage 3: Formal Review Procedure of Decision at Stage 2 – Decision by Head of Education or nominee *(the person who makes the decision at this stage should not have been directly involved previously with the candidate or the candidate's case)*

8.1 If the candidate is not satisfied with the written response from the BPTC Education Manager or nominee at Stage 2 they may proceed to Stage 3 for a review only on the grounds that:

8.1.1 they have substantial new information which was not available a Stage 2 and for good reason; or

8.1.2 there was a failure by the BSB to follow the procedure at Stage 2 which has significantly disadvantaged the candidate.

N.B. It should be noted that personal disagreement by the candidate with the final decision at Stage 2 does not constitute grounds for a review at Stage 3.

8.2 If neither of these grounds can be shown, the candidate should within **10 working days** of the response, refer the matter in writing on a Stage 3 BCAT Complaints Form (Appendix B) to the Head of Education and Training (BSB) or nominee.

8.3 The Stage 3 BCAT Complaints Form may be found in Appendix B. The form should be completed, setting out briefly:

8.3.1 the date when s/he submitted the Stage 2 BCAT Complaints Form and the date and nature of response from the BSB (enclose a copy of the response);

8.3.2 the grounds upon which a review at Stage 3 is being sought as set out in paragraph 8.1 above;

8.3.3 the evidence to support the grounds for review;

8.3.4 the outcome the candidate is seeking.

8.4 The BPTC Team will acknowledge receipt of the Stage 3 Form normally within 5 working days of receipt by the Head of Education and Training or nominee.

8.5 The Head of Education and Training or nominee will be expected to conduct an impartial review of the complaint: including considering whether the grounds for review (stated in

paragraph 8.1/8.1.1/8.1.2) have been met; reviewing the way the in which the matter was investigated and the response given. The Head of Education or nominee will consider any new evidence. The review may be conducted on the papers or by contacting the candidate or any other relevant persons to discuss the complaint, as deemed appropriate.

8.6 The Head of Education or nominee may decide:

8.6.1 that neither of the grounds for review have been met;

8.6.2 that the investigation was properly carried out and the response given was appropriate;

8.6.3 that there were shortcomings in the investigation carried out and/or the response given and/or that new evidence had been provided which warranted further investigation.

8.7 Following the review, the Head of Education and Training or nominee may direct:

8.7.1 that the procedure and processes followed and judgement applied were appropriate and that no further action is required; or

8.7.2 that the case be referred to an earlier stage of the Procedure for reinvestigation; or

8.7.3 that an alternative resolution be proposed to the candidate.

8.8 The Stage 3 response, which will give reasons for the decision, will be sent to the BCAT candidate normally within **20 working days** of the receipt of the Stage 3 BCAT Complaints Form.

8.9 The candidate will be kept informed if any delays occur in the process.

8.10 In relation to the outcome, the decision made by the BSB upon the review at Stage 3 is final.

Appendix A – Stage 2 BCAT Complaints Form

Appendix B – Stage 3 BCAT Complaints Form

Appendix C – Summary of BCAT Complaints Procedure

[These complaints procedures have been developed by J Pugh with reference to other University complaints procedures which were developed in consultation with her.]