



INNER TEMPLE PUPILS' ADVOCACY COURSE

APPEALS POLICY

EQUALITY STATEMENT

The Honourable Society of the Inner Temple aims and is committed to providing advocacy training and education that respect and meet the diverse needs of our pupils, advocacy trainers, committee members, Benchers and staff. The Inner Temple is committed to ensuring that no individual is placed at any disadvantage over any other, and that equal opportunities are promoted for all. The Inner Temple complies with, and takes account of, the provisions of the Equality Act 2010 and the Human Rights Act 1998.

This document has been assessed to ensure that no individual or group receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment and gender identity, sexual orientation, marriage and civil partnership, race, religion or belief (including cogent philosophical belief), pregnancy and maternity.

The Inner Temple's commitment to Equality, Diversity and Inclusion is also referenced and demonstrated by the following:

- The Inner Temple Advocacy Trainers' Handbook (Section 1: Equality and Diversity)
- The Inner Temple Volunteer Code of Conduct
- The Inner Temple Equality and Diversity training for all volunteers (mandatory training)

INTRODUCTION

1. The purpose of the advocacy course during pupillage is to provide pupils with comprehensive advocacy training, delivered by accredited barristers and judges, to teach the pupils competence in the fundamental advocacy skills required to enable them to undertake the second six component of their pupillage, attending Court on behalf of their clients, in their own right and without supervision. The advocacy course builds upon and expands the core vocational training that all pupils will have undertaken as part of their mandatory Bar Professional Training Course (or equivalent, if undertaken in a different jurisdiction).
2. All pupils are assessed against the Course Assessment Criteria in the Bar Standards Board (BSB) Curriculum and Assessment Strategy (barstandardsboard.org.uk). Pupils have three attempts to pass the Pupils' Advocacy Course. These are called Stage 1, 2 and 3 assessments.
3. Attendance at a training course is compulsory, and all pupils are required by the BSB to satisfactorily complete an authorised course within their first six months of pupillage.

DEFINITIONS

Appeal	<p>This is an appeal made by an individual pupil relating to the decision not to pass them as competent on:</p> <ul style="list-style-type: none"> • Any individual components of the advocacy course; and/or • The advocacy course overall (including not issuing them with an Advocacy Certificate) <p>And/or in respect of any failure to follow, or follow correctly, published processes or procedures related to the assessment of the advocacy competencies, individually or collectively.</p>
ATC	Inner Temple Advocacy Training Committee
ATC Chair	The Chair of the Inner Temple Advocacy Training Committee
BSB	Bar Standards Board
Course Director	Course Director of the Inner Temple Pupils' Advocacy Course
Deputy Course Director	Deputy Course Director of the Inner Temple Pupils' Advocacy Course
E&T	Inner Temple Education and Training Department
Investigating Officer	An impartial individual, appointed by the ATC Chair. The final decision of the identity and appointment of the Investigating Officer will be with the ATC Chair, after seeking advice from (where necessary or appropriate), the Course Director, Deputy Course Directors and the E&T department
Vexatious or Malicious Complaints	<p>These are complaints that are made and found to be based on the following:</p> <ul style="list-style-type: none"> • Untruths or misrepresentations • Not made in good faith • Complaints made for the sole or principal purpose of securing a personal or professional advantage for the complainant as distinct from identifying and resolving a genuine dispute or issue that has arisen • Deliberately designed to cause annoyance, distraction or disruption to the subject matter of the complaint • Raising serious allegations against an individual without any proper factual basis or foundation • Are a repetition of the same complaint or issues that have previously been the subject of formal investigation, resolution or determination

	<ul style="list-style-type: none"> • Can otherwise fairly be characterised as manifestly unreasonable or manifestly without proper basis <p>In the event of such complaints, the Inner Temple reserves the right to take action against the individual and/or to refer them to their professional disciplinary body where appropriate or required.</p> <p>The above is without prejudice to the legal rights of any individual to raise a complaint and the legal protections afforded to such individuals.</p> <p>https://www.innertemple.org.uk/who-we-are/how-we-operate/policy-statements/complaints/</p>
<p>Exclusions from the Policy</p>	<p>The Inner Temple has separate processes that distinguish between complaints about processes and policies, and complaints about the behaviour or relationships of others.</p> <p>Where the complaint is about the behaviour of an individual or relationships between individuals, the individual should refer to the Inn's Volunteer Code of Conduct, and the complaints procedure therein.</p> <p>Where a complaint is about the alleged professional breach of the BSB Code of Conduct by an individual, such complaint should be made to the BSB directly.</p>

Circumstances in which an appeal can be made

4. An individual pupil can **only** appeal the following within this appeal process:
 - a. Any decision not to pass them as competent on any individual components of the advocacy course; and/or
 - b. The decision not to pass them as competent on the advocacy course overall (including not issuing them with an Advocacy Certificate); and/or
 - c. Any failure to follow, or follow correctly, published processes or procedures related to the assessment of the advocacy competencies, individually or collectively.

5. An individual **cannot** appeal in any of the following situations or circumstances:
 - a. Where the individual has not attended the mandated elements of the course;
 - b. Where the individual is disagreeing with any of the objective, professional judgements that have been made by assigned advocacy trainers;
 - c. Where the individual is alleging unfairness of practice and/or process but is not supplying any evidence or cogent reasons to substantiate the allegation;
 - d. Where the individual is making an anonymous appeal;
 - e. Appeals sent on behalf of an applicant. All appeals must be sent directly by the applicant themselves unless there are exceptional reasons why this cannot occur (for example, if the individual is physically incapacitated for the **entire** 28-day

appeal period and is physically unable to draft and lodge an appeal). In such circumstances, the individual lodging the appeal on behalf of another individual **must** provide a **full explanation, supported by evidence**, of why the individual cannot directly lodge an appeal themselves and why an appeal must accordingly be lodged on their behalf.

Complaints versus Appeals

6. An appeal is a challenge or request for reconsideration of an **outcome decision**, whereas a complaint is a **statement of dissatisfaction** about something that has happened, or not happened, or the standard of a service. Examples of complaints that relate to education programmes include:
 - a. Poor quality learning resources or facilities;
 - b. Incorrect information provided by the Inn;
 - c. Events causing disruption to an event or course;
 - d. Concerns about the delivery or administration of an event or course.
7. Occasionally both appeals and complaints processes are relevant to a situation. In this situation, the Inn will work with the pupil to determine whether it is better to use one process after the other (and in what order), to run them at the same time, or to apply the processes more flexibly. Where the Inn decides to vary its normal procedures, it will discuss this with the pupil. Records will always be kept stating when and a procedure was not followed.

Time Limits and Constitution of the Appeal

8. Any appeal must be made, properly constituted and lodged **within 28 calendar days** (including weekends, bank holidays and all other public and religious holidays) of issue of the outcome of a Stage 3 assessment of the Advocacy Training Course in which that individual was a participant.
9. The appeal can relate to any of the Stage 1, 2 or 3 assessments but can only be submitted upon completion of a Stage 3 assessment.
10. The appeal **must** be submitted directly by email to pupils-practitioners@innertemple.org.uk, and **must** copy in the current Director of Education. The appeal should include "APPEAL" in the header of the email and should be marked for the attention of the ATC Chair. Any appeal sent to an erroneous email address will not be deemed to have been lodged within time or properly constituted.
11. The appeal must be properly constituted with **all** of the following information and documents:
 - a. The ground(s) of appeal: the appeal ground(s) must be clear and must relate directly to the ground(s) set out at paragraph 4 of this Policy. The individual must make it clear which sub-category(s) of paragraph 4 above, the appeal ground(s) relate to. The appeal ground(s) must clearly state;
 - i. What the decision is that is being challenged;
 - ii. Why the decision is wrong/incorrect/unfair;
 - iii. The specific procedural error, irregularity or omission;
 - iv. Whether there are any relevant witnesses, the identity of the witness and the specific issue within the appeal to which they are a witness;
 - b. Where paragraph 5(e) of this Policy applies, all of the requirements set out at paragraph 5(e) must be complied with;
 - c. Where appropriate, the name of the individual(s) involved or implicated in the assessment decision that is the subject matter of the complaint;

- d. The date of the relevant teaching exercise(s) that form the subject matter of the appeal;
 - e. Any supporting evidence; and
 - f. The desired outcome.
12. Any appeal that fails to comply with all of the steps at paragraphs 9 and 10 of this Policy, or falls outside the scope and grounds of paragraph 4 of this policy, will be deemed as not properly constituted. Any appeal that is not properly constituted will not be accepted and will accordingly not comply with the time limit at paragraph 8 of this Policy.
 13. The grounds of appeal cannot be amended or supplemented after the expiry of the 28-day period to submit the appeal. However, an individual can withdraw any grounds of appeal at any point after submitting an appeal and prior to the ATC making a final determination on the appeal.

Process when an appeal has been submitted

14. Once an appeal has been lodged, a member of staff within the E&T Department will acknowledge receipt of the appeal by email. Such acknowledgment should not be taken as any confirmation or affirmation that the appeal has been received within time and/or is properly constituted.
15. The ATC Chair will inform the individual whether the appeal has been lodged within time within **7 days** of receipt of the appeal.

Appeals submitted out of time

16. In the event that an appeal has not been lodged within time, the ATC Chair will provide a **brief** reason as to why the appeal is out of time or not properly constituted (and therefore out of time).
17. The ATC Chair is under no obligation to provide any detailed reasons or evidence as to why the appeal is deemed to be out of time and/or not properly constituted, beyond the brief reason referred to in paragraph 16 above.
18. The ATC Chair has no obligation to accept and deal with, any appeals that are not properly constituted and/or that are lodged out of time.
19. In the event that an appeal is out of time, the ATC Chair has discretion to extend the time limit for lodging the appeal:
 - a. Such discretion will only be exercised in exceptional circumstances (including but not limited to, medical emergencies, the individual suffering from a physical or mental impairment during the 28-day appeal period that prevented the individual from making, or properly drafting their complaint);
 - b. In the event that an individual wishes the ATC Chair to exercise discretion to extend time, an application must be made to the ATC Chair within **7 Calendar days** of being informed that their appeal is out of time;
 - c. Such application **must** include **full** reasons why the appeal was lodged out of time and/or not properly constituted and **must** include any supporting evidence;
 - d. The ATC Chair will communicate the decision whether to extend or refuse to extend time to the individual with brief reasons. There is no obligation on the ATC Chair to provide detailed reasons.

Appeals falling within Exclusions from the Policy

20. In the event that the appeal falls within the Exclusions from the Policy, as set out within the Definitions of this Policy, the ATC Chair will inform the individual of this and direct the individual to the relevant department, body or organisation to whom the complaint should properly be submitted.

Appeals submitted within time: Investigation

21. The ATC Chair will review the contents of the appeal and the Grounds of the Appeal, and appoint an Investigating Officer to investigate it. The Investigating Officer:
 - a. Will be a qualified advocacy trainer, accredited to Teacher Trainer Level;
 - b. Will not have undertaken any advocacy training or assessment of the individual who is appealing, throughout the Pupils' Advocacy course and will not have played any part in the decision process that is the subject of appeal;
 - c. Where possible, will not have attended the Pupil's Advocacy Course that the appeal relates to;
 - d. Where possible, will be a member of the Inner Temple ATC. If this is not possible, the investigator may be any Inner Temple-accredited Advocacy Trainer; and
 - e. In exceptional circumstances, and where it is necessary and appropriate, the ATC Chair may appoint an Investigating Officer who is a member of another Inn of Court. In the event that this is required, such Investigating Officer will be a qualified and accredited advocacy trainer with their Inn, at Teacher Training level or equivalent.
22. The Terms of Reference of any investigation will be the grounds of appeal. The ATC Chair alone has the discretion to amend or supplement the Terms of Reference.
23. The Investigating Officer will conduct the investigation in the manner they deem appropriate, and reviewing any evidence they deem to be relevant at their discretion. This may include contacting the individual for further information.
24. The Investigating Officer will provide their report to the ATC Chair within 28 days of being appointed. In the event that this deadline cannot be complied with, the Investigating Officer will inform the ATC Chair of this delay, and will provide reasons for the delay and a revised deadline. In such circumstances, the Investigating Officer will ensure that in any event, the investigation is completed in a timely manner and within a reasonably period after the expiry of the 28 days. The ATC Chair will inform the individual complainant of any delays in the investigation process and will provide them with any revised deadlines, where appropriate.
25. The Investigating Officer will produce a written report to the ATC Chair. Within that report, the Investigating Officer will:
 - a. List the evidence reviewed and the names of all individuals who have participated in the investigation;
 - b. Append all of the evidence reviewed and contents of individual consultations, etc, to the report;
 - c. Make findings in respect of each of the grounds of appeal, setting out the reasons for those findings. The findings open to the Investigation Officer on the grounds of appeal are: Upheld, Partially Upheld and Not Upheld;
 - d. Make findings in respect of the individual's desired outcome, including whether it is justified, and achievable.

Appeal Outcome

26. The ATC Chair will review the Investigating Officer's report and will make the final determination on the appeal. In respect of the Investigating Officer's finding and recommendations, the ATC Chair has the discretion and authority to:
- Accept them in full;
 - Accept them in part – the ATC Chair must clearly set out in writing which parts of the report are accepted, which are rejected and the reasons for rejecting them; or
 - Reject them in full – the ATC Chair must set out full written reasons why the report findings and recommendations are rejected.
27. The ATC Chair will communicate the decision on the appeal in writing to the individual, within **14 days** of receipt of the Investigating Officer's Report. The decision will set out the findings in respect of each ground of appeal and the reasons and the overall outcome.
28. The decision of the ATC Chair is final and there is no further right of appeal.

Confidentiality

29. The ATC Chair must ensure that the confidentiality and privacy of all individuals and sensitive information is respected and protected in line with the [Inn's Data Protection Policy](#). Accordingly:
- The ATC Chair is under no obligation to provide a copy of the investigation report to the individual, but may do so at their sole discretion;
 - In the event the report is provided, the individual must keep it confidential and is not permitted to share the report with any other individual or organisation, unless expressly authorised to do so by the ATC Chair; and
 - The Inner Temple reserves the right to anonymise names and redact any information within the investigation report on the grounds of confidentiality, data protection or privilege.
30. All information received with regards to an appeal will be treated confidentially and in compliance with data protection legislation. Whilst the privacy and confidentiality of the individual will be prioritised and protected, the Inner Temple may need to share some identifiable information to ensure that the investigation is conducted thoroughly, properly and fairly. No identifiable information in respect of any individual will be disclosed or shared unnecessarily.
31. The ATC Chair and/or the Inner Temple may also share an anonymised summary of the outcome of the appeal with relevant members of the Pupils' Advocacy Course Directors/team, ATC, E&T staff or any other relevant committee of the Inner Temple, as part of improving its systems and processes for the future, and/or as part of its reporting duties or in compliance with any legal or other requirements.

Version Control:

Version	Date	Author	Notes
0.1	18/03/24	Gail Fleming	First draft
0.2	21/05/24	Rehana Azib KC	Second Draft
0.3	31/05/24	Rehana Azib KC	Final