

## PEGASUS SCHOLARSHIP TRUST APPEALS POLICY

The Pegasus Scholarship Trust is committed to ensuring that its scholarship scheme respects and meets the diverse needs of our applicants, panellists, council members and staff. The Pegasus Scholarship Trust 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.

The Pegasus Scholarship Trust's commitment to Equality, Diversity and Inclusion is also referenced and demonstrated by the following:

- Interview Guidelines for Panellists
- Each Inn has a volunteer code of conduct and all volunteers supporting the Pegasus Scholarship Trust are expected to follow the relevant code of conduct from their Inn.
- The Inner Temple Equality and Diversity training for all Council members (mandatory training)

### 1. Introduction

- 1.1. The Pegasus Scholarship Trust funds incoming and outgoing international placements for recently qualified barristers to both help them learn about different jurisdictions, and to help forge international links with those legal jurisdictions.
- 1.2. The Pegasus Scholarship Trust runs a selection process to select outgoing scholars. The Pegasus Scholarship Trust does not select scholars travelling to the UK for a placement and therefore this policy only applies to the selection process for scholars practising in England and Wales who are applying to travel to a placement outside of England and Wales.
- 1.3. Applicants for a Pegasus Trust scholarship are assessed through a combination of application form and interview. Candidates are assessed against four competency criteria; academic performance and professional achievement, motivation, interpersonal skills and advocacy skills.
- 1.4. The selection process for Pegasus scholars aims to be transparent, fair and not discriminatory. Decisions about who will be awarded a scholarship are made following Pegasus Scholarship Trust procedures which reflect relevant legislation and good practice.
- 1.5. The Pegasus Scholarship Trust is a pan-Inn organisation but is administered by the Education and Training Team at the Inner Temple.

### 2) Definitions

<b>Appeal</b>	This is an appeal made by an individual applicant relating to the decision not to award a scholarship to them.
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	And/or in respect of any failure to follow, or follow correctly, published processes or procedures related to the assessment of the stated criteria, individually or collectively.
<b>Pegasus Scholarship Trust Council</b>	The Pegasus Scholarship Trust Council is the body responsible for the governance of the Pegasus Scholarship Trust.
<b>E&amp;T</b>	The Inner Temple Education and Training Department is responsible for administering the Pegasus Trust Scholarship.
<b>Investigating Officer</b>	An impartial individual, appointed by the Chair of the Pegasus Scholarship Trust Council. The final decision of the identity and appointment of the Investigating Officer will be with the Chair of the Pegasus Scholarship Trust Council, after seeking advice from (where necessary or appropriate) the E&T department
<b>Vexatious or Malicious Complaints</b>	<p>These are complaints that are made and found to be based on the following:</p> <ul style="list-style-type: none"> <li>• Untruths or misrepresentations</li> <li>• Not made in good faith</li> <li>• 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</li> <li>• Deliberately designed to cause annoyance, distraction or disruption to the subject matter of the complaint</li> <li>• Raising serious allegations against an individual without any proper factual basis or foundation</li> <li>• Are a repetition of the same complaint or issues that have previously been the subject of formal investigation, resolution or determination</li> <li>• Can otherwise fairly be characterised as manifestly unreasonable or manifestly without proper basis</li> </ul> <p>In the event of such complaints, the Pegasus Scholarship Trust 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>

	<a href="https://www.innertemple.org.uk/wp-content/uploads/2024/07/Complaints-Policy-June-2024.pdf">https://www.innertemple.org.uk/wp-content/uploads/2024/07/Complaints-Policy-June-2024.pdf</a>
<b>Exclusions from the Policy</b>	<p>The Pegasus Scholarship Trust 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 policies belonging to the Inn of which that individual(s) is a member.</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>

### 3. Circumstances in which an appeal can be made

3.1. An individual applicant can **only** appeal the following within this appeal process:

- a) Any decision not to award a scholarship and/or
- b) Any failure to follow, or follow correctly, published processes or procedures related to the assessment of the stated criteria, individually or collectively.

### 4. What is excluded from the appeals process?

4.1. You cannot appeal in the following situations:-

- Where the individual has not completed the application and interview process
- Where the individual is disagreeing in with any of the objective judgements that have been made by the panels.
- Alleging unfairness of practice and/or process but not supplying evidence to substantiate the allegation.
- Anonymous appeals or 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.

### 5. Complaints versus appeals

5.1. 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.

5.2. Examples of complaints that relate to selection processes include:-

- a. Incorrect or untimely information provided by the Inn
- b. Concerns about the conduct of staff or volunteers not involved in the decision making process
- c. Concerns about the administration of the process

5.3. Occasionally both appeals and complaints processes are relevant to a situation. In this situation, the Pegasus Scholarship Team will work with the applicant to determine whether it's 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 Pegasus Scholarship Trust decides to vary its normal procedures, it will discuss this with the applicant. Records will always be kept stating when and how a procedure was not followed.

## 6. Time Limits and Constitution of the Appeal

6.1. 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 the application decision being released.

6.2. The appeal must be submitted to [Pegasus@innertemple.org.uk](mailto:Pegasus@innertemple.org.uk), and **must** copy in the current Director of Education at the Inner Temple. The appeal should include "appeal" in the header of the email and should be marked for the attention of the Chair of the Pegasus Scholarship Trust Council. Any appeal sent to an erroneous email address will not be deemed to have been lodged within time or properly constituted.

6.3. 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 3.1 of this Policy. The individual must make it clear which sub-category(s) of paragraph 3.1 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 4.1(e) of this Policy applies, all of the requirements set out at paragraph 4.1(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 interview or other event that forms the subject matter of the appeal;
- e. Any supporting evidence; and
- f. The desired outcome.

6.4. Any appeal that fails to comply with all of the steps at paragraphs 6.2 and 6.3 of this Policy, or falls outside the scope and grounds of paragraph 3.1 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.

6.5. 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 Pegasus Scholarship Trust making a final determination on the appeal, by sending an email to [Pegasus@innertemple.org.uk](mailto:Pegasus@innertemple.org.uk) and copying in the current Director of Education at the Inner Temple.

## 7. Process when an appeal has been submitted

1.1. Once an appeal has been lodged, a member of staff from the Pegasus Trust 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.

- 1.2. The Pegasus Scholarships Team should at this point inform the Chair of the Pegasus Trust Scholarship Trust Council. The exception to this is, where the Chair has a direct involvement in the decision making process relating to the appeal or where the Chair is unavailable. In these circumstances the Vice-Chair of the Pegasus Trust Scholarship Council should be informed and take on all other roles allocated to the Chair in this policy.
- 1.3. The Chair of the Pegasus Scholarship Trust Council will inform the individual whether the appeal has been lodged within time within 7 days of receipt of the appeal.

## **2. Appeals submitted out of time**

- 2.1. In the event that an appeal has not been lodged within time, the Chair of the Pegasus Scholarship Trust Council will provide a brief reason as to why the appeal is out of time or not properly constituted (and therefore out of time).
- 2.2. The Chair of the Pegasus Scholarship Trust Council 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 8.1 above.
- 2.3. In the event that an appeal is out of time, the Chair of the Pegasus Scholarship Trust Council 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 Chair of the Pegasus Scholarship Trust Council to exercise discretion to extend time, an application must be made to the Chair of the Pegasus Scholarship Trust Council 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 Chair of the Pegasus Scholarship Trust Council will communicate the decision whether to extend or refuse to extend time to the individual with brief reasons. There is no obligation on the Chair of the Pegasus Scholarship Trust Council to provide detailed reasons.

## **3. Appeals falling within Exclusions from the Policy**

- 3.1. In the event that the appeal falls within the Exclusions from the Policy, as set out within the Definitions of this Policy, the Chair of the Pegasus Scholarship Trust Council 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.

## **4. Appeals submitted within time: Investigation**

- 4.1. The Chair of the Pegasus Scholarship Trust Council 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 an experienced interview panellist for the Pegasus Scholarship Trust
  - b) Will not have been involved in assessing the application of the individual appealing, and will not have played any part in the decision process that is the subject of appeal;

- c) Where possible, will be a member of the Pegasus Scholarship Trust Council
- 4.2. The Terms of Reference of any investigation will be the grounds of appeal. The Chair of the Pegasus Scholarship Trust Council alone has the discretion to amend or supplement the Terms of Reference.
- 4.3. The Investigating Officer will conduct the investigation in the manner in which they deem appropriate, and reviewing any evidence they deem to be relevant at their discretion. This may include contacting the individual for further information.
- 4.4. The Investigating Officer will provide their report to the Chair of the Pegasus Scholarship Trust Council within 28 days of being appointed. In the event that this deadline cannot be complied with, the Investigating Officer will inform the Chair of the Pegasus Scholarship Trust Council 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 reasonable period after the expiry of the 28 days. The Chair of the Pegasus Scholarship Trust Council will inform the individual complainant of any delays in the investigation process and will provide them with any revised deadlines, where appropriate.
- 4.5. The Investigating Officer will produce a written report to the Chair of the Pegasus Scholarship Trust Council. 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.

## **5. Appeal Outcome**

- 5.1. The Chair of the Pegasus Scholarship Trust Council 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 Chair of the Pegasus Scholarship Trust Council has the discretion and authority to:
  - a) Accept them in full;
  - b) Accept them in part – the Chair of the Pegasus Scholarship Trust Council must set out full written reasons why the report findings and recommendations are only accepted in part.
  - c) Reject them in full – the Chair of the Pegasus Scholarship Trust Council must set out full written reasons why the report findings and recommendations are rejected.
- 5.2. The Chair of the Pegasus Scholarship Trust Council 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.
- 5.3. The decision of the Chair of the Pegasus Scholarship Trust Council is final and there is no further right of appeal.

## **6. Confidentiality**

- 6.1. The Chair of the Pegasus Scholarship Trust Council must ensure that the confidentiality and privacy of all individuals and sensitive information is respected and protected in line with the Inner Temple's Data Protection Policy. Accordingly:
- a) The Chair of the Pegasus Scholarship Trust Council is under no obligation to provide a copy of the investigation report to the individual, but may do so at their sole discretion
  - b) 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 Chair of the Pegasus Scholarship Trust Council; and
  - c) 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.
- 6.2. 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.
- 6.3. The Chair of the Pegasus Scholarship Trust Council and/or the Pegasus Scholarship Trust Team may also share an anonymised summary of the outcome of the appeal with relevant members of the Pegasus Scholarship Trust, or Education and Training Teams in each participating Inn 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.	22/10/24	Stephanie Baughen	
0.1.1	24/10/24	Stephanie Baughen	Clarification added as to what to do if the Chair is not available.
