

Special Examination Arrangements Policy

The Legal Profession Admission Board is committed to implementing reasonable adjustments during examinations to accommodate Students at Law with special circumstances to ensure they can achieve their full potential in the Diploma in Law course.

Essential Summary

- This policy applies to Students at Law with special circumstances who wish to apply to the Legal Profession Admission Board for special examination arrangements.
- The Legal Profession Admission Board requires Students at Law with special circumstances to lodge the Special Examination Arrangements Form with the Office of the Legal Profession Admission Board.

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Ensure you have the latest version before using this document.

Table of Contents

1	Scope	3
2	Purpose	3
3	Definitions	3
4	Responsibilities of students	4
	4.1 Application for Special Examination Arrangement	4
	4.2 Updating the Special Examination Arrangements Form	4
5	Responsibilities of the Board	5
	5.1 Confidentiality of health assessment forms	5
6	Ongoing disclosure for the purpose of admission	5
7	References	6
8	Document information	7
9	Document history	7

1 Scope

This policy applies to Students at Law with special circumstances who wish to apply to the Legal Profession Admission Board (the Board) for special examination arrangements.

2 Purpose

The purpose of this policy is to:

- outline procedures for Students at Law to apply to the Board for special examination arrangements,
- outline the responsibilities of the Board to implement reasonable adjustments during examinations to accommodate Students at Law with special circumstances.

3 Definitions

Disability according to the *Disability Inclusion Act 2014 (NSW)* includes a long-term physical, psychiatric, intellectual or sensory impairment that, in interaction with various barriers, may hinder the person's full and effective participation in the community on an equal basis with others.

Reasonable adjustment means an adjustment to the examination that is necessary, achievable and reasonable to enable a Student at Law with special circumstances to sit for an examination and complete an examination to the best of their ability. Reasonable adjustments to examinations are granted through implementing special examination arrangements to Students at Law with special circumstances.

Special circumstances means disability, illness or other circumstances that may affect a Student at Law's performance in an examination. Allowable circumstances may include, but are not limited to, a medical, physical, sensory or psychiatric condition or impairments, a documented learning disability, pregnancy or a breast feeding mother.

Special examination arrangements means an adjustment to the examination approved by the Board for Students at Law with special circumstances and may include, but are not limited to, time extensions, access to aids or equipment, access to food, drink or medication, access to a separate room, a person to write and/or read on behalf of the candidate during the examination.

Special Examination Arrangements Form means the Application for Special Exam Arrangements form provided on the Board's website www.lpab.justice.nsw.gov.au.

The Board means The Legal Profession Admission Board.

Medical evidence means expert evidence given by a treating medical professional that is provided in or attached to the Special Examinations Arrangement Form.

Unjustifiable hardship focuses on whether the adjustment will adversely affect the Legal Profession Admission Board or other people involved, including Students at Law, so much that it would be unfair to carry out the adjustment. It is generally determined by considering the following:

- Whether the adjustment is necessary, achievable and reasonable
- The cost of the adjustment required in light of the organisation's financial situation.
- The nature of the benefit or detriment likely to accrue to, or to be suffered by the person concerned.
- The availability of financial and other assistance to the Board claiming unjustifiable hardship.

4 Responsibilities of students

4.1 Application for Special Examination Arrangement

When registering as a Student at Law, students with special circumstances who wish to be considered for special arrangements may submit an Application for Special Examination Arrangement. The application form is available on the LPAB website.

Students are required to submit by email to lpabexams@justice.nsw.gov.au

- the Application for Special Examination Arrangement form with completed medical evidence no later than **six weeks** prior to the commencement of the examination period.

4.2 Updating the Special Examination Arrangements Form

It is the responsibility of each Student at Law with special circumstances to:

- either update their Special Examination Arrangements Form every 12 months (i.e. every 2 semesters), or
- confirm that Special Examination Arrangements already agreed upon at an earlier time are to remain in place if a student at law wishes to continue seeking special examination arrangements throughout the duration of their studies with the Board.

Students at Law with special circumstances must:

- Complete a new, updated special arrangement form every 12 months (i.e. every 2 semesters) unless documentation and supporting medical evidence has been provided to indicate that the disability will not change over time. The onus is on each student to confirm that arrangements already agreed upon remain in place at least one month prior to the examination period
- Update the Board of any changes to their condition as soon as possible
- Students should not assume that special examination arrangements will automatically apply following subsequent applications.

5 Responsibilities of the Board

The Board is responsible for implementing reasonable adjustments to examinations for Students at Law with special circumstances through approved special examination arrangements.

When making a determination as to what special examination arrangements the Board will approve for a Student at Law with special circumstances, it will take into consideration:

- medical evidence that is provided in or attached to the Special Examinations Arrangement Form, and
- any unjustifiable hardship that may be imposed on the Board to supply a student with services or facilities that are not required by students who do not have a disability.

The Board is to inform Students at Law of any special examination arrangements no later than **one week** before the examination period.

The Board has the right to:

- make further enquiries or seek clarification in respect of the medical evidence or recommendations provided by contacting the treating medical professional,
- confidentially discuss the medical evidence with the Board's accredited health professionals for an objective, independent assessment,
- deny a request for special examination arrangements on the basis that the Board:
 - is not satisfied by the medical evidence provided, or
 - cannot reasonably implement the requested arrangement due to unjustifiable hardship.

In the event that the Board is not able to implement the requested adjustments, it will endeavour to make other appropriate examination arrangements for the Student at Law.

5.1 Confidentiality of health assessment forms

The Board will hold in confidence any documents supporting a Student at Law's application for special examination arrangements, which will be kept securely in accordance with privacy principles.

The Board will not disclose any information relating to an application without prior written consent of the applicant.

6 Ongoing disclosure for the purpose of admission

Information disclosed to the Board by a Student at Law with special circumstances who sought special examination arrangements may need to disclose that information to the Board at the time of admission as lawyer to the NSW Supreme Court. Having a disability is no bar to admission, however, Rule 10(j) of the Legal Profession Uniform Admission Rules 2015 provides that the Board is required to assess whether a person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner.

7 References

Disability Inclusion Act 2014 (NSW)

Legal Profession Uniform Admission Rules 2015

8 Document information

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