

<b>PEB Candidate Consultative Committee (CCC)</b>	
<b>GB 004</b>	<b>FINAL Minutes</b>

**06 September 2022 11:00 – 12:30**

PEB Governance Board      Damian Day (PEB GB Chair)  
 David Amos (apologies)  
 Carl Stychin (Lay Member)  
 Mike Williams (Patent Attorney Member)  
 Fiona Bor (Patent Attorney Member)

PEB officers                      Angelina Smith (Head of Qualifications, CIPA)  
 Ruth Matthews (Consultant)

Informals                          Joel Briscoe  
 Lindsay Pike  
 Kathryn Taylor  
 Thomas Bridgwater  
 Heather Reiffer

<b>Paper/Ref</b>	<b>Minute</b>	<b>Action</b>
<b>1.</b>	<b><i>Welcome and Introductions</i></b>  PEB GB welcomed all attendees to the meeting.	
<b>2.</b>	<b><i>To note the Terms of reference of the Committee</i></b>  No changes	
<b>3.</b>	<b><i>Conflicts of Interest</i></b>  No changes	
<b>4.</b>	<b><i>2021 Examinations –Candidate Survey and PEB response</i></b>  The informals said this had been previously resolved after collaborating more on the candidate survey questions.  The PEB published their response to the 2021 candidate survey in June or July so no need to be discussed at this meeting.	

<p><b>5.</b></p>	<p><b>Candidate Communication with the PEB</b></p>	
	<p><b>Candidate Questions</b></p> <p>PEB asked that candidate questions be sent in batches and that there must be a cut-off point unless it was critical. The PEB could not afford the time to deal with examination queries that are already dealt with in documents on the website close to the start of the examinations.</p> <p>PEB GB said it would be helpful if all the IT queries were collated and send as one. The PEB responded that given the FC examinations were due to start on 19 October the ideal cut-off point to answer queries would be Friday 7<sup>th</sup> of October (unless there is exceptional circumstances) to guarantee a reply.</p> <p>The Informals proposed that a short blog post would be published inviting candidates to submit questions to them and making it clear that candidates can send sensitive queries to the Hon Sec of the informals to forward on to the PEB. Candidates could also send their queries direct to the PEB. If queries were urgent, they were to be directed to PEB. The PEB requested to see the blog before it was published by the Informals.</p> <p>The Hon Sec asked whether when they received answers to queries from the PEB, they could they share it on the blog. The PEB responded that it was up to the informals if candidate queries were published on the blog. For example, information that was available to candidates that they have not picked up on could be published but sensitive individual candidate queries should not be published.</p> <p>PEB GB said that if there was more than one query around the same topic, this should be published.</p> <p>The Informals asked whether they should be sent to the PEB before it was published. The PEB responded that it would be good to send it to the PEB to ensure that the wording was the same as in all the candidate information documents on the PEB website.</p>	<p><b>Informals</b> <i>(done post meeting)</i></p> <p><b>Informals</b> <i>(done post meeting)</i></p>
	<p><b>Trials for Exam</b></p> <p>The Informals asked the PEB when the information on the trials would be available and when candidates would get the access information. The PEB responded that the Information was on the website and candidates were just waiting on an email with their log in details. The PEB said that some candidates are attempting to log into PEBX and emailing the PEB to say they could not log in. The candidates could not log in because the information had not been loaded on to the PEBX examination system yet so they needed to wait for the activation email.</p> <p>The PEB told the Informals that the FC candidates that were taking part in the trial had been emailed to say they would be getting their activation email next week, if they had not received it by the 8<sup>th</sup> September, they</p>	

	<p>should email the PEB. FC have similar papers so the FC1 paper would be used for trialing the PEBX examination system.</p> <p>The FD candidates will receive a similar email from the PEB the following week. However the trail would be different to previous years. All the FD papers would be available to candidates and the candidates can choose which paper/s they would like to test on the day. The candidates have two hours to test the system. The Informals agreed that it was a good idea for candidates to have the opportunity to switch between papers if they chose to do so.</p> <p>The PEB told the committee that they would be emailing individual candidates to let them know what to expect in the trials.</p> <p>One of the Informals mentioned that all emails from PEB are going into her junk folder. The PEB responded that they always advised candidates to check their junk folder as the PEB had no control over it. Candidates needed to address this with their own IT in their firm, maybe whitelisting the PEB email address could be a fix for this. The Informals suggested that this issue should be covered in a blog post to encourage candidates to check their junk folder and with the IT department of their firm.</p> <p>The PEB also said that some firms do not accept emails that are bcc'd and this is how the PEB must email the candidates due to the GDPR guidelines.</p> <p>The PEB said they send an email to all candidates on the same day and inform the Informals. It was agreed that a blog post would be sent out the same day as the PEB emails advising candidates to check junk folders and liaise with the IT departments of their firms.</p>	<p><b>Informals</b> <i>(done post meeting)</i></p>
<p><b>6.</b></p>	<p><b><i>'Fit to sit' declaration for PEB candidates</i></b></p> <p>This was discussed extensively by the Informals and the PEB GB.</p> <p>It was decided that the Informals would consult with their members and send comments to the PEB to be considered at the September PEB GB meeting.</p> <p><b><u>Update</u></b> <b>Further to this meeting, this was discussed at the September PEB GB meeting. It was decided that it the PEB GB would not proceed with the 'fit to sit' policy. This has already been communicated to the Informals.</b></p>	<p><b>Informals/ PEB GB</b> <i>(done post meeting)</i></p>

<p><b>7.</b></p>	<p><b><i>Update on Changes to the PEB website</i></b></p> <p>The Informals had a meeting with CIPA and walked through the website and suggested various improvements that would help candidates. CIPA then said they would discuss the suggestions with PEB which had not happened yet so the Informals had no updates at the moment.</p> <p>PEB GB asked the PEB to follow it up with CIPA. PEB said that CIPA was responsible for the website improvements so any updates can be requested from them. The Informals said they would follow up with CIPA.</p> <p>The Informals said that CIPA had control the website and were providing a platform and there is currently no ownership over the content. There was an issue of accessibility where sometimes took about six clicks into the website to find the information that was needed.</p> <p>The PEB mentioned that CIPA was paying for the website and CIPA needed to ensure that both websites have the same level of interaction. The PEB is an extension of the CIPA website PEB may own the content but had little control of how it was accessed.</p> <p>The Informals said they had asked CIPA for a website tree where the pages were organised and there was a discussion regarding the PEB website layout, labels etc. The Informals said they would follow this up with CIPA.</p>	<p><b>Informals</b></p>
<p><b>8</b></p>	<p><b>AOB</b></p>	
<p><b>a</b></p>	<p><b><i>PEB Resourcing</i></b></p> <p>The Informals asked for an update on how things were progressing particularly pertaining to recruitment of a new Chief Examiner and any contingency plans that the PEB could share in broad terms.</p> <p>The PEB GB said that in broad terms, the first port of call was to ask one of the Principal Examiners to act up as the Chief Examiner and that it was being explored at the moment.</p> <p>The long term option was to consider whether the Chief Examiner needed to be a Patent Attorney or not because if it was a QA role, the PEB could have a non-attorney with education experience which would open it up to a few more high-quality applications.</p> <p>The Informals were asked not to worry about the exams not taking place as all the Principal Examiners looked after the content. Results will be issued as usual.</p> <p>The Informals were concerned that if a new Chief Examiner had not been appointed by the time the examinations took place, would the results be issued on time.</p>	

	<p>PEB GB responded that all the exams meetings were in the diary which would not be moved, members of the PEB GB are at all of those meetings to moderate that process. If there was no Chief Examiner by that time it would be noted in the minutes and IPReg would be notified as well. The PEB GB had spoken to the Chief Executive of CIPA about the idea of appointing a non-Patent Attorney Chief Examiner and they were receptive to it. However, it would need to be discussed at the next PEB Governance meeting.</p> <p><b>Update: The FD4 Principal Examiner, acted up as the Chief Examiner for the 2022 Qualifying Examination session.</b></p>	<p><b>PEB GB</b> (done post meeting)</p>
<p><b>b</b></p>	<p><b><i>Reasonable Adjustment Requests –Declaration Requirements</i></b></p> <p><b><u>Query 1</u></b></p> <p>Informals told the committee that some candidates were experiencing resistance from their Doctors about including the declaration required by PEB in their letters to request for Reasonable Adjustment. The Informals asked whether there could be a flexibility of this requirement as candidates see a different doctor each time they visited their GP who may not have the time to read the declaration required by the PEB. The Informals asked that can a GP just confirm the health issue the candidate had, and confirm that they should be given reasonable adjustments for their examination/s</p> <p>The PEB said it was concerned that for the recent reasonable adjustment requests from candidates the GPs said so little and requested that the PEB gave the candidate consideration. The PEB said they understood that the GPs are busy but approving reasonable adjustments was quite a big decision and the PEB needed to know what the impact of the candidates' issues on the way they worked and on their achievement in the examination/s.</p> <p>The PEB GB said that in order to accept a reasonable adjustment request from a candidate, the PEB needed evidence and it was not unreasonable to expect that.</p> <p>The Informals agreed and asked whether there was an option not to have the explicit declaration, but request that the candidate's letter from their GP must explain how their health issue would impact their performance.</p> <p>The PEB responded that they would rather have the declaration and there was guidance about this for candidates on the PEB website. Requests for reasonable adjustment were dealt with on a case by case basis by the PEB.</p> <p>The PEB explained that all the evidence provided to request for reasonable adjustments was considered very carefully over a number of days. This was to ensure that the candidates requesting reasonable adjustments had no unfair advantage over the candidates who were not requesting</p>	

<p>reasonable adjustments. The evidence needed to be correct and documented.</p> <p>PEB mentioned that some of the applications for reasonable adjustments were straight forward compared to others and it was clear when the candidates had read the guidance. It became a concern to the PEB when the applications were insufficient because it made it very difficult to ensure fairness for all candidates.</p> <p>The PEB GB said that this was a more difficult process than a University because there was no specific office to provide a detailed report back to the academic department on reasonable adjustments. This was more difficult because it was the candidates' responsibility to find someone who could provide something that could be considered by the PEB.</p> <p>The PEB GB said that the PEB expected the declaration from the professional but there may be extenuating circumstances where the declaration may not be provided or refused by the GP.</p> <p>The PEB responded that if the GP refused to provide the declaration or it was not there, the PEB would look at the requests on a case by case basis if there was other sufficient evidence to be considered.</p> <p>The Informals queried whether it was not an automatic 'no' if the declaration was not there as GPs were very busy and it was difficult to get them to read the requirements and provide the declaration. Candidates normally pay £30-£40 to get the letter and if the declaration was not in the letter from the GP, it was unlikely that candidates would pay a second time to get the letter. The Informals said the PEB having the awareness that it was not easy to get the declaration and there was some consideration around that, would be good.</p> <p>The PEB responded that it was not an automatic 'no' or the application was refused based on an admin error, but the PEB would be more comfortable with the receipt of a declaration. No application would be refused solely because the declaration was missing but it would be refused if the evidence provided by the candidate was insufficient.</p> <p>The PEB GB said that on the whole, the PEB would want to hold the line.</p> <p>The Informals responded that they would reply to the candidate concerned that PEB needed to have the evidence and confirmation that reasonable adjustments was needed for it to be considered.</p> <p>The PEB reiterated that all candidates' who have asked for reasonable adjustments to be provided had their evidence considered very carefully by the PEB even if the reasonable adjustment had been requested before.</p> <p><b><u>Question 2</u></b></p> <p>The Informals told the Committee that a candidate was concerned about the timing of the PEB reasonable adjustment process. If a request was rejected mid-September for example, it did not give the candidate a long</p>	
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	<p>period of time to appeal the decision, obtain further evidence or adjust their exam technique for the examination. The Informals asked whether there was any potential in the future to have these decisions made earlier by the PEB. Or if candidates needed to provide further evidence, could the PEB communicate this to them.</p> <p>The PEB responded that as in previous years, in the pre-registration information published in June, the PEB put in all the key dates. In the pre-registration information where it told candidates that the deadline for reasonable adjustment requests was the 31 August. Applications for reasonable adjustments were looked at as soon as possible even before the deadline elapsed. The PEB was looking at about 56 reasonable adjustment requests in 2022 and a lot of work was done to get through all the evidence provided and consider it for each case.</p> <p>The PEB contacted candidates as soon as possible if further information was required and it had not been a problem in the past. Some candidates where their request was straightforward, got a letter before September. It was only when the case was more complex or the PEB needed further information from the candidate that there could be a delay in providing a decision.</p> <p>The Informals agreed that the time in which the PEB dealt with the reasonable adjustments was a reasonable timeline considering the workload associated with the reasonable adjustments requests, as well as the examinations administration more generally. However, they had to raise the concern that had been brought to them so they could reply to the candidate concerned.</p> <p>One of the Informals suggested that in future whether they should put out a blog post to advise candidates when they could start applying for reasonable adjustments. Telling candidates not to wait for the PEB deadline to submit the request and the applications would be looked at by the PEB as soon as possible.</p> <p>The PEB responded that it was not always possible to look at the requests as soon as possible. It would mean moving the deadline in the operational PEB schedule to mid-August. It needed a bit of thinking about if the deadline would be moving in the operational schedule.</p> <p>The PEB mentioned that they had received a few requests for reasonable adjustments early and had looked at them already. However, it would be a good idea to send out a blog that said registration for the examinations were open in June and it was a good time for candidates to start requesting for reasonable adjustments for their examination/s if needed. With the PEB schedule in place, the PEB cannot consider them before the deadline of 31<sup>st</sup> August. Candidates should follow the guidance on the PEB website, get themselves prepared to send in their application for reasonable adjustments in to the PEB with the necessary evidence early, and not wait till the deadline.</p>	<p><b>Informals</b></p>
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	<p>The Informals said they would add to the arsenal of standard blogs that go out to candidates every year. Maybe send a blog out when registrations open saying when the deadline is and encourage candidates to apply for reasonable adjustments early.</p> <p><b><u>Deadlines</u></b></p> <p>The PEB mentioned that they were still being sent emails by candidates with details of their designated contact and requests to change the venue of their examinations very late. It was not for extenuating circumstances, it was more because the candidates had missed the PEB deadline for the information needed.</p> <p>The Informals said this reason seemed unacceptable considering the entire profession was based on deadlines. EQE were very strict regarding candidates' deadlines.</p> <p>The PEB said this was difficult to manage because they could not move on to the next stage of the PEB operational process.</p> <p>One of the Informals said that the PEB was perceived by candidates that they would bend over backwards if a deadline was missed. If a deadline for the EQEs was missed, the candidate will not be able to attempt the examination. PEB said that this was frustrating for them and candidates who had been organised and submitted information on time. The PEB had received 60 emails on the day of the meeting. It meant that the PEB would be busy doing work from candidates who are submitting information late and did not have enough time to deal with candidates who had genuine issues.</p> <p>PEB staff found themselves logging on when they are on holiday or on the weekend to deal with candidate queries. So if candidates did as they were asked, things would run more smoothly and extra hours of work would not be required.</p> <p>The Informals suggested that it should be communicated to candidates that the PEB deadlines were hard deadlines and they needed to meet the deadlines.</p> <p>PEB GB said it would give PEB more time to deal with the genuine issues.</p> <p>One of the Informals said that finding Designated Contacts were hard for the 2022 FD examinations because people were on holiday for half term.</p> <p>PEB GB responded that it was still an issue of needing to start early and not wait till the day before the deadline.</p> <p>The PEB said that the half term could not be avoided this year as there was a lot of religious holidays in October 2022.</p>	<p><b>NO ACTION</b></p>
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<p><b>c</b></p>	<p><b><i>Model Answers for FD1 (Part B), FD2 and FD3</i></b></p> <p>The Informals requested model answers for papers FD1 Part b questions, FD2 and FD3 in the same way that there were model answers for FD4 for maybe for next year.</p> <p>PEB GB responded that they were not sure of the history as to why they are not available.</p> <p>The PEB responded that the person who did the FD4 model answers volunteered to this and it was encouraged by the PEB at the time. Model answers were not always as useful as people thought as they only showed one way of approaching the question and other approaches may be equally acceptable so they have their limitations.</p> <p>One member of the PEB GB agreed and said they had previous experience where model answers became the only right answer in the mind of the candidates which stifled more creative thinking and established an orthodox which was not necessarily helpful.</p> <p>One of the Informals suggested the publication of a best candidate answer (providing the answer of the candidate that scored the highest mark) which was not produced by the PEB.</p> <p>The PEB responded that they had to request candidate's permission to use it.</p> <p>The PEB GB said it was still only one approach and candidates might replicate it when they could have a better answer. One of the Informals said the issue was that the comparing the answer to the mark scheme was all that was available.</p> <p>The PEB said there were also sample scripts with typed up annotations which included a pass, a better pass and a very good pass which was useful to candidates.</p> <p>One member of the PEB GB suggested that maybe the PEB could ask the candidate with the highest mark whether they could publish their script.</p> <p>The PEB responded that they had asked candidates before to publish their answers and they said no as they would not want to be identified because of the prize giving which was to a small group of candidates.</p> <p>PEB responded that they remembered having a little bit of concern about the limitations of model answers. The FD4 model answer was published with a covering note to say that "it's only one approach" One of the Informals said they were against taking things away from candidates. If it was there on the website and not doing any harm it was fine.</p> <p>One member of the PEB GB said that sample scripts are really where the value lies as the differences are highlighted for a bare pass, a pass and a good pass. If candidates were more willing a really excellent pass could be more useful than a model answer.</p>
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	<p>The PEB GB suggested that this should be discussed at a PEB GB meeting whether or not to have the FD4 model answer, clarify the position and come up with a coherent rationale for whatever is decided.</p>	<b>PEB GB</b>
<b>9</b>	<p><b>Technical questions</b></p> <p>The Informals said that they had sent a list of technical questions to the PEB and asked whether they would be answered. Or should they look at the registration information and answer them.</p> <p>PEB responded that the Informals should encourage candidates to read the documentation posted on the PEB website.</p> <p>The Informals said that they could help by putting FAQs together for the blog and PEB agreed that it would be useful.</p> <p>The Informals said there was a missing section in the Technical Information for Qualifying Candidates (Section 8.3). The PEB said they would check and amend the document.</p> <p>The Informals asked about the providing another opportunity for candidates who missed the trial.</p> <p>PEB responded that some of these candidates had already contacted the PEB.</p>	<p><b>Informals</b></p> <p><b>PEB</b></p>
<b>10.</b>	<p><b><i>Future meetings and agenda items</i></b></p> <p>A doodle poll would be sent out to members of the CCC committee to schedule the next meeting.</p>	<b>PEB</b>