



Oriel Chambers

14 Water Street, Liverpool L2 8TD

# **PUPILLAGE POLICY DOCUMENT**

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## **Introduction**

This Pupillage Policy Document has been compiled after consideration of the Bar Standards Board Guidelines for Approved Training Organisations (“BSB Guidelines”), the Pupillage Handbook September 2014, the BSB Handbook (2<sup>nd</sup> Edition) April 2015 and the BSB Handbook Equality Rules and is intended to comprise Chambers’ Pupillage Document and Chambers’ policies and procedures relevant to pupillage.

## 1 Responsibility for Pupillage Matters

- 1.1 The Pupillage Committee shall have general responsibility for pupillage matters in Chambers.
- 1.2 The Pupillage Committee shall comprise no fewer than four and no more than seven Members of Chambers, of whom at least two shall be female and at least two shall be male. In addition to gender, the Pupillage Committee should, so far as possible, include persons of different age and different social, racial and cultural background.
- 1.3 The members of the Pupillage Committee are appointed by the Head of Chambers who will appoint one member to chair the Committee. The chair so appointed will automatically become Chambers' Director of Pupil Training for the purposes of overseeing pupillage arrangements in Chambers on a day to day basis. The Committee will from time to time appoint one of its number to be Secretary to the Pupillage Committee.
- 1.4 The responsibility for any individual current pupil in Chambers is that of that pupil's pupil supervisor(s), where necessary in consultation with the Pupillage Committee. The Head of Chambers is ultimately responsible for pupils in Chambers.
- 1.5 Where discussions or decisions are to take place concerning current pupils in Chambers, the relevant pupil supervisor(s) shall provide a written contribution or, when requested to do so by the Pupillage Committee, attend the relevant Pupillage Committee meeting or meetings, either in person or by telephone.
- 1.6 The Chambers Director shall attend Pupillage Committee meetings where possible.

- 1.7 Decisions of the Pupillage Committee are taken by simple majority vote. In the event of a tie on any particular issue, the matter shall be referred to the Management Committee for decision.
- 1.8 Members of the Pupillage Committee should be familiar with the Equality and Diversity Code for the Bar and the applicable procedures and selection criteria. All members of the Committee should be trained in recruitment practice and/or have received formal equality and diversity training. Without limitation:
- 1.8.1 Save in exceptional circumstances, from 1<sup>st</sup> January 2013 the Head of the Pupillage Committee and at least one member of the selection panel (who may be the same person) will have received recent and appropriate training in fair recruitment and selection processes.
- 1.8.2 From 1<sup>st</sup> July 2014, save in exceptional circumstances, every member of any selection panel for pupillage will be trained in fair recruitment and selection processes.
- 1.8.3 Every member of any selection panel, save in exceptional circumstances, should have read Chapter 2 (Avoiding Bias) of the Bar Council's Fair Selection and Recruitment Guidance.

## 2 Pupil Recruitment and Junior Tenancy Recruitment following Pupillage

- 2.1 The number of pupillages to be offered in any one year shall be determined by the Management Committee and notified to the Pupillage Committee at least two calendar years prior to the anticipated start month of the pupillage(s) in question. The purpose of the advance notice is to give sufficient opportunity to advertise the pupillage in the form required by the BSB regulations.
- 2.2 Chambers does not generally offer 6 month pupillages, whether first or second six, nor is a third six generally offered. Very occasionally a pupil, who has completed a 12 month pupillage and is under active consideration for a tenancy, may be granted a third six. This is very much the exception rather than the rule.
- 2.3 The reason and logic behind Chambers' policy of offering 12 month and not 6 month pupillages is that there is an almost invariable practice of recruitment of the most junior Members of Chambers from those who have completed a full pupillage and period of assessment within Chambers. Chambers does not generally consider third six pupils from elsewhere. In the event that the Management Committee advises of an opening for a third six pupil from elsewhere, such opening shall be advertised on Chambers' website.
- 2.4 All pupillages are offered with a view to active consideration of suitability for a tenancy at the end of the year. This is not intended and must not be taken as a representation that there is any guarantee or policy that a tenancy will be offered to any individual pupil in any one year. Prospective pupils are unequivocally told of that fact at first interview and in addition they are informed of the Chambers' selection procedure.

- 2.5 Should Chambers ever consider that, regardless of prospective merit, there would be no possibility of a tenancy being granted during any one year, Chambers would not advertise for any pupils whose 12 month pupillage would normally be completed during that year.
- 2.6 It is recognised that, where appropriate and in the context of any relevant decision of the Qualifications Committee of the BSB, a part-time pupillage can exceptionally be acceptable. Any such request made to Chambers will be dealt with on a case by case basis to be determined by the Management Committee in consultation with the Pupillage Committee.



### 3 Finance Available to Pupils

- 3.1 Chambers currently offers a pupillage award of £1,000 per month gross for the first 6 months of pupillage (a total of £6,000) and guaranteed received earnings of £1,666.66 gross average per month net of VAT in the second 6 months and third six months if applicable. This is in excess of the minimum level of funding laid down by the Pupillage Funding and Advertising Rules. Finance so offered is intended to cover all additional expenses incurred during pupillage, save for travel in the first six months, but Chambers will in addition cover the incurred fees of all compulsory pupillage courses. In the first six months, reasonable and necessary travel expenses incurred for the purposes of pupillage, not including travel between home and Chambers, are also reimbursable on the presumption that the least expensive form of travel, which still permits the pupil to attend where and when required or due to do so, will be utilised. Any claim for travel expenses and/or additional expenditure incurred by any pupil shall be considered in the first instance by the Chambers Director and, in the event of a dispute, shall be referred to the Pupillage Committee which will decide entitlement in accordance with the Bar Council requirements for the funding of pupillage. In the second six months, the guaranteed gross average monthly earnings figure is intended to include travel expenses for the purposes of pupillage during that month and no additional travel expenses will be claimable over and above that guaranteed sum.
- 3.2 This award is paid in monthly instalments in arrears unless, at the discretion of the Pupillage Committee, it is agreed to be paid monthly in advance. In the event of severe financial hardship, a pupil may approach his/her Pupil Supervisor or Chambers Director.

- 3.3 Chambers adopts the Bar Standards Board's analysis of *Edmonds v Lawson* [2000] QB 501 CA in relation to the application of the National Minimum Wage Act 1998 and National Minimum Wage Regulations 1999 to payments to pupils.

#### 4 Procedure for the Selection of Pupils

- 4.1 Subject to paragraph 4.3, the Pupillage Committee carries out the selection of all pupils for Chambers, in accordance with this policy document. Members of Chambers are not entitled to select pupils individually.
- 4.2 The procedure for the selection of pupils will be carried out fairly, regardless of age, gender reassignment, marital status (including civil partnerships), pregnancy and maternity, race (including colour, nationality and ethnic or national origin), religion or belief, sex, sexual orientation, political affiliation, socio-economic background, or (subject to the physical requirements of the selection process, pupillage and/or practice) disability. Where the Pupillage Committee considers that the physical requirements of the selection process, pupillage and/or practice may be a bar to such selection it will consider fully, in consultation with the Equality and Diversity Committee, whether reasonable adjustments can be made to overcome the difficulties caused by the disability of the applicant and, if necessary, advise the Management Committee of any adjustments which it feels could reasonably be made to remove any such bar.
- 4.3 Paragraph 4 of this policy shall not apply to applications for tenancy in Chambers subject to satisfactory completion of pupillage made in accordance with Chambers' Policy on Recruitment of Tenants.

#### **Advertisements**

- 4.4 Except as allowed by rule C117, all pupillage vacancies will be advertised on Chambers' website and on the Bar Council designated website and may be further advertised in such other way as shall from time to time be decided by the Pupillage Committee, always provided that such other way is authorised by the Bar Council and/or the Bar

Standards Board and is in accordance with the Pupillage Funding and Advertising Rules. The timetable for processing applications is included within any advertisement. Further, advertisements contain clear and accurate information about the areas of work undertaken by Chambers and information about any awards or financial arrangements made for pupils and such other matters as required from time to time by the BSB rules on advertising.

**Applications for pupillage** (*applicants not satisfying the exemption criteria set out in rule C117*).

4.4.1 The Pupillage Committee will from time to time decide whether it is in Chambers' interests either to participate in the Pupillage Gateway online application system or not.

4.4.2 If Chambers is currently participating in the Pupillage Gateway, it will comply with the requirements, rules and timetable of the Pupillage Gateway scheme.

4.4.3 If Chambers is not currently participating in the Pupillage Gateway, applications for pupillage must be made by using the application form downloadable from Chambers' website, or in such other way as may be from time to time be agreed by the Pupillage Committee. Reasonable adjustments will be made to the normal application process where they are required for disabled candidates.

4.4.4 If Chambers is not currently participating in the Pupillage Gateway, it will nevertheless further comply with the rules for pupillage applications contained in the BSB handbook and Pupillage Handbook. In all other respects third six applications from a person not already a pupil in Chambers shall be dealt with in accordance with this policy, save that in respect of any such application the Head of Chambers and the Management

Committee shall be entitled to make a recommendation to the Pupillage Committee as to whether it is appropriate to take on a third six month pupil.

4.4.5 Monitoring information dealing with ethnic origin, gender, marital status, sexual orientation, political affiliation, religion, age or (subject to the physical requirements of practice) disability of applicants etc is not passed onto short-listers or to members of the interviewing panel until the selection process has been completed.

4.4.6 Tina Moss or any successor to her receives all applications and applicants are informed of any decision taken upon their applications as soon as is reasonably practicable.

4.4.7 At least 3 members of the Pupillage Committee are given a copy of each application form (which has names, address, gender, ethnic origin, age and university details blanked out) and of a blank scoresheet to enable him/her to score the application against pre-determined criteria as described below.

4.4.8 Those Members score each application independently of each other. They then meet and, by reference to the combined scores achieved by each candidate, determine which, and how many, applicants will be invited to attend for first interview.

4.4.9 Those selected for interview are contacted to arrange a date and time for their interview and are sent an Equality and Diversity Monitoring Form, prior to interview.

**4.5 Applications from individuals who satisfy the exemption criteria within rule C117.**

4.5.1 Any application for pupillage made within rule C117 aforesaid shall be dealt with as follows:-

- 4.5.2 Any such application shall be passed by the Chambers Director to the Head of Chambers as soon as is practicable after it is received.
- 4.5.3 On receipt, the Head of Chambers shall consider the application in consultation with the Pupillage Committee and Management Committee as soon as is practicable.
- 4.5.4 If the Head of Chambers, Management Committee and Pupillage Committee resolve that the application is deserving of further consideration an interview panel will be appointed in accordance with this policy. The applicant will be invited to attend for first interview and considered for offer of pupillage in accordance with this Policy Document.

#### 4.6 **Selection Criteria**

- 4.6.1 In scoring the applications the members of the Pupillage Committee take into account the fact that the work undertaken by Chambers is both legally and factually challenging. Consequently they take into account that a successful applicant will need to demonstrate a high intellectual and practical ability. The members shall always bear in mind that degree and CPE results are not the sole reflection of an applicant's intellectual ability and give weight to other information supplied by an applicant which may demonstrate that the applicant has such ability.
- 4.6.2 The criteria for scoring when selecting candidates for first interview and at interview shall be:-
- 4.6.2.1 Ability (including intellectual ability).

4.6.2.2 Interpersonal and communication skills (including life outside the Bar).

4.6.2.3 Motivation.

4.6.3 Applicants selected for first interview will have a minimum degree classification of 2(i) unless exceptional circumstances are established.

#### 4.7 **Interview**

4.7.1 A copy of the selection criteria shall be provided prior to interview.

4.7.2 Reasonable adjustments shall be made to ensure that disabled candidates shall not be at a disadvantage during interview.

4.7.3 All interview applicants are interviewed by a panel comprising at least 3 members of the Pupillage Committee, including at least 1 member of each sex and 1 member of the short-listing panel. In the exceptional circumstance of an insufficient number of members of the Pupillage Committee being available to conduct the interviews the Head of Chambers may appoint a suitable replacement /replacements from other Members of Chambers. The Chambers Director shall where possible attend any interview.

4.7.4 All first interviews are conducted in one week, if practicable.

4.7.5 For the purposes of the interview each member of the panel is provided in advance with a copy of each original Application Form.

4.7.6 Members of the Pupillage Committee, or solely the panel if so authorised by the Pupillage Committee, discuss and, where

necessary, agree the interview format, including contents and allocation of questions and/or practical exercises and the guidelines for scoring and decision making before the round of interviews begins.

- 4.7.7 Where issues of selection between applicants fall to be considered, the panel should not include any relative or close friend of the candidates. In the case of an individual application being considered under section 4.5 of this policy, the panel may include Members of Chambers known professionally to the applicant, subject to the right of the applicant to be notified of the same in advance and to make known any objections to this being the case.
- 4.7.8 Irrelevant questions, such as personal questions in relation to family and personal background should be avoided. However, disabled candidates should be asked what, if any, adjustments may be needed to enable the candidate to practise as a barrister.
- 4.7.9 Each applicant is asked broadly similar questions during any interview. Usually there is no requirement to undertake any form of writing test or written assessment. Each applicant is informed of Chambers' selection procedure.
- 4.7.10 Each applicant is encouraged to ask questions of the panel.
- 4.7.11 In the event of the panel determining that a second interview is appropriate, this is arranged to be held as soon as is practicable. The panel for the second interview may comprise the same members as for the first interview (subject to availability) and/or any other member of the Pupillage Committee.
- 4.7.12 At the end of any round of interviews, an assessment is made by the panel and if it is decided to offer a pupillage to an applicant a



recommendation to that effect is passed to the Head of Chambers and acted upon by him/her. Decisions of the panel are taken by simple majority vote.

4.7.13 The offer of pupillage will contain:

4.7.13.1 The date of commencement;

4.7.13.2 Details of the supervision arrangements (including the pupil supervisor's identity where known);

4.7.13.3 Details of the award to be made to the pupil;

4.7.13.4 A copy of the Pupillage Policy; and

4.7.13.5 Such other information as the BSB may from time to time require.

4.7.14 Any offer of pupillage will be conditional upon the offeree having passed the Bar Vocational Course or the Bar Professional Training Course prior to the offered date of commencement of the pupillage or, where appropriate, upon the offeree providing confirmation of compliance with any other conditions specific to the offeree laid down by the Bar Council and/or the Bar Standards Board. Such an offer will also be conditional upon the offeree providing formal proof of identification, eg birth certificate, passport, driving licence photocard or equivalent.

4.7.15 Unsuccessful applicants are informed in writing of the decision of the Pupillage Committee as soon as is practicable after completion of the interviews, subject to the Bar Standards Board Guidance and/or rules. In practice, notification cannot be given until the

offers are made, which happens as soon as is permissible under the above rules. Even then, certain candidates may be on a 'reserve' list in case an offer is rejected, in which case he or she cannot be notified until a response is received to the offer(s) made.

- 4.7.16 When references are requested, the referee shall be asked to supply information that relates strictly to the selection criteria. Referees should be directed as to the selection criteria being applied and the type of information which is sought from them in any event. References are only used (if at all) in the final check on the selected candidate.
- 4.7.17 Once Chambers has made an offer of pupillage to a prospective pupil that place is held open in accordance with the Pupillage Handbook, namely 14 days. Pupils subsequently rejecting an offer of pupillage that they have already accepted will be reported to their Inn if they do not provide Chambers with a valid reason for doing so.
- 4.7.18 All documents relating to selection decisions are retained by the Secretary to the Pupillage Committee for a period of 24 months.
- 4.7.19 Selection monitoring data is analysed by the Chambers' Equality and Diversity Committee after each recruitment exercise. The analysis will include:- applications received, candidates short-listed, candidates successful at interviews, and will test the data against Chambers' commitment to equality and diversity as set out in paragraph 4.2 of this Policy.
- 4.7.20 Candidates will be asked to complete monitoring forms to enable Chambers to review its performance by reference to reliable statistic.

5 Conduct of Pupillage: Role and Duties of Pupils in Chambers/General Pattern of Pupillage; Roles and Duties of Pupil Supervisors

5.1 Chambers is a combined civil, commercial, employment, family, criminal and general common law set. Recruitment of pupils is intended to perpetuate and build upon that level of diversity of specialisation, dependant upon Chambers' needs and requirements at any one time.

5.2 Pupils must register their pupillage with the Bar Standards Board on the prescribed form by the prescribed deadline. The names of all relevant pupil supervisors will be made available to pupils for the purposes of such registration. Any changes in pupillage must be notified to the Bar Standards Board on the prescribed form and in the prescribed manner.

5.3 At the commencement of pupillage each pupil is given a copy of this Policy Document, the Equality & Diversity Policy, the Harassment Policy and any other policy relevant to pupillage together with the pupillage file including the appropriate checklists. Attention is accordingly drawn to the grievance policy contained herein and to the BSB Handbook (incorporating the Code of Conduct). Relevant resources generally are available at:-

<http://www.barstandardsboard.org.uk>

5.4 It is Chambers' policy to assign any one pupil to one pupil supervisor who has overall responsibility for the pupil throughout his/her pupillage. Chambers believes that this provides the appropriate level of supervision and continuity needed for a rounded pupillage.

5.5 The Pupillage Committee shall, in consultation with the Head of Chambers, consider and approve all new pupil supervisors in Chambers. All pupil supervisors will be approved by his/her Inn, will have attended a training session for pupil supervisors and will have current BSB accreditation. Chambers is aware of the need for full re-accreditation

after 5 years and for refresher training after 3 years without a pupil. Pupil supervisors will be aware of the relevant guidance in the Pupillage Handbook. The Pupillage Committee shall, following consultation with the Head of Chambers, allocate particular pupils to particular pupil supervisors.

- 5.6 Pupils are required to undertake only that which is conducive to the pupil's own training and development and are not required to carry out duties or follow instructions which go beyond that objective.
- 5.7 During both periods of pupillage, pupils have use of the "Pupil's Room" and its computers (subject to Members of Chambers having priority if required). They do not have the use of the staff other than in respect of professional work on which they are instructed. Private letters should not be put into the Chambers' post. Pupils shall require authorisation from their pupil supervisor or Chambers Director to use Chambers' letterhead or similar. Pupils will have access to the library and communal computing facilities. Pupils must adhere to the library rules and comply with any IT policy in force from time to time.
- 5.8 Pupils are expected to adhere to the same standard of professional conduct and dress as all tenants and practising members of the Bar, to include such professional dress codes and/or Practice Directions or official guidance as is currently in force at any one time.
- 5.9 Continued pupillage in Chambers is subject to and governed by the Pupil Disciplinary Code at Annex A hereto.
- 5.10 Pupil supervisors are responsible for ensuring that arrangements are made for their pupil(s) when any pupil is not working with or for the supervisor, in particular in terms of ensuring, if appropriate, that alternative work is organised for the pupil(s) with or for other Members of Chambers
- 5.11 Chambers operates a "Pupil Buddy" scheme for successful applicants. Pupil buddies provide an informal point of contact with Chambers for

pupils between accepting their offer of pupillage and commencing pupillage.

### **First Six Months**

5.11.1 An induction in line with Chapter 10 of the Pupillage Handbook will be provided to all pupils on commencement of pupillage.

5.11.2 In the first six months, the pupil's duties will not be limited to or confined to the work of their individual pupil supervisor(s). The pupil will be invited and encouraged to carry out work for other Members of Chambers and, where appropriate, to gain experience of a broad spread of work, to include criminal, commercial, employment, family and civil work.

5.11.3 The pupil supervisor has a responsibility for ensuring that his/her pupil covers appropriate work, so far as is practicable, to enable completion of the relevant parts of the pupillage checklists, namely the four core skills and one additional specialist area. Mandatory competences must be demonstrated, for example by maintaining a written record of relevant work done and issues considered, completing written work generally and also in connection with the pupil supervisor's case load, in house advocacy sessions, observation of a pupil at court, active involvement in the preparation for conferences. Pupil supervisors are aware of the importance of written and oral feedback on work done or competences demonstrated.

5.11.4 It is each pupil's responsibility to submit a copy of their completed checklists to the Bar Standards Board. Such checklists must be countersigned by the relevant pupil

supervisor, the Head of Chambers, the Director of Pupil Training and any additional formal supervisors. Copies of all checklists must be provided to the Secretary to the Pupillage Committee and will be retained for three years.

5.11.5 During the last month of the first six months pupils are encouraged regularly to attend Magistrates, County and Crown Courts with a junior Member of Chambers (in addition to other Court Attendance) with a view to acquiring specific knowledge of the nature of the work and advocacy that may be required of them in the second six months.

5.11.6 On completion of the first six, pupils must submit in an approved manner to the Bar Standards Board a satisfactorily completed certificate verifying completion of the first six and must register a second six with the Bar Standards Board. The certificate must be signed by the relevant pupil supervisor but will not be so signed prior to obtaining the agreement of the relevant members of the Pupillage Committee following satisfactory completion of the pupil's first formal assessment (see paragraph 5.13.1). If the relevant pupil supervisor is not available to sign the certificate and this is explained thereon, the Head of Chambers or Director of Pupil Training may sign in their absence. No pupil will have rights of audience until they are in receipt of a confirmatory email from the Bar Standards Board to that effect or a Provisional Qualification Certificate ('PQC'), whichever is the sooner. The pupil shall file copies of any email and the PQC with the Secretary to the Pupillage Committee upon receipt.

### **Second Six Months**

5.11.7 Pupils remain attached to the same pupil supervisor as in the first six months.

- 5.11.8 Before a pupil can exercise rights of audience they must be in possession of the confirmatory email or PQC referred to in paragraph 5.11.6 above. No hearings will be allocated to second six pupils not entitled to exercise rights of audience. Second six pupils must also register with the office of the Information Commissioner.
- 5.11.9 Pupil supervisors will keep a watching brief on their pupil(s) in the second six and provide them with such assistance as may be required, to include discussing matters with any pupil and/or liaising with Chambers Director or Chambers Manager as appropriate.
- 5.11.10 It is Chambers policy that whilst a pupil will undertake work on his/her own behalf during the second six months he/she remains a pupil, with the duties of such and that the pupil supervisor carries out his/her duties in relation to the pupil. No Chambers' rent or other Chambers' expenses are payable by the pupil during the second 6 months of pupillage.
- 5.11.11 The pupil supervisor's responsibility in relation to the pupillage checklist remains as in 5.11.3 above and he/she is responsible for ensuring that such other forms and records relating to pupillage as may from time to time be required by the Bar Council and/or the Bar Standards Board and/or the Inns of Court are maintained and completed on time. It is each pupil's responsibility to submit their completed checklist and a certificate of satisfactory completion of the second six pupillage to the Bar Standards Board.
- 5.11.12 The PQC issued at the commencement of the second six will only permit a pupil to practise from these Chambers when

accompanied by the permission of the relevant pupil supervisor or the Head of Chambers.

5.11.13 Any ‘devilling’ of work requested by a Member of Chambers can be charged for by the pupil at a fee to be agreed in advance in consultation with Chambers Director or Chambers Manager, to be payable by the Member of Chambers. A decision by a pupil not to ‘devil’ a piece of work will not be taken into account when tenancy is considered.

5.11.14 Chambers Manager will monitor and record in writing any positive or negative feedback from Solicitors/lay clients in respect of any work undertaken and report back to the pupil supervisor concerned and the Pupillage Committee. Similar considerations apply to any paperwork which may be given to a pupil in his or her own right, pupil supervisors being expected to assist, review and monitor before such work is sent out. Where possible the pupil will be observed in court and/or conference by the pupil supervisor or another Member of Chambers.

### **Appraisal / Assessments / Decision on tenancy**

5.11.15 Chambers acknowledges that the standard of performance which a pupil’s work must achieve is the standard at which the work (whether oral advocacy or written work) professionally addresses all the points raised and is capable of rendering a real and valuable service to the client. To that end, pupils are provided with objective appraisals of their progress by their pupil supervisor and by the Pupillage Committee throughout their pupillage. Those appraisals will be conducted as follows:



**(i) Pupil supervisor appraisals**

These will take place towards the end of a pupil's third, sixth, ninth and twelfth month in pupillage and will be recorded on the Pupil Supervisor Appraisal Form at Annex B hereto. A copy of the form should be provided to the Pupillage Committee.

**(ii) Pupil self-appraisals**

Pupils should prepare for each pupil supervisor appraisal using the Pupil Self-Appraisal Form at Annex D hereto. A copy of the form should be provided to the Pupillage Committee.

**(iii) Pupillage Committee appraisals**

These will take place before the end of the sixth month and the ninth month of pupillage but after the relevant pupil supervisor appraisal. Two or more representatives of the Pupillage Committee shall, following consultation with the relevant pupil supervisor, provide the pupil with an assessment of the pupil's progress. Written material provided to the Pupillage Committee for such assessments shall comprise all preceding Pupil Supervisor Appraisal Forms and Pupil Self-Appraisal Forms and any completed Pupil Feedback Forms at Annex C hereto. The assessment should, as far as possible, make reference to all the relevant criteria drawn from those forms. The Pupil Feedback Form will be distributed to Members of Chambers, Chambers' Director and Chambers' Manager in good time to be returned

in advance of the Pupillage Committee appraisal. Return of the form, whilst not mandatory, is strongly encouraged.

**(iv) The sixth month appraisal**

The pupil supervisor must ensure that the Pupillage Committee agrees and is able to conduct the sixth month appraisal in good time so as thereafter to allow timely signature and sending of the relevant certificate to the Bar Standards Board.

**(v) The ninth month appraisal**

Should the ninth month assessment reveal a significant risk that a tenancy will not be offered after pupillage, the pupil will be so informed, although it must be understood that the absence of such a warning is not a promise or guarantee of an offer of tenancy.

**(vi) Summary**

A summary of the appraisal structure is at Annex E hereto.

## **Tenancy Decision and Acceptance of an Offer of Tenancy**

5.11.16 The Head of Chambers following consultation with the Members of the Pupillage Committee, the Management Committee and Chambers Director makes the decision whether or not to offer a tenancy to the pupil. The following steps should be taken before a decision on tenancy is made:

- (i) Towards the end of the second six the pupil supervisor, members of the Pupillage Committee, the Chambers Director, the Chambers Manager, Members of Chambers and any other parties whose views would be of benefit for the purposes of deciding whether to make an offer of tenancy shall be asked to record their assessment of any pupil in writing on, or as against the criteria on, the Pupil Feedback Form.
- (ii) Discussion may also take place between Members of the Pupillage Committee and the aforesaid individuals.
- (iii) The Committee is also given details of the record maintained by the Chambers Manager referred to at 5.12.8 above.
- (iv) All recorded opinions regarding the suitability of any given pupil are kept for a minimum period of 12 months.

5.11.17 No offer of tenancy shall be deemed accepted until written acceptance is received or the offeree has signed the Schedule to Chambers' Constitution.

5.11.18 Any pupil accepting an offer of tenancy and intending to practise as a barrister should be in receipt of a Full Qualification Certificate from the Bar Standards Board and must return to the Bar Standards Board a completed Notification of Status form.

5.11.19 Professional indemnity insurance cover of any pupil under the relevant pupil supervisor's own insurance does not extend beyond the end of pupillage and thereafter the obtaining of

mandatory insurance cover is each individual's own responsibility.

### **Third Six Months**

- 5.11.20 The pupil will be allocated a Pupil Supervisor.
- 5.11.21 Paragraphs 5.12.2 to 5.12.8 and 5.13.2 to 5.13.5 shall apply to a third six as if it were a second six.
- 5.11.22 Third six pupils are provided with an objective appraisal of their progress by their pupil supervisor at the midpoint and end of the third six months recording the substance of the appraisal on the Appraisal Form annexed hereto. Pupils are encouraged to prepare for each appraisal using the Preparation Form also annexed hereto. Further two or more representatives of the Pupillage Committee shall, following consultation with the Pupil Supervisor, provide an assessment of the pupil's progress at the midpoint of the third six month period. Written material provided for this assessment should be contained on the Pupil Assessment Form annexed hereto or should, as far as is possible, make reference to all relevant criteria drawn from that form. Should this assessment reveal a significant risk that a tenancy will not be offered at the end of this third six month period, the pupil will be so informed – although it must be understood that the absence of such a warning is not a promise, express or implied, of a tenancy.

### **Hours, Holidays and Sickness**

- 5.11.23 Under the Working Time Regulations 1998, pupils are entitled to 4 weeks (20 days) leave per annum (after having been in pupillage for 13 weeks). This period excludes Bank

Holidays and periods when Chambers is closed. Any period longer than 10 days during the non-practising six months and any longer than 10 days during the practising six months must be made up by an equivalent extra period at the end of that particular part of pupillage. Longer periods of leave generally require permission from the Qualifications Committee and must be compensated for by an extension of the overall period of pupillage. Pupillage is full time and (other than for a Third Six) for 12 calendar months. Pupils are required to be present in Chambers, or otherwise engaged on pupillage activities, for at least 35 hours per week, but for no longer than 48 hours per week.

- 5.11.24 All holidays must be agreed in advance with (a) the pupil's pupil supervisor and (b) Chambers Director or Chambers Manager.
- 5.11.23 If a pupil has more than 5 days sick leave in either six month period of pupillage, their pupillage must be extended by the period of absence.
- 5.11.24 A pupil must notify the Bar Standards Board on the prescribed form of any extension in the period of pupillage due to holidays or sickness.

6. Policy and Procedure for Pupils Not Taken On as Tenants

Squatting is discouraged. Subject to any action taken pursuant to clause 10 of the Pupil Disciplinary Code (see Annex A), for those pupils not taken on, pupil supervisors and Members of Chambers generally and Chambers Director may assist so far as is possible in recommending and investigating whether other opportunities exist elsewhere.

7. Mini-Pupillage

7.1 Chambers offers mini-pupillages pursuant to the Mini-Pupillage Policy at Annex F hereto.

## 8. Grievance Procedure for Pupils

- 8.1 At the first instance a pupil should feel entitled to discuss any private concerns with his or her pupil supervisor.
- 8.2 Any such discussion between pupil and pupil supervisor is viewed as a matter of confidence between them and shall not without the other's agreement be discussed with any other Member of Chambers nor any action taken save and except the matter may be communicated to the Head of Chambers in the exceptional circumstances set out in the next paragraph.
- 8.3 Where a pupil supervisor considers that, notwithstanding the fact that the pupil reporting to him or her would prefer the matters communicated to remain confidential between them and no action to be taken, the content of that report is of such a serious nature and/or gravity as to require a report of the conversation to be made to the Head of Chambers he or she shall not be considered to have breached that primary duty of confidence by communicating the matter to the Head of Chambers.
- 8.4 Following a report of any matter of less serious concern to a pupil supervisor it shall be the duty of that pupil supervisor to discuss the issue raised in confidence with the pupil concerned and to recommend the course of action to be taken.
- 8.5 Where a pupil supervisor feels able to resolve such a difficulty informally upon his own or her own authority within Chambers he or she may, with the pupil's agreement do so.
- 8.6 Where a pupil supervisor feels unable to do so or considers that it is not appropriate to resolve such a difficulty informally upon his/her own authority, or has attempted to do so but without success, the Head of Chambers is available to any such pupil supervisor at any time to discuss any matter raised and to assist in recommending and/or taking any



appropriate action. Any such discussion will only take place with the pupil's prior agreement.

- 8.7 Where a pupil feels unable to discuss a matter or grievance with his or her pupil supervisor then that pupil should feel free to approach any Member of the Pupillage Committee in whom he or she may repose confidence in place of his or her pupil supervisor and upon the same basis of confidentiality.
- 8.8 If resolution of the complaint is not possible the pupil should set out the grievance in writing to the Head of Chambers for investigation.
- 8.9 The ultimate authority and sanction in relation to the conduct of affairs within Chambers lies with the Head of Chambers. In any case of grievance he may take such steps as he may consider fit to deal with the matter and the formal or informal procedure appropriate.

9. Conduct of Pupillage: Equality and Diversity Code; Distribution of Work

9.1 Chambers, including all Members of Chambers and staff, recognise that there must be no discrimination against a pupil on grounds of age; gender reassignment, marital status (including civil partnerships); pregnancy and maternity; race (including colour, nationality and ethnic or national origin); religion or belief; sex; sexual orientation; political affiliation; socio-economic background or disability. Chambers complies with the requirements of the Equality and Diversity Code for the Bar.

9.2 Specifically Chambers will ensure that no pupil will be discriminated against on such grounds:-

- a) In the opportunities for training or gaining experience which are afforded or denied him or her;
- b) In the benefits, facilities or services which are afforded to him or her;
- c) In the termination of pupillage.

9.3 Any complaints of discrimination are to be addressed to the relevant pupil supervisor or alternatively to any member of the Pupillage Committee or the Equality and Diversity Committee or to the Head of Chambers.

9.4 Pupil supervisors will monitor the progress of their pupils to ensure that all pupils are given the opportunity to experience the full range of training available.

9.5 Chambers will ensure, so far as it is able to do so, that the distribution of briefs, instructions and other work amongst working pupils is carried out in a manner that is fair to all pupils and that such distribution is systematically monitored by Chambers Director who shall periodically

consider the comparisons of cases received, payments received and work billed by all pupils at any given time. A review will be carried out by the Chambers' Director and/or Chambers' manager in conjunction with the pupil supervisor during the second six to discuss the types of work the pupil has received to ensure that this is supporting their development. (See para 7 of Fair Access to Work Policy).

- 9.6 Chambers Director and Chambers Manager are directed that where Court appearances by working pupils are a regular occurrence, a system for the purpose of regulating the distribution of briefs or instructions amongst pupils is to be adopted in accordance with Chambers' Policy on Fair Access to Work at Appendix 6 of the Chambers Equality and Diversity Manual and that this is to be made known to pupils at the commencement of pupillage.
- 9.7 Chambers adopts the Guidance appended to the Code of Conduct and contained in the Equality and Diversity Code for the Bar in relation to distribution of work in Chambers as set out in the BSB Guidelines.

## 10 Records

- 10.1 Records of all applicants and documentation relating to selection decisions are retained by the Secretary to the Pupillage Committee for a period of at least 2 years. These records indicate the manner in which applications are disposed of and include all data on equality and diversity issues. Copy completed pupillage checklists, signed by both pupil and pupil supervisor, are retained in Chambers for a period of at least 3 years.
  
- 10.2 At the end of each year, the Head of Chambers submits to the Bar Council an annual return in the form prescribed by the Bar Council.

11. Dissolution

Should Chambers dissolve after the offer of a pupillage but before the completion of the pupillage, it shall be the responsibility of Chambers generally, in General Meeting, to use their best endeavours to enable the prospective pupil or the pupil to complete a pupillage within a set of Chambers which may be established following the dissolution, or to which Members of Chambers may have moved.