

# The 36 Group Pupillage Manual

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## Introduction

The 36 Group Pupillage Manual (“The Pupillage Manual”) consolidates Chambers’ Pupillage processes from advertisement to completion of Pupillage and creates a comprehensive Chambers’ Pupillage policy in line with the Section 1: *Overarching Principles* and the Bar Standards Board Professional Statement for Barristers, Curriculum and Assessment Strategy and Authorisation Framework for AETOs.

The manual does not address Mini-Pupillage which falls within the remit of the Corporate Social Responsibility group (CSR) and has its own separate processes and policy documents. However, the Head of CSR, Head of Equality and Diversity and Head of Pupillage work in unison to provide mini-pupillage opportunities and experience.

The Pupillage Committee is not responsible for applications for Tenancy from Pupils, which are made to Heads of Practice Group, but supports Pupils to ensure readiness for Tenancy applications on completion of Pupillage.

The Pupillage Manual is subject to annual review to ensure that it complies with any change to Bar Standards Board requirements, and to ensure that Chambers continues to offer optimal recruitment processes and training for prospective and current Pupils.

This Pupillage Manual and its Appendices replace the following documents:

- Appendix 11 to the Constitution: Pupils, Pupillages and the Pupillage Committee (March 2015).
- The 36 Group Pupillage Contract (October 2016).
- Pupillage Grievance Procedure (09.10.2016).
- Use of Pupils Policy (11.11.2019).
- Pupillage at the 36 Group (21.11.2019).
- Briefing Paper on Pupillage Gateway Applications (11.01.2020).
- Marking Guidance for the Paper Sift (01.02.2020).
- Pupil Appraisal Form (undated).
- Pupillage Manual (August 2020 and October 2020)

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*September 2021*

## **Section 1: Overarching Principles**

### **Aims of Pupillage**

- 1.1 The policies and procedures set out in The Pupillage Manual aim to ensure that:
- (a) Chambers is attractive to Pupillage candidates.
  - (b) Chambers encourages the widest diversity of applicants.
  - (c) The recruitment process for Pupils is rigorous and fair and offers effective accessibility to the bar.
  - (d) Offers of Pupillage are made to exceptional candidates.
  - (e) Chambers runs an effective Pupillage programme, which delivers the curriculum for Pupillage and enables Pupils to develop and demonstrate the competencies set out in the Professional Statement.
  - (f) Pupils are fully supported in their wellbeing and individual needs.
  - (g) Pupils have the financial support to complete their Pupillage without financial pressure.
  - (h) Pupils are enabled to fulfil their potential and practise at the highest standards.
  - (i) Pupils wish to apply for Tenancy with Chambers at the end of their Pupillage.

### **Transparency & Accountability**

- 1.2 Chambers' Pupillage policies and processes shall be clear and accessible to applicants, prospective applicants, Pupils, and Members of chambers. It is Chambers intention to publish the Pupillage Manual on its website so that it is freely accessible to anyone considering Pupillage with The 36 Group or any other interested party. It is currently provided to all Pupils when commencing pupillage. Any changes to the Pupillage Manual are approved by the Policies Committee, and where significant, the Executive Board
- 1.3 The Pupillage Manual is formalised to promote the Overarching Principles. No Member of chambers will offer a Pupillage using a recruitment process or funding arrangement not prescribed by The Pupillage Manual.
- 1.4 Members of Chambers can challenge any aspect of The Pupillage Manual by sending a written proposal to the Head(s) of Pupillage and Pupillage Secretary, who will place it before the Pupillage Committee for discussion. If a significant change is proposed, the Pupillage Committee will make a recommendation to the Executive Board, who will

decide whether The Pupillage Manual should be amended in line with the Member's proposal.

### **Equality & Diversity**

- 1.5 The 36 Group believes that the Bar should be a diverse profession which encourages and recruits Pupils from diverse backgrounds and personal circumstances. Chambers seeks to encourage exceptional candidates, and to recruit Pupils and Tenants solely on the basis of excellence, assessed against objective criteria. The Executive Board, Head of Pupillage, Heads of Practice Group, Head of Equality and Diversity and Head of Corporate Social Responsibility work closely together to try to achieve these aims.
  
- 1.6 Applicants for Pupillage and Tenancy shall be considered solely on merit and without regard to the applicant's sex, marital / civil partnership status, race, ethnic origin, sexual orientation, gender identity, religion, age, pregnancy or parental leave or other "protected characteristic" within the meaning of the Equality Act 2010. The only exception to this will be where positive action is taken in accordance with section 159 of the Equality Act 2010 (for which, see Section 3: *Offers of Pupillage*). The selection process will also be carried out without regard to other factors which often create barriers to practise at the Bar such as socio-economic disadvantage, health problems, mental health difficulties, parenthood or neurodiversity. This is a non-exhaustive list and the factors impeding access to the bar are considered annually as part of the review of selection process.
  
- 1.7 In the case of an applicant for Pupillage or Tenancy with a disability, the Pupillage Committee will carry out all reasonable adjustments to the application process and will consider the merits of the application having identified the reasonable adjustments which would be required to Chambers' working practices to allow the candidate to work within Chambers and on the assumption that those adjustments could be carried out.
  
- 1.8 In the case of any applicant for Pupillage or Tenancy who has requested flexibility in the application process because of their particular needs, whether those are related to disability, health, religion, childcare responsibilities or some other factor, the Pupillage Committee and Executive Board will work with the candidate to identify and implement the reasonable adjustments which will allow that candidate, so far as possible, to fully and fairly participate in the selection process without discrimination or disadvantage.

- 1.9 Chambers' Pupillage programme will be flexible so as to take into account Pupils' personal circumstances, promote a more accessible and diverse legal profession, and best support Pupils to develop and demonstrate the Professional Statement Competencies.

### **Review**

- 1.10 The Pupillage Committee will monitor and review The Pupillage Manual on an annual basis and will report to the Executive Board with any recommendations for amendment. It may be amended more frequently if areas are identified where the Manual would benefit from alternation or improvement.

### **Compliance**

- 1.11 Chambers' Pupillage policy and procedures will be compliant with the following Bar Standards Board documents:
- (a) The Handbook, including the Code of Conduct.
  - (b) The Bar Qualification Manual.
  - (c) The Professional Statement for Barristers, incorporating the Threshold Standard and Competencies.
  - (d) The Authorisation Framework for the Approval of Education and Training Organisations.
  - (e) The Curriculum and Assessment Strategy.

## **Section 2: The Pupillage Committee**

- 2.1 The Pupillage Committee will manage and implement Chambers' Pupillage Manual and processes, with a view to achieving the aims set out in Section 1: *Overarching Principles*.
- 2.2 The Pupillage Committee will be comprised of:
- (a) The Chief Operating Officer.
  - (b) The Head(s) of Pupillage (appointed by the Executive Board).
  - (c) The Pupillage Secretary (appointed by the Executive Board).
  - (d) One Pupillage Officer from each Practice Group (appointed by the Head(s) of Pupillage).
- In addition, Heads of Practice Group and Pupil Supervisors may be invited to attend Pupillage Committee meetings where matters relevant to them are being discussed.

All members of the Pupillage Committee and Heads of Practice Group will receive copies of minutes of Pupillage Committee meetings.

- 2.3 There will be a register of all members of the Pupillage Committee, their roles and teams (*Appendix 5*) which will be accessible by all Members of Chambers, Pupils, Probationary Tenants and Staff at all times.
- 2.4 The Chief Operating Officer will:
- (a) Manage information and documentation on Chambers' website with support from other Committee members.
  - (b) Liaise with the Bar Council in respect of Pupillage issues.
  - (c) Manage information uploaded to, and applications downloaded from, the Pupillage Gateway.
  - (d) Induct Pupils into Chambers.
  - (e) Maintain all relevant records.
  - (f) Collate Equality & Diversity data from the Pupillage process.
  - (g) Facilitate Fair Recruitment training and Equality and Diversity Training for all Members of Chambers involved in the recruitment process for Pupils
  - (h) Raise within EB meetings / Finance Committee meetings any matters arising from Pupillage Committee meetings requiring input from the EB or Finance Committee as appropriate.
  - (i) Support the Pupillage Committee with practical and administrative matters such as practical arrangements for interview.
- 2.5 The Head(s) of Pupillage will:
- (a) Be responsible for compliance with Chambers' obligations as a PTP, or AETO once authorised.
  - (b) Make or submit any applications for changes to BSB Authorisation
  - (c) Oversee, and ensure compliance with, Chambers' Pupillage Manual
  - (d) Lead the annual review of Chambers' Pupillage recruitment process and Pupillage Manual
  - (e) Liaise with Pupillage Officers and Heads of Practice Group to review the Pupillage selection process within each Practice Group insofar as there is team autonomy.
  - (f) Support the Pupillage Interview process.
  - (g) Support the Pupillage Secretary with the drafting of documentation
  - (h) Chair Pupillage Committee meetings

- (i) Liaise with the Head of Equality and Diversity, Head of CSR, Heads of Practice Group and Head of Training
- (j) Liaise with Pupillage Officers, Pupil supervisors and Heads of Practice Group as required regarding Pupil progress and wellbeing
- (k) Approve the allocation of Pupil Supervisor(s) to Pupils
- (l) Review assessment and appraisal of Pupils
- (m) Liaise with Pupillage candidates, those offered Pupillage and Pupils regarding any reasonable adjustments they may need during the selection process, in preparation for Pupillage or during Pupillage.
- (n) Resolve any disputes regarding Use of Pupils in accordance with the Pupillage Manual
- (o) Resolve any grievance raised in accordance with the Pupillage Manual
- (p) Ensure continuity of training for all Pupils in the event of the non-availability of their allocated Pupil Supervisors or closure of chambers.

2.6 The Pupillage Secretary will:

- (a) Draft amendments to Chambers' Pupillage Manual
- (b) Ensure the Pupillage Committee is aware of regulatory requirements, Chambers' policies and relevant deadlines, and bring any outstanding or forthcoming tasks to the attention of the Committee.
- (c) Arrange regular meetings of the Pupillage Committee and prepare the agenda and minutes of each meeting for circulation among the Pupillage Committee, Heads of Practice Group and Pupil Supervisors.
- (d) Organise in-Chambers and online Pupillage events, and attendance at events like the Bar Council Pupillage Fair.
- (e) Support the timely completion of Pupillage Appraisal, Authorisation to Practice and notifications of Change of Supervisor by Pupils and Pupil Supervisors
- (f) Check the credentials of new Pupils and the disciplinary records of Pupil Supervisors and Supporting Supervisors.

2.7 The Pupillage Officers will:

- (a) Attend the annual Bar Council Pupillage Fair and any in-Chambers or online Pupillage events.
- (b) Attend Pupillage Committee meetings.
- (c) Contribute to the Annual Review of the Pupillage Manual and processes.

- (d) Coordinate with their Head of Practice Group and the Head of Pupillage to prepare the Mark Schemes for their Practice Group, interview process including questions and work based examples to be set for candidates.
- (e) Organise the Pupillage application paper sift and interviews for their Practice Group.
- (f) Invite candidates to Interview and prepare interview materials
- (g) Ensure Pupils have a supporting Pupil Supervisor and 'Chambers Buddy' in accordance with the Pupillage Manual.
- (h) Liaise with Pupil Supervisors and Supporting Pupil Supervisors regarding Pupil progress and wellbeing and bring any issues which require the input of the Pupillage Committee or the Head of Pupillage to their attention.
- (i) Support the Pupil Supervisors within their Practice Group to develop and deliver a training programme for their Pupils.

2.8 The role of Pupil Supervisors is set out in Section 4(e) : *Pupil Supervisors*. In summary, they will:

- (a) Have overall responsibility for the professional development and welfare of their Pupil.
- (b) Develop and deliver a suitable training programme to enable their Pupil to meet the Professional Statement Competencies in accordance with the Curriculum and Assessment Strategy.
- (c) Provide Pupils with all necessary assistance in complying with their regulatory obligations.
- (d) Confirm with the BSB when the non-practising and practising periods of Pupillage have been satisfactorily completed.

### **Section 3: Recruitment of Pupils**

#### **(a) Fair Recruitment**

3.1 It is the objective of the Pupillage Committee to ensure that the process for recruitment of Pupils is as fair as possible and adheres to The Bar Council Guidance on Fair Recruitment.

3.2 Any Member of Chambers or Staff Member involved in the recruitment of Pupils is required to undertake Fair Recruitment training. It shall be the responsibility of the Chief Operating Officer to arrange opportunities for such training each year, and the

responsibility of Pupillage Officers to identify those who will be involved in the recruitment process and that they have received Fair Recruitment training.

3.3 Training will cover the following areas:

- (a) Fair and effective selection and avoiding unconscious bias.
- (b) Attraction and advertising.
- (c) Application processes.
- (d) Shortlisting skills.
- (e) Interviewing skills.
- (f) Assessment and making a selection decision.
- (g) Monitoring and evaluation.

**(b) Advertisement**

3.4 The number of Pupillages to be advertised and offered each year will be at the discretion of the Executive Board. Pupillages will be specialist and allocated to one of Chambers' Practice Groups: Crime, Family, Commercial, Public & Human Rights or Stone. Each Practice Group will make an application to the Executive Board for funding and approval for any Pupillage which they wish to offer.

3.5 All Pupillages will be advertised and recruited via the Bar Council's Pupillage Gateway.

3.6 Pupillage advertisements will clearly set out:

- (a) The number of Pupillages available.
- (b) The specialism (Practice Group) of the Pupillage advertised, and that Pupils are expected to spend approximately 20% of their time during Pupillage on matters from one or more of the other Practice Groups.
- (c) The Pupillage award, including expenses and other costs of training that Chambers covers or does not cover.
- (d) The main geographical areas to which Pupils are likely to be required to travel during Pupillage.
- (e) When (on their path to qualification) candidates can apply.
- (f) Whether Chambers will offer any travel expenses for candidates to attend interview and in what circumstances.
- (g) That further information about Pupillage is available on Chambers' website.
- (h) Chambers' Selection Criteria for Pupils.

3.7 Chambers will publish The Pupillage Manual and its Appendices on its website, so that prospective Pupils are able to understand:

- (a) The application process and the criteria that Chambers uses to assess applicants.
- (b) The Pupillage training programme and what to expect from Pupillage.
- (c) Prospects at the end of Pupillage and the process for applying for Tenancy.
- (d) Expectations around income and earnings potential.
- (e) The practical impact of Chambers' Equality and Diversity policies.

### **(c) Events**

3.8 In order to raise the profile of Chambers' Pupillages and to encourage applications from the widest diversity of applicants, the Head of Pupillage, Pupillage Secretary and Pupillage Officers will:

- (a) Attend events such as the Bar Council's annual Pupillage Fair.
- (b) Organise and promote in-Chambers events such as an annual Pupillage Open Evening.
- (c) Organise and promote online events such as Pupillage Q&As.
- (d) Support the annual competition for Mini-Pupillage organised by the CSR Committee.
- (e) Engage with external groups whose objectives are to increase accessibility to the bar and encourage applications from under-represented groups.
- (f) Liaise with the CSR Committee to identify outreach work, for example with under-represented educational establishments.
- (g) Publish a report each year regarding the operation and effectiveness of Chambers' pupillage selection process during the previous year, which will be available on Chambers' website.

### **(d) Selection Criteria**

3.9 All Pupils will be selected in accordance with objective Selection Criteria which are applicable to all applicants and which have been developed by the Pupillage Committee to ensure that Chambers' Pupillage Recruitment Process is as fair and rigorous as possible and meets the objectives of the Pupillage Manual and The Bar Council's Fair Recruitment Guide. The Selection Criteria at the current time is *Appendix 1*. The Selection Criteria are reviewed annually to ensure that they remain optimal. All applicants will be assessed against all of the criteria.

- 3.10 The Selection Criteria will be assessed both during the paper sift and in interview. Each Practice Group shall have autonomy to decide which of the Selection Criteria are assessed during the paper sift, and which of the Selection Criteria are assessed in each interview round.
- 3.11 The Pupillage Officers and Heads of Practice Group will be responsible for developing individual Mark Schemes for the sifting stage of the application process and the interview stage of the application process, and which enable the Selection Criteria to be tested against each applicant for Pupillage according to the particular needs of the Practice Group. There is Practice Group autonomy to reflect the particular expectations of that practice area within the Mark Scheme for their Practice Group. This is so that the Applicants are assessed against the Selection Criteria in a way which reflects the different emphasis that there may be on particular skills and abilities for different Practice Groups. This autonomy includes Practice Groups being permitted to devise and include work samples at the sifting and interview stage.
- 3.12 After the paper sift there will be two rounds of interviews. Pupillage Officers and Heads of Practice Group will also have autonomy in devising interview questions and practical exercises which they consider best assess candidates against the Selection Criteria, taking into account the different emphasis that there may be on particular skills for different Practice Groups.
- 3.13 All Mark Schemes and interview questions and exercises will endeavour to ensure the recruitment process is as fair as possible.
- 3.14 A copy of the Mark Schemes and Interview Exercises for each Practice Group shall be provided to the Pupillage Secretary and Head of Pupillage.

#### **(e) The Paper Sift**

- 3.15 The Chief Operating Officer will redact applicants' names, schools and universities from their applications during the paper sift and allocate each application a unique reference number (URN). Anonymised applications will be sent to the Pupillage Officer for each Practice Group.

- 3.16 The Pupillage Officer for each Practice Group together with their Head of Practice Group and Head of Pupillage will be responsible for reviewing the sifting Mark Scheme for that Practice Group annually.
- 3.17 Pupillage Officers will appoint appropriate sifters within their teams, having consulted and obtained the approval of their Head of Practice Group. They will endeavour to assemble the most diverse group of sifters practicable from within the membership of their Practice Group, in terms of both protected characteristics and levels of call.
- 3.18 Pupillage Officers will allocate the sifters and send the applications which they are to mark, the Selection Criteria, and the Mark Scheme for that Practice Group. There is Practice Group autonomy as to how many applications are marked by more than one sifter, or as to other moderation techniques.
- 3.19 Prior to the commencement of sifting, the Pupillage Officer will convene a calibration meeting to ensure that there is consistency of marking. All sifters must attend a calibration meeting.
- 3.20 Applications will be marked by sifters by the date identified by the Pupillage Officer in accordance with the Selection Criteria and applicable Mark Scheme.
- 3.21 Pupillage Officers will collate the marked applications and review them for any indication that certain applications require moderation. Pupillage Officers may require any of the applications to be marked again, or other moderation technique. They will raise any significant issues with the sifters and Head(s) of Pupillage.

**(f) Invitations to Interview**

- 3.22 Pupillage Officers, subject to consultation with and approval by the Head of their Practice Group, will decide on the number of applicants to be invited to interview and will decide on the candidates to be invited to interview. They will send the list of successful URNs to the Chief Operating Officer and Head of Pupillage.
- 3.23 The Pupillage Officer will notify applicants who are being offered a first or second round interview in writing and the Chief Operating Officer will confirm this via the Pupillage Gateway. Successful applicants will be notified of a first round interview not less than 14 days before the interview date.
- 3.24 Invitations to interview will provide clear information regarding;

- a) The practical arrangements for interview and points of contact
- b) How to request reasonable adjustments or flexibility in interview arrangements if required
- c) The Selection Criteria which will be assessed at that interview
- d) Details of any practical assessments or other task based assessments which the candidate will be asked to complete.
- e) Any other relevant information

3.25 Interview scheduling will be as flexible as possible to requests from applicants in relation to interview times, taking into account any other interviews the applicant may have at other Chambers, their travel needs or other personal circumstances.

3.26 All reasonable adjustments will be made to the interview process in respect of applicants with a disability. Applicants can request reasonable adjustments by contacting the Pupillage Secretary or Head of Pupillage.

3.27 Any applicants not selected for first round interview will be notified via the Pupillage Gateway by the Chief Operating Officer.

3.28 Any applicants not selected for second round interview will be notified in writing by the Pupillage Officer and offered feedback. The Chief Operating Officer will additionally update the Pupillage Gateway.

3.29 Any applicants not offered Pupillage after a second round interview will be notified in writing by the Pupillage Officer and offered feedback. The Chief Operating Officer will additionally update the Pupillage Gateway.

**(g) Interview panels.**

The Pupillage Officers, subject to consultation with and approval by the Head of their Practice Group, will decide how many interviewers are required for each round. They will endeavour to assemble the most diverse interviewing panels practicable from within the membership of their Practice Group, in terms of both protected characteristics and levels of call.

3.30 Save in exceptional circumstances, there shall be no all male or all female panel of interviewers.

- 3.31 Save in exceptional circumstances, a candidate must never be interviewed by an interview panel which is exclusively white.
- 3.32 Any concerns regarding the composition of interview panels must be referred to the Head of Pupillage.
- 3.33 The Pupillage Committee and Practice Groups must also take account of the need not to overburden members of chambers who are people of colour with additional responsibilities in connection with the Pupillage Selection process when organising sifting and interviews. Any concerns about this should be raised with the Head of Pupillage and Head of the relevant Practice Group.

#### **(h)Preparation for Interviews**

- 3.34 The Pupillage Officers will draft the interview questions and any additional instructions to interviewees, the interview marking guidance for their Practice Group and mark sheets. These must be approved by the Head(s) of Pupillage and relevant Heads of Practice Groups.
- 3.35 The Pupillage Officers will draw up timetables for their Practice Group's interviews (allowing time for preparation and consideration) and will prepare electronic interview packs for the interviewers containing:
- (a) A timetable of interviewees.
  - (b) A copy of the interview questions and interview marking guidance.
  - (c) Unredacted copies of the applications for each applicant being interviewed.
  - (d) Electronic marking sheets for each candidate.
- 3.36 The Pupillage Officer will ensure that prior to first or second round interviews commencing there is a discussion of the interview panel(s) with the Pupillage Officer about the application of the Mark Scheme to ensure consistency.
- 3.37** Interview dates will be confirmed on the Chambers website by no later than 1 January each year.

**(i)Interviews**

- 3.38 Interviews may take place in person or remotely as appropriate. Where interviews are taking place in person, a candidate may request that an interview takes place remotely, and all reasonable requests will be considered. The interviewing Practice Group shall take steps to ensure that candidates who are interviewed remotely are not disadvantaged by the remote nature of the interview.
- 3.39 Pupillage Officers will be present to coordinate the interviews for their Practice Group. The Head(s) of Pupillage will be present, or available if taking place remotely, to oversee the interviews as a whole and to assist with any issues that arise, including attending post-interview discussions for any Practice Group.
- 3.40 Pupillage Officers will provide candidates with any assessment materials which form part of the interview process, and which are not being provided in advance of the interview, and ensure that they have a quiet space and fair allocation of time in which to consider them.
- 3.41 For each interview taking place in person, the applicant will be collected from the reception area by an interviewer and accompanied out of the building by an interviewer.
- 3.42 If there is an interview to take place via video conferencing, a member of the administrative team will set up the call ahead of the interview, carry out technical testing and ensure that an electronic copy of the interview pack for applicants is sent to the applicant, in accordance with the timetable.
- 3.43 All candidates for each Practice Group will be asked the same interview questions and asked to complete the same practical or written assessments or exercises.
- 3.44 Save in exceptional circumstances, all second round interviewees shall be interviewed by the same panel from the relevant Practice Group.
- 3.45 After each interview candidate the panel will convene a discussion to agree the mark for that candidate. At the conclusion of first round interviews the interview panel(s) and Pupillage Officer for that Practice Group will discuss and agree an order of merit of candidates interviewed in accordance with the interview mark scheme.

3.46 Heads of Practice Group in consultation with the Pupillage Officer for their practice group, will decide on the number of applicants to be invited to second-round interview and decide on the applicants to be offered the same.

3.47 At the conclusion of second round interviews, the Pupillage Officer and second round interview panel will discuss and agree the order of merit of candidates interviewed in accordance with the interview mark scheme.

#### **(j) Offers of Pupillage**

3.48 Heads of Practice Group in consultation with the Pupillage Officer for their Practice Group and Head of Pupillage will decide on which of the applicant(s) (if any) shall be offered Pupillage and whether any of the applicants are to be offered reserve places and in what order. Heads of Practice Group or Head of Pupillage should make any pupillage offers save in exceptional circumstances.

3.49 The Pupillage Officer will assist their Head of Practice Group by providing the second round interview panel's assessments and recommendations, including the panel's order of merit of the interviewed candidates, and will indicate any such order of merit to their Head of Practice Group and the Head(s) of Pupillage. In the absence of any such recommendations from the interview panel, the Pupillage Officers will provide their own views as to the same.

3.50 In making their proposal, Pupillage Officers will have regard to Section 159 of the Equality Act 2010, which permits positive action in the following circumstances:

#### **159 Positive action: recruitment and promotion**

*(1) This section applies if a person (P) reasonably thinks that—*

*(a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic, or*

*(b) participation in an activity by persons who share a protected characteristic is disproportionately low.*

*(2) Part 5 [of the Act] (work) does not prohibit P from taking action within subsection*

*(3) with the aim of enabling or encouraging persons who share the protected characteristic to—*

*(a) overcome or minimise that disadvantage, or*

*(b) participate in that activity.*

*(3) That action is treating a person (A) more favourably in connection with recruitment or promotion than another person (B) because A has the protected characteristic but B does not.*

*(4) But subsection (2) applies only if—*

*(a) A is as qualified as B to be recruited or promoted,*

*(b) P does not have a policy of treating persons who share the protected characteristic more favourably in connection with recruitment or promotion than persons who do not share it, and*

*(c) taking the action in question is a proportionate means of achieving the aim referred to in subsection (2).*

*(5) “Recruitment” means a process for deciding whether to— [...] (e) offer a person a Pupillage or tenancy in barristers' chambers, [...]*

*(6) This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.*

- 3.51 On the date and time specified by the Pupillage Gateway timetable, the Chief Operating Officer will notify applicants via the Pupillage Gateway of whether they have been offered Pupillage or are in reserve. A member of the Pupillage Committee may also contact successful candidates directly by telephone and/or email at their discretion on or after the relevant date and time.
- 3.52 The terms on which a Pupil is offered Pupillage will be in accordance with The Pupillage Manual and the Pupillage Agreement (*Appendix 4*). Upon making an offer of Pupillage, Chambers will send the prospective Pupil the Pupillage Agreement and Pupillage Manual, so that Chambers' terms and funding arrangements are clear to them before they accept the offer of Pupillage.
- 3.53 Reserve applicants will be notified that they have been placed on the reserve list and will be updated with any changes in their application status at the earliest opportunity.
- 3.54 The Chief Operating Officer will forward any requests for feedback following second round interviews to the Pupillage Officers, who will respond to the applicants within 14 days.

### **(k) Review of Recruitment Processes**

- 3.55 The Chief Operating Officer will collate Equality & Diversity data from the selection process and send it to the Pupillage Committee.
- 3.56 Before the Bar Council timetable for the next round of Pupillage applications begins, the Pupillage Committee will review this section of The Pupillage Manual and the marking guidance for the paper sift and interviews, taking into account the Equality & Diversity data from the last selection process, and with a view to promoting the aims set out in Section 1: *Overarching Principles*.

## **Section 4: Pupillage**

### **(a) Commencing Pupillage**

#### **Commencement and Registration Information**

- 4.1 Before the commencement of Pupillage, the relevant Pupillage Officers will meet the Pupils to discuss their areas of interest within their Practice Groups and any areas of Chambers' other work that would best complement those areas of interest. The Pupil Supervisors shall strive, in conjunction with the Supporting Supervisor, to accommodate the Pupil's wishes so far as is practicable, but subject to the extent that those wishes are consistent with the strategy of the specialist practice group providing the Pupillage.
- 4.2 The Head(s) of Pupillage, after consultation with the relevant Heads of Practice Groups, will appoint members of Chambers to act as Pupil Supervisors and Supporting Supervisors. Practice Managers will be notified by their Head of Practice Group as to the Pupil Supervisors and Supporting Supervisors.
- 4.3 No later than one month before the commencement of Pupillage, the Pupillage Secretary will provide Pupils with:
- (a) The commencement date of their Pupillage.
  - (b) The date of their Chambers induction.
  - (c) The names of their first Pupil Supervisor and Chambers Buddy.
  - (d) A copy of The Pupillage Manual and its Appendices.

### **Registering Pupillage with the BSB**

- 4.4 Two weeks before starting Pupillage, Pupils will apply to the BSB for registration of their Pupillage by submitting an application in the form prescribed by the BSB. Pupils must provide the name of their Pupil Supervisor and the commencement date. The BSB will confirm registration by email. Pupils will send the confirmation of registration to the Pupillage Secretary before the commencement of their Pupillage.
- 4.5 If any of the information provided in an application for registration of a Pupillage changes before the Pupillage has been completed, the Pupil must promptly notify the BSB in writing of the change using the prescribed form.

### **Credentials Checking**

- 4.6 Chambers will exercise appropriate due diligence in checking credentials and reporting any fraudulent and/or dishonest activity to the BSB and Inns of Court as appropriate.
- 4.7 No later than one month before the commencement of Pupillage, the Chief Operating Officer will ensure that a member of administrative staff will request the following information from Pupils, which must be satisfactorily provided before the commencement of Pupillage:
- (a) The official certificates/transcripts of the university examinations referred to in the Pupil's Pupillage application form.
  - (b) The official transcript of any examination taken or notified between the acceptance of Pupillage and its commencement.
  - (c) Clear documentary evidence of the Pupil's satisfactory completion of the vocational component of Bar Training (known as the Bar Professional Training Course until September 2020) within the last 5 years, or that they have obtained dispensation from the BSB to complete the Pupillage outside of the usual 5 years.
  - (d) Clear documentary evidence that the Pupil is a member of an Inn of Court.
  - (e) Clear documentary evidence that the Pupil's nationality or immigration status allows them to undertake the Pupillage.
- 4.8 A member of administrative staff will also check that Pupils have been Called to the Bar, or that they have registered with their Inn of Court to be Called to the Bar before the practising period of Pupillage ("second six"). If Pupils have not been Called they can use the term "Pupil", but are not permitted to use the title "Pupil Barrister" until they have been Called.

**(a) Induction**

4.9 Before or upon the commencement of Pupillage, Pupils will be inducted into Chambers by the Chief Operating Officer or other appropriate member of the Pupillage Committee. Pupils will be shown Chambers' premises, introduced to Chambers' structure and procedures, set up with IT and printing accounts as appropriate, Login details for web based legal research tools, and introduced to the clerks and administrative staff.

4.10 Pupils are afforded free and comprehensive access to legal research engines – currently Westlaw and LexisNexis – throughout their Pupillage.

4.11 During induction, Pupils will be required to sign the Pupillage Agreement (*Appendix 1*) and will be provided with copies of:

- (a) Their Practice Group's written training programme.
- (b) Those Chambers' policies which address bullying and harassment.

**(b) Non-Practising Stage ("First Six")**

4.12 Pupils in their first six will not exercise any reserved legal activities, including rights of audience. Pupils will not accept any client instructions, except for noting briefs where they have the permission of their Pupil Supervisor or Head of Chambers. Short-term secondments to relevant client/work generating organisations or law firms shall also be encouraged, within the confines of the BSB rules but subject to the needs of Chambers and the appropriate professional development of the Pupil

4.13 Pupils will use the title "Pupil" (before Call to the Bar) or "Pupil Barrister" (after Call) and will not refer to themselves as a "Barrister". This requirement applies to all circumstances in which the Pupil is named and not simply with regards to formal advices, pleadings or other written work. A Pupil putting or sharing any documents into the public domain, such as articles, books or seminar materials, must describe themselves as "[Name], [Pupil/Pupil Barrister], 36 [Crime/Family/Stone/ Commercial/Public & Human Rights]".

- 4.14 During their first six Pupils will have the opportunity to discuss in more detail with their Practice Manager or Senior Clerk the type of work they can expect to undertake in their second six, and expectations around income.

### **Completion of First Six**

- 4.15 To satisfactorily complete their first six, Pupils will have:
- (a) Met the competencies that need to be met to the threshold standard before a Pupil can apply for a Provisional Practising Certificate, as set out in pages 30-41 of the BSB Curriculum and Assessment Strategy.
  - (b) Satisfactorily completed the relevant compulsory courses specified by the BSB (see Part 2C (C5) of the Bar Qualification Manual).
  - (c) Been Called to the Bar.
- 4.16 Upon the satisfactory completion of first six, the Pupil Supervisor will complete the Non-Practising Period Completion Form. If the Pupil Supervisor is unavailable to sign the form, one of the Head(s) of Pupillage or Heads of Chambers may sign the form confirming completion, provided they provide reasons why the Pupil Supervisor was unable to sign and are satisfied the requirements have been met.
- 4.17 Pupils will submit the Non-Practising Period Completion Form to the BSB certifying that the non-practising period has been satisfactorily completed. A copy will be provided to the Head of Pupillage or Pupillage Secretary. If the Pupil Supervisor is prepared to sign the form in advance, the BSB will accept the signed form one week in advance. Provided that the Pupil has completed the compulsory training specified by the BSB, the BSB will grant the Pupil a Provisional Practising Certificate.
- 4.18 Where it is not considered that the defined standards and competencies have been met, the Pupil Supervisor will not sign the form. This should not come as a surprise to the Pupil, as any issues should have been apparent through Chambers' appraisal process. This decision should be brought to the attention of the Head of Pupillage by the Pupil Supervisor. In this situation, Chambers will exercise its discretion in deciding whether to either terminate the Pupillage or provide additional training or remedial work to enable the Pupil to attain the required level of competency. Where there are extenuating circumstances, Chambers is likely to take the latter course and extend the "first six". Chambers will continue to pay the Pupil the same level of Pupillage Award during the extension period.

4.19 Where the Pupil wishes to appeal their Pupil Supervisor's decision not to sign the form, the Pupil should raise this in writing with the Head of Pupillage. The Head of Pupillage will convene a meeting with the Pupil and a joint meeting with the Pupil and Pupil Supervisor and review the decision not to sign the form with a view to achieving an agreed way forward. The Head of Pupillage may uphold the decision of the Pupil Supervisor or sign the form in place of the Pupil Supervisor. If the Pupil remains dissatisfied with the decision, they may appeal by writing to one of the joint head(s) of Chambers and it will be treated as a Grievance.

### **(c) Practising Stage ("Second Six")**

#### **Commencing Practice**

4.20 Provided they have been issued with a Provisional Practising Certificate, second six Pupils are entitled to accept instructions, supply legal services and exercise rights of audience with the permission of their Pupil Supervisor or Head of Chambers. Second Six Pupils will use the title "Pupil Barrister" and will not refer to themselves as a "Barrister". The requirements of paragraph 4.12 above will continue to apply.

4.21 Pupils who intend to practise in the Youth Court must register this activity with the BSB. They must declare that they have the specialist skills, knowledge and attributes to work effectively with young people, as set out in the BSB Youth Proceedings Competencies and Guidance.

4.22 Upon commencing practice, Pupils will:

- (a) Register with the Information Commissioner as a data controller.
- (b) Register as self-employed with HMRC.
- (c) Register for VAT with HMRC.

#### **Court Experience**

4.23 During second six, Chambers will endeavour to ensure that the Pupil has the opportunity to do as much court work as is reasonably possible in accordance with the Practice Group's normal range of work, and bearing in mind the Pupil's experience and progress, and the availability of the work.

4.24 However, the Pupil will also require time for preparation and to carry out work for their Pupil Supervisor and others. Ordinarily, 3 or 4 days a week (as an average over second six) should be the maximum number of times the Pupil should be sent to court. Pupils will not

be expected to attend court on Saturdays unless they wish to do so. Any concerns regarding Pupil work load or suitability of work allocated to a Pupil should be raised by the Pupil with their Pupil Supervisor in the first instance. If the issue is not resolved the Pupil Supervisor should raise the matter with the Pupillage Officer, Head of Practice group and Head of Pupillage, and the Pupil may also raise the matter with the Head of Pupillage.

### **Completion of Second Six**

4.25 To satisfactorily complete their second six, Pupils will have:

- (a) Met the competencies in the Professional Statement.
- (b) Satisfactorily completed the relevant compulsory courses specified by the BSB (see Part 2C (C5) of the Bar Qualification Manual).

4.26 Upon the satisfactory completion of second six, the Pupil Supervisor will complete the Practising Period Completion Form to confirm that the Pupil has met the competencies in the Professional Statement. If the Pupil Supervisor is unavailable to sign the form, one of the Head(s) of Pupillage or Heads of Chambers may sign the form confirming completion, provided they provide reasons why the Pupil Supervisor was unable to sign and are satisfied the requirements have been met.

4.27 Pupils will submit the Practising Period Completion Form to the BSB. Provided the Pupil has satisfactorily completed Pupillage, which includes the compulsory training specified by the BSB, the BSB will confirm that eligibility for a Full Practising Certificate. Pupils will then apply for a Full Practising Certificate. A copy will be provided to the Head of Pupillage or Pupillage Secretary. Pupils' Provisional Practising Certificates are valid for 30 days after the end date of Pupillage to give Pupils time to apply for the Full Practising Certificate.

4.28 Where it is not considered that the competencies in the Professional Statement have been met, the Pupil Supervisor will not sign the form. This should not come as a surprise to the Pupil, as any issues should have been apparent through Chambers' appraisal process. This decision should be brought to the attention of the Head of Pupillage by the Pupil Supervisor. In this situation, Chambers will exercise its discretion in deciding whether to either terminate the Pupillage or provide additional training or remedial work to enable the Pupil to attain the required level of competency. Where there are extenuating circumstances, Chambers is likely to take the latter course and extend the "second six".

Chambers will continue to guarantee the Pupil's monthly earnings to their "second six" level during the extension period.

4.29 Upon the completion of Pupillage, Pupils will apply to BMIF for their own insurance cover for legal services offered in self-employed practice.

**(d) Applications for Tenancy**

4.30 The Membership Committee is responsible for creating a clear policy for the recruitment of Tenants from Pupils. The timetable for applications may vary between practice groups and the relevant policy document will be provided to Pupils as part of their induction, and will clearly identify

- (a) The timetable for a Tenancy application for each Pupil
- (b) The process which will be adopted by chambers for Tenancy decision making on completion of Pupillage
- (c) The selection criteria which will be adopted by chambers when considering whether to offer Tenancy to Pupils on completion of Pupillage

4.31 Save in exceptional circumstances, Pupils will be invited to apply for Tenancy. Pupils will be asked to apply in writing to their Head of Practice Group by the date specified in the recruitment policy. Heads of Practice Group will arrange for the recruitment process to take place in line with the recruitment policy provided to the Pupil on induction.

4.32 Reports will be sought by the Pupillage Officer from each of the Pupil's Pupil Supervisors and their Practice Manager as to their suitability for Tenancy, considered in terms of practice, performance and conduct during Pupillage. Those reports, together with the Pupil appraisal forms for that Pupil shall be disclosed only to the Pupil to whom they relate, to the Head of Pupillage, to the Head of Practice Group for that Pupil, to the EB, to the Membership Committee and to any person interviewing the Pupil for the purposes of making a decision regarding Tenancy.

4.33 Reports may be sought from such further members of Chambers as the Pupil, Pupil Supervisors or Practice Manager may indicate, or from any other person the Head(s) of Pupillage or Executive Board consider to be appropriate. Any persons indicated or named must be persons who have had a *direct and substantial* opportunity to observe and/or assess the Pupil's conduct, practice and performance (which may include written work or advocacy). The Pupil's Chambers Buddy will not be asked to provide a report.

- 4.34 Each applicant for Tenancy will be interviewed by a panel appointed by the Head of Practice Group, which will include members from the Practice Group(s) that the applicant has specified they wish to join. The interview panel members shall be appointed following consultation and agreement between the Head(s) of Pupillage and the Head(s) of the relevant Practice Group(s). The number of panel members shall be no less than 5 and no more than 7 in number and shall include at least one member of the Executive Board. The Pupil's Chambers Buddy will not be on the panel.
- 4.35 Following the interview of the Pupil, the interview panel will make a recommendation to the Executive Board as to whether the applicant should be offered a Tenancy. It shall then be a matter for the Executive Board to decide, in its absolute discretion, whether or not to offer the Pupil a Tenancy.
- 4.36 The Executive Board will notify the relevant Heads of Practice Group of the outcome of Tenancy applications in accordance with the timetable for Tenancy applications outlined in the policy provided to Pupils. Heads of Practice Group will notify the Pupil(s) for their Practice Group.

#### **(e) Pupil Supervisors**

- 4.37 Each Pupil will have at least two Pupil Supervisors from their Practice Group during Pupillage (usually one for each six-month training period). However, it is within the discretion of each Practice Group (through their Head of Practice Group and Pupillage Officer) to decide how many Pupil Supervisors their Pupil(s) will have and for what periods. Any changes in Pupil Supervisor must be notified to the BSB.
- 4.38 Pupils are responsible for completing the Change of Authorisation and submitting it to the Head of Pupillage for signature prior to any change of Pupil Supervisor during Pupillage being implemented.

#### **Pupil Supervisor Responsibilities**

- 4.39 Pupil Supervisors have overall responsibility for the professional development and welfare of their Pupil. They will keep themselves informed on these matters and will consult the Pupil regularly about all material aspects of their Pupillage and career aspirations.

- 4.40 On commencement of supervising a Pupil, Pupil Supervisors shall discuss with the Pupil whether they have any particular needs or responsibilities which would be likely to mean the Pupil needs additional support, adjustment to the training provided, or greater flexibility of working for the Pupil. For example health needs or caring responsibilities. The Pupil and Pupil supervisor should discuss and agree how the Pupil's particular needs and circumstances can be met, and the Pupil Supervisor should communicate the agreed arrangements to the Pupillage Secretary and any subsequent Pupil Supervisor responsible for supervising that Pupil. Pupil Supervisors should check with the Pupil whether the agreed measures are effectively addressing the Pupil's needs or circumstances.
- 4.41 Pupil Supervisors are responsible for delivering a suitable training programme to enable their Pupil to meet the Professional Statement Competencies. They will be supported in this by the Pupillage Committee and in particular the Pupillage Officer for their Practice Group, as well as the Training Committee.
- 4.42 Pupil Supervisors must ensure that their insurance covers all activities Pupils are asked to do during the course of their Pupillage, including (for example) writing books or articles, charitable and pro bono work. The standard BMIF policy may not cover all such work and it is the Pupil Supervisor's responsibility to ensure that they obtain any necessary extension to their own insurance to ensure their Pupil's work is appropriately covered.
- 4.43 Pupil Supervisors will provide Pupils with all necessary assistance in complying with their regulatory obligations (e.g. registering their Pupillage with the BSB, applying for any necessary waivers and obtaining a Provisional Practising Certificate).
- 4.44 Pupil Supervisors are responsible for confirming that the non-practising and practising periods of Pupillage have each been satisfactorily completed.

### **Supporting Supervisors**

- 4.45 Each Pupil will also have a Supporting Supervisor for each six-month training period, who should be a member of one or more of the other Practice Groups, to provide Pupils with training and experience outside of their core practice area.
- 4.46 Pupils will spend approximately 5 weeks with their Supporting Supervisor in each six-month training period, either in a single block or broken up as appropriate.

### **Appointment of Supervisors**

- 4.47 The Head(s) of Pupillage, in consultation with the Heads of Practice Groups, will appoint appropriate Pupil Supervisors and Supporting Supervisors for each Pupil.
- 4.48 Supervisors must be practising barristers. In deciding the most appropriate members to appoint, the Head(s) of Pupillage and Heads of Practice Groups will consider their suitability in terms of:
- (a) Their professional experience.
  - (b) The nature of their practice and whether it offers appropriate learning opportunities.
  - (c) The time they can devote to a Pupil.
  - (d) Their aptitude to create an appropriate learning environment.
  - (e) Their competence to provide effective feedback.
- 4.49 In general, junior counsel will be in a better position to satisfy the above suitability criteria, in particular the requirement that their practice must offer appropriate learning opportunities, which should be appropriate to the type of work that the Pupil is likely to be doing in their first few years of practice. It is likely to be only in exceptional cases that a Q.C. is the most suitable candidate.
- 4.50 The Pupillage Secretary will check the Supervisors' disciplinary records with reference to the Barrister's Register on the BSB website, and seek declarations from each Supervisor that no other disciplinary action is in process.

### **Training of Supervisors**

- 4.51 The BSB no longer requires Pupil Supervisors to have undertaken specific training, to be approved by an Inn of Court or to appear on a register of approved supervisors. However, all Pupil Supervisors must have received appropriate training such that they can meet the training outcomes prescribed in the Bar Qualification Manual Part C2-1, para.1.19-1.20. In order to meet these outcomes, prospective Supervisors may attend formal events, self-study the BSB documentation and/or attend in-house briefings in Chambers.
- 4.52 The Pupillage Secretary will keep records of Pupil Supervisor training to ensure it is up to date, and identify any areas where additional training is needed.

- 4.53 The Chief Operating Officer, Head(s) of Pupillage and/or Pupillage Secretary will hold a briefing session for Supervisors before the period of their supervision begins, to ensure they are familiar with Chambers policies and procedures.
- 4.54 Refresher training is mandatory every five years, or after three years if the individual has not been a Supervisor during that time.
- 4.55 Supervisors will send records of any relevant training to the Pupillage Secretary, who will retain them for the purpose of supervision by the BSB.

#### **(f) Pupil Training Programme**

- 4.56 There will be a formal training programme throughout the period of Pupillage. The aim of the programme will be to assist Pupils in meeting and, where possible, exceeding the competencies in the Professional Statement.
- 4.57 As part of the training programme, Chambers will deliver regular advocacy training sessions, which should be held at least once a month throughout Pupillage.
- 4.58 Pupils will be provided with a written copy of their Practice Group's training programme with the Pupillage Agreement in their induction.
- 4.59 The training programme will be flexible so as to take into account Pupils' particular personal circumstances, career goals and training needs. All reasonable adjustments will be made to the training programme in respect of any Pupils with a disability. Pupils can seek reasonable adjustments by speaking to their Pupil Supervisor.
- 4.60 Overall responsibility for the delivery of the training programme, including advocacy training, lies with the Pupil Supervisors, who will be supported by the Pupillage Committee and in particular the Pupillage Officer for their Practice Group and the Training Committee.
- 4.61 Pupil Supervisors will regularly discuss and review the training programme with their Pupils, and agree how they are going to measure whether the competencies are being met and what methods will be used to assess them.

4.62 The Head(s) of Pupillage Committee and Heads of the relevant Practice Groups will satisfy themselves that there are appropriate arrangements in place for the training programme. They will continuously monitor and review the effectiveness of the training programme and ensure that changes are made if appropriate.

### **(g) Assessment, Appraisals and Feedback**

#### **Assessment**

4.63 Pupils will be assessed against the threshold standard and competencies specified in the Professional Statement. In addition to formal appraisals, Pupil Supervisors will ensure there is regular oral or written feedback given.

4.64 Pupil Supervisors will ensure that Pupils complete at least two substantial pieces of written work per six-month training period. After these are completed, the Pupil Supervisor or relevant member of chambers will complete a Work Evaluation Form (*Appendix 3*). These forms will be held by the Pupillage Officer for the Pupil's Practice Group and will form part of the Tenancy selection process at the end of Pupillage.

#### **Appraisals**

4.65 Pupil Supervisors will organise 3 monthly appraisals, which will serve a dual purpose:

- (a) To ensure that Pupils understand the progress they are making and the areas for development.
- (b) To provide an opportunity for Pupils to give feedback on their progress, the work they have done and the way they are being supervised.

4.66 An informal appraisal will also take place at 2 months, which will be an informal discussion between the Pupil Supervisor and Pupil. This will provide an opportunity to review the Professional Statement and training programme and discuss the Pupil's career goals and training needs.

4.67 The subsequent appraisals, at 3, 6 and 9 months, will be formal appraisals. Pupil Supervisors will use the Pupil Appraisal Form (*Appendix 4*) to provide objective feedback, identifying strengths and areas for development, and setting objectives to develop skills and competencies. To enable the appraisal to be productive, Pupil Supervisors and Pupils should take time to reflect and review the form in advance of the appraisal.

- 4.68 Pupils have an opportunity during appraisals to raise any concerns they have about their progress, work or supervision or any other difficulties that have arisen. The Pupil and Pupil supervisor should work together to address these, and may also raise them with the Head of Pupillage if appropriate. Pupils may contact the Head of Pupillage directly if they have any concerns which they do not wish to raise with their Supervisor, or which have not been resolved by their Supervisor. Pupils can also raise issues with their Chambers Buddy.
- 4.69 Pupil Appraisal Forms will be held by the Pupillage Officer for the Pupil's Practice Group. They will form part of the Tenancy selection process at the end of Pupillage and will influence reviews of the training programme and Pupillages policies going forwards. Appraisal forms will be sent to and reviewed by the Head of Pupillage, who will arrange to speak to the Pupil and Pupil Supervisor regarding any problems.
- 4.70 If, following appraisal, it becomes clear that adjustments need to be made to the Pupillage process as it impacts on any Pupil, those adjustments should be made or, if applicable, put to the Executive Board for consideration.
- 4.71 The Head(s) of Pupillage and Heads of Practice Groups will monitor the appraisals so that Chambers is aware of the progress of all the Pupils and can identify where there might be emerging issues.
- 4.72 The appraisal process will be flexible so as to take into account Pupils' particular personal circumstances, career goals and training needs, and all reasonable adjustments will be made to the appraisal process in respect of any Pupils with a disability. Pupils can seek reasonable adjustments by speaking to their Pupil Supervisor.

#### **(h) Withdrawal of Pupillage**

- 4.73 Pupils may withdraw from Pupillage prior to its commencement or bring the Pupillage to an early termination during Pupillage on giving not less than 1 months' written notice to Chambers.
- 4.74 Chambers is entitled to withdraw the Pupillage prior to its commencement or to terminate the Pupillage with immediate effect at any time if:
- (a) The Pupil commits a serious breach of the BSB Handbook.

- (b) The Pupil is guilty of a serious or persistent breach of Chambers' policies, procedures or codes of conduct applicable to them.
- (c) The Pupil is convicted of a criminal offence (other than an offence under any road traffic legislation in the UK or elsewhere for which a fine or non-custodial penalty is imposed).
- (d) The Pupil fails to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of Pupillage training.
- (e) During the practising period of Pupillage, the Pupil ceases to hold a valid practising certificate.
- (f) The Pupil's actions or omissions (whether or not in the course of the Pupillage) bring, or are such as to risk bringing, the name or reputation of Chambers or its Members into disrepute or to prejudice the interest of Chambers.
- (g) The Pupil's immigration status means they cease to be eligible to undertake or complete the Pupillage.

4.75 A decision to terminate Pupillage will be made by the Head(s) of Pupillage, after discussion with the Head of the relevant Practice Group. The Pupil will be immediately notified in writing of the decision, the reasons for it and the Pupil's opportunity to appeal it. Upon the written reasons being sent to the Pupil, their Pupillage (and any award or guaranteed earnings above the minimum amount set by the BSB) will be suspended.

4.76 The appeal process will be as follows:

- (a) If the Pupil wishes to appeal the decision, they will write to the Heads of Chambers within 7 days of receiving the written reasons. The Pupil will outline the reasons why their Pupillage should not be terminated.
- (b) If, after 7 days, the Pupil has not indicated in writing a wish to appeal the decision, their Pupillage will be terminated. If they have indicated in writing a wish to appeal, the suspension of their Pupillage (and any award or guaranteed earnings above the minimum amount set by the BSB) will continue until the appeal process is concluded.
- (c) The Executive Board will appoint a panel to hear the appeal, which will include members from the Pupil's Practice Group. The number of panel members will be no less than 5 and no more than 7 in number and shall include at least one member of the Executive Board.
- (d) The appeal hearing will take place no later than 7 days after the Pupil's letter to the Heads of Chambers is received.

- (e) In advance of the appeal hearing, the panel will be given the written reasons for termination and the Pupil's letter to the Heads of Chambers.
- (f) During the appeal hearing, the Head(s) of Pupillage, Head of Practice Group and Pupil will have the opportunity to address the panel (in person or by telephone/video link) and the panel will have the opportunity to ask them questions. If the Head(s) of Pupillage or Head of Practice Group are not able to attend (in person or remotely) owing to exceptional circumstances, they may nominate another senior Member of Chambers to attend on their behalf.
- (g) Following the appeal hearing, the panel will make a recommendation to the Executive Board as to whether the Pupillage should be terminated. It shall then be a matter for the Executive Board to decide, in its absolute discretion, whether or not to terminate the Pupillage. The Executive Board will notify the Pupil of the outcome of the appeal within 7 days of the appeal hearing.
- (h) If the Pupil's appeal is unsuccessful, their Pupillage will be immediately terminated. If the Pupil's appeal is successful, their Pupillage will continue and they will be reimbursed any award or guaranteed earnings lost during the appeal process.

4.77 Chambers may also withdraw or terminate Pupillage in the event that it ceases to be authorised by the BSB as an Authorised Education and Training Organisation or there is another regulatory, financial or practical impediment to Chambers continuing to provide Pupillage. If, during Pupillage, Chambers ceases to be able or authorised to take Pupils, Chambers will promptly notify the BSB. In that event, the Head of Pupillage will support the Pupil to the best of their ability to identify another set of chambers where they can complete their training and secure continuation of their pupillage.

#### **(i) Use of Pupils**

4.78 If a member of chambers wishes to have the assistance of a Pupil for a piece of work, they will make a prior request by email to their Pupil Supervisor. If the Pupil Supervisor is not available, the request will be made to the relevant Supporting Supervisor or Practice Manager. Under no circumstances will a request be made directly to a Pupil.

4.79 Where possible, the request should be made in relation to a Pupil working in the same Practice Group as the member making the request. Where that Practice Group does not have a Pupil, or the Pupil of that Practice Group is not available, the request can be made in relation to another Practice Group's Pupil.

4.80 Pupil Supervisors will use their discretion in relation to requests made of Pupils. In exercising their discretion, they will take into account the Pupil's existing workload and the educational or training benefit to the Pupil of the requested assistance. Work from the Pupil's Practice Group will be given priority over work from other Practice Groups in Chambers.

4.81 Any request made of a Pupil contrary to this provision should be referred to the Head(s) of Pupillage, who may in their discretion refer the matter to the Executive Board. Any dispute over the use of Pupils should be reported to the Head(s) of Pupillage.

### **(j) Wellbeing and Support**

4.82 Pupil Supervisors have overall responsibility for the welfare of their Pupil. They will take an active interest in the wellbeing of their Pupil, which will include (among other things):

- (a) Discussing in advance what is expected from Pupils in Chambers, in a conference, in court or in carrying out pieces of work.
- (b) Taking care to ensure that Pupils do not spend a disproportionate amount of their time and resources travelling to and from distant courts.
- (c) Ensuring during first six that, save for in exceptional circumstances, Pupils are not required to work late into the evening or on weekends.
- (d) Ensuring during second six that Pupils are given sufficient time out of court to prepare their own work and any additional work for the Pupil Supervisor or other members of Chambers such that, insofar as possible, they are not required to work late into the evening or on weekends.

4.83 Pupils will have a direct line to the Head(s) of Pupillage, Pupillage Secretary and their relevant Pupillage Officer to discuss any matters relating to Pupil Supervisors or Supporting Supervisors.

### **Working Hours**

4.84 Chambers' core business hours are 8:30am to 6pm Monday to Friday (inclusive). There are no fixed training hours, but Pupils will be expected to be available for education and training for around 35 hours each week, save for periods when they are unable to work due to illness, injury or holiday.

4.85 Pupils may be invited to attend evening or weekend events relevant to their education and training, at their option. Any compulsory training which must unavoidably be organised in the evenings or on weekends will be flexible to the personal circumstances of the Pupil.

### **Absence from Work**

4.86 Pupils are entitled to 20 days holiday plus bank holidays and any other days when Chambers is closed. Chambers' holiday year for Pupillage runs from 1<sup>st</sup> October to 30<sup>th</sup> September. Pupils should spread their holiday evenly between their "first six" and "second six" insofar as practicable.

4.87 Pupils should seek the approval of their Pupil Supervisor prior to the booking of any holidays. Before approving the holiday, the Pupil Supervisor will consult the relevant Practice Manager. Provided the timing of the holiday is not likely to prevent Chambers from carrying out its business effectively, approval is likely to be given.

4.88 Pupils in their "first six" who are unable to work due to illness or injury will notify and update their Pupil Supervisor. Pupils in their "second six" will notify and update their Pupil Supervisor and Practice Manager. Pupils will provide medical evidence (for example, a letter from their GP) to their Pupil Supervisor if they need to take more than 5 working days off in a row due to illness or injury.

4.89 Where a Pupil is unable to work for a prolonged period of their Pupillage, their Pupil Supervisor will make all reasonable adjustments to the training programme to enable the Pupil to meet the competencies in the Professional Statement. Pupils can seek reasonable adjustments by speaking to their Pupil Supervisor. In exceptional circumstances, it may be necessary to extend the Pupillage, suspend and re-start it, or to terminate it. Where Pupillage is extended, Chambers will continue to pay the Pupil their award/guaranteed earnings during any period of extension. A Pupil whose Pupillage is suspended will continue to be paid at least the minimum award or guaranteed earnings set by the BSB until their Pupillage is re-started. Any decision to extend, suspend or terminate will only be made after discussion with the Pupil, and would be open to appeal through the Grievance Procedure or Termination Appeal Procedure (both set out elsewhere in this Chapter).

## **Chambers Buddies**

- 4.90 Before Pupillage commences, each Pupil will be appointed a Chambers Buddy by their relevant Pupillage Officer. Chambers Buddies will be junior members of the Pupil's Practice Group, preferably within the first 5 years of their own practice. They will not be a member of the Pupillage Committee.
- 4.91 Chambers Buddies will provide confidential and informal support and advice to Pupils in relation to Chambers, Pupillage, work and wellbeing. The only circumstances in which a Chambers Buddy will disclose any issues raised by the Pupil is with the Pupil's consent or where the Buddy is obliged to under the BSB Handbook (for example, if the Pupil or another member of the Bar have committed serious misconduct) or where required by law. If a Buddy is obliged to report a matter to the BSB or to the police, they will also report that matter to the Head(s) of Pupillage.
- 4.92 After the Pupil's "first six", their relevant Pupillage Officer will decide whether to appoint a new Chambers Buddy for their "second six", and if so, who it will be. The Pupil's views on both points will be sought and taken into account.
- 4.93 Chambers Buddies will not provide a report to the Executive Board or sit on the interview panel for the Pupil's Tenancy application.

## **(k) Pupillage Grievance Procedure**

### **Grievance Not Concerning Pupil Supervisor**

- 4.94 If the grievance does not relate to their Pupil Supervisor, the Pupil should raise it orally with the Pupil Supervisor. If possible, the Pupil Supervisor will resolve the matter immediately. Otherwise, the Pupil Supervisor will meet with the Pupil (in person or by telephone/video) to discuss the grievance, within 24 hours if practicable. After the meeting, the grievance should be resolved immediately in a manner agreed between the Pupil and Pupil Supervisor if possible.
- 4.95 The Pupil Supervisor will keep a written note of any meeting, including the grievance discussed and any resolution agreed. They will provide a copy of the note to the Head(s) of Pupillage and Pupillage Secretary within 24 hours of the meeting.
- 4.96 In the event that the grievance is resolved to the satisfaction of the Pupil and Pupil Supervisor, a record of the agreed resolution shall be signed by both and a copy provided

within 24 hours to the Pupillage Secretary and the Head(s) of Pupillage by the Pupil Supervisor.

4.97 In the event that the grievance is not resolved to the satisfaction of the Pupil and/or the Pupil Supervisor, the matter shall be referred by whomsoever is dissatisfied within 24 hours to the Head(s) of Pupillage for resolution. The Head(s) of Pupillage shall investigate the grievance and offer the Pupil a meeting within 7 days of the referral. The meeting shall be recorded in writing and a note kept of the meeting.

4.98 In the event that the matter is not resolved by the Head(s) of Pupillage to the satisfaction of the Pupil and/or Supervisor, the matter shall be referred by way of an appeal to one of the Heads of Chambers for determination.

### **Grievance Concerning the Pupil Supervisor**

4.99 In the event that the grievance concerns the Supervisor, the Pupil shall raise the matter directly with the Head(s) of Pupillage. The Head(s) of Pupillage will resolve the matter immediately if necessary (for example, if it relates to health, safety or wellbeing). Otherwise, the Head(s) of Pupillage will meet with the Pupil (in person or by telephone/video) to discuss the grievance within 7 days. After the meeting, the grievance should be resolved immediately in a manner agreed between the Pupil and Head(s) of Pupillage if possible.

4.100 The Head(s) of Pupillage will keep a written note of any meeting, including the grievance discussed and any resolution agreed.

4.101 In the event that the matter is not resolved by the Head(s) of Pupillage to the satisfaction of the Pupil and/or Supervisor, the matter shall be referred by way of an appeal to one of the Heads of Chambers for determination.

4.102 If the Pupil is unable to contact the Head(s) of Pupillage in relation to a matter that requires immediate resolution, the Pupil will instead contact the Heads of Chambers directly.

### **Appeal to One of the Heads of Chambers**

4.103 One of the Heads of Chambers will be responsible for hearing the appeal. The remaining joint Head(s) of Chambers shall select a member of Chambers (not connected

to the Pupillage Committee) to assist the Pupil in the preparation of their appeal, or by way of defence to an appeal by the Pupil Supervisor.

4.104 The Head(s) of Pupillage, Pupil Supervisor and Pupil shall provide the relevant Head of Chambers with a written statement of the grievance, its investigation and attempted resolution to date and proposal for ultimate resolution. If they cannot agree on a joint statement, they shall be at liberty to submit separate written statements, making clear the matters on which they disagree.

4.105 The relevant Head of Chambers shall conduct an appeal hearing within 7 days of the notification of the grievance procedure appeal if at all practicable, but in any event no later than 14 days after notification of the grievance procedure appeal. If the relevant Head of Chambers is unable to attend the appeal hearing owing to exceptional circumstances, they may secure the attendance of another senior member of Chambers (who must be a Q.C. or more than 20 years call) in their place.

4.106 The result of the appeal shall be notified in writing within 7 days of the hearing of the appeal to the Pupil, Pupil Supervisor, Pupillage Secretary and Head(s) of Pupillage.

4.107 In the event that the Pupil is dissatisfied with the decision or resolution proposed by the relevant Head of Chambers, the Pupil shall be referred to the BSB and be provided with every assistance by way of written documentation of the grievance process, appeal hearing and relevant contact.

### **Other Methods of Raising a Grievance**

4.108 Where issues cannot be resolved internally or Pupils would prefer to discuss any concerns with someone outside of Chambers, the following sources of help and advice are available to them:

- (a) The Bar Council Pupils' Helpline, which provides confidential advice and support to Pupils by email or telephone.
- (b) The Bar Council Equality & Diversity Helpline, which offers confidential equality and diversity advice to all Pupils and members of the Bar about any equality and diversity, parental leave or bullying and harassment issue.
- (c) The Education Officer within their Inn of Court.
- (d) The LawCare Helpline, which is a free and confidential advisory service to help lawyers, their immediate families and their staff to deal with the health issues

and related emotional difficulties that can result from a stressful career in the law.

- (e) The Bar’s Wellbeing website offers advice, guidance and a range of contacts on a range of specific issues relating to mental health and wellbeing at the Bar, including support for students and Pupils.
- (f) Where internal procedures are not successful, a formal complaint can be pursued with the BSB.

**(I) Pupillage Funding**

4.109 The Award amounts and funding arrangements for each Pupillage will be set by the Executive Board and notified to the Pupillage Committee before recruitment for the Pupillage begins.

4.110 All Pupils will be paid no less than the minimum amount specified by the BSB. For the period 1 January 2021 to 31 December 2021, the minimum amount is £18,960 for 12-month Pupilages in London.

4.111 The 36 Group consistently offers Pupillage awards which are higher than the BSB minimum for pupillage. Different Practice Groups within chambers offer different awards. For pupils commencing in 2022, the Pupillage Awards are as follows;

- a) 36 Crime £45,000 consisting of £30,000 grant and £15,000 guaranteed earnings
- b) 36 Family £45,000 consisting of £30,000 grant and £15,000 guaranteed earnings,
- c) 36 Commercial £60,000 consisting of £45,000 grant and £15,000 guaranteed earnings
- d) 36 Stone £65,000 consisting of £45,000 grant and £20,000 guaranteed earnings.

Pupils are paid in monthly instalments. Throughout the First and Second Six pupils receive 12 equal monthly instalments. In the event that the Pupil earns more than the guaranteed earnings element in the second six months of the Pupillage, then the guaranteed earnings element of the sums advanced to the Pupil by Chambers shall be repaid by the Pupil to Chambers.

4.112 Pupils are able to make a request for up to £10,000 (£5,000 Crime) of the grant component to be paid to them during the 12 months prior to pupillage commencing. If such a request is made and approved, the Pupil enters into a separate contract in relation to this which specifies the terms on which the payment is made. Early drawdown is

ordinarily paid in 12 equal instalments from a date 12 months prior to pupillage commencing unless otherwise agreed by the Executive Board.

4.113 The terms of the Award, including the availability of advances and Chambers’ expenses policy, will be set out clearly in the Pupillage Agreement. The terms of the Award will comply with Part C2-3 of The Bar Qualification Manual (“Pupillage Funding”) and Rules C113 - C118 of the BSB Handbook including as to the payment of Pupils’ travel expenses.

**Repayment**

4.114 Chambers will not seek or accept repayment of any of the award paid to Pupils, before or after they cease to be a Chambers Pupil, save in the case of misconduct on the part of the Pupil.

**Transparency**

4.115 Chambers’ Pupillage advertising material will clearly set out Chambers’ Pupillage funding arrangements, including the Pupillage award amount and arrangements for expenses.

4.116 Upon making an offer of Pupillage, Chambers will send the prospective Pupil the Pupillage Agreement, so that Pupils understand Chambers’ funding arrangements before accepting the offer of Pupillage.

**(m) Record Keeping**

4.117 The Chief Operating Officer will maintain the following data and records for at least 5 years:

- (a) Training records and outcomes for Pupils.
- (b) Training records for Supervisors and recruitment panel members.
- (c) Recruitment records (advertisements, application process, selection criteria, assessor records).
- (d) Pupillage Agreements.
- (e) Diversity data for Pupils (comparing applications, interviews offered, Pupillage offers made, places taken up and progression to Tenancy) and the action that Chambers has taken following review of the data.
- (f) Complaints/grievances, analysis and action taken.
- (g) Pupil feedback, analysis and action taken.
- (h) Policies related to Pupillage.

4.118 Pupils will also retain their training records for at least 5 years.

**(f) Record Keeping and Review**

4.119 The Chief Operating Office will maintain the following data and records for at least 5 years:

- (i) Recruitment records (advertisements, application process, selection criteria, mark sheets).
- (j) Complaints/grievances.
- (k) Equality and Diversity monitoring data from the recruitment process.

4.120 The Chief Operating Officer will collate Equality & Diversity data from the selection process and send it to the Pupillage Committee.