

PUPILLAGE POLICY DOCUMENT

(Updated October 2021)

I. Recruitment of Pupils

1. Chambers is a BSB-approved training organisation. It normally takes between 1 and 2 pupils per annum. The number is dependent on:
 - a. the availability of pupil supervisors - some members may be absent on parental or adoption leave or involved in very long cases that are unsuitable for pupils to participate in as spectators;
 - b. budgetary considerations - in some years there may be exceptional calls on members' pockets which reduce the available funding;
 - c. the strength of applications.
2. All 12-month pupils are offered awards. The award is currently set at £60,000. The amount of these awards is reviewed annually. 3rd six pupils do not normally receive funding.
3. Pupils are selected on the basis of their application forms and performance in interview having regard to our written objective, fair and explicit selection criteria (see Annexe A). These criteria are published on the chambers website. Chambers aims to achieve reliability, validity, objectivity and transparency in its recruitment processes as specified in the Bar Council's Fair Recruitment Guide.
4. Chambers is a member of the Pupillage Gateway system. The Gateway application form is tailored to draw out the ways in which candidates fulfil the criteria for selection. Chambers ensures that the questions asked on the application form are well drafted and not obscure or unclear in any way.

5. Decisions on applications will be made by at least two members of Chambers having regard to our written objective, fair and explicit selection criteria (see Annexe A). Pursuant to r.C110.c, every member of Chambers involved in the selection of pupils will be trained in fair recruitment and selection processes. Chambers operates the following procedure for assessment and recruitment of pupils:
 - a. At least two members will read applications before any candidate is rejected without interview.
 - b. Interview shortlists will be compiled.
 - c. The first interview panel will consist of two members of chambers, because we have found that some candidates are intimidated by a panel of more than two members at first interview. This will normally involve the candidates preparing an answer to a written problem.
 - d. The second interview, at which candidates discuss another written legal problem orally, will be conducted by a panel of between three and five members.
6. Wherever possible, Chambers avoids holding interviews at times when potential candidates may be involved in final preparation for and sitting examinations at an institution of higher education. Where interviews or other parts of the selection process takes places during term time, Chambers will treat sympathetically any request for an alternative date made by a candidate for academic or other good reasons. Chambers does not pay for travel expenses to or from interview, except in exceptional circumstances, but will, where appropriate, consider making alternative arrangements for conducting interviews (e.g. by Skype).
7. Chambers ensures that the conduct of the applications process for pupillage accords with the Equality and Diversity rules for the Code of the Bar. It operates an equal opportunities policy and aims to recruit the best candidates regardless of sex, race, colour, ethnic or

national origin, nationality, citizenship, gender re-assignment, sexual orientation, social background, marital or civil partnership status, disability, age, religion or belief or pregnancy and maternity. The applications process is subject to regular equality and diversity monitoring and proper records will be kept for a period of at least two years. Chambers will make reasonable adjustments for candidates for pupillage because of disability or other condition.

8. Insofar as it is fair and appropriate having regard to all the circumstances including members' availability and the desirability of sharing involvement in the recruitment process amongst members, Chambers tries to ensure that in each year of pupillage applications (i) the composition of the panels involved in reading applications and interviewing reflects the diversity of members of chambers and (ii) no member is involved in more than one stage of the selection process.
9. Wherever possible, Chambers will advise candidates at interview when a decision is likely to be reached on their pupillage applications.
10. Offers of pupillage for successful candidates will remain open for a period of no less than 14 days. They will contain *inter alia* the date of commencement of pupillage, details of supervision arrangements and details of the pupillage award. Pupils shall be informed a reasonable time before pupillage begins who his or her first supervisor will be (so that a meeting can be arranged before pupillage begins).
11. Where possible, applications will be acknowledged by Chambers, and candidates will be notified of the outcome of their application, for example if their application is unsuccessful or pupillage is no longer to be offered. Chambers recognises that making pupillage applications can be a demanding and stressful process for candidates, and it endeavours to conduct the selection process with efficiency and courtesy.
12. Chambers' Equality and Diversity policy can be found at Annex B.

II. Pupils

13. A person completes pupillage by satisfactorily completing 12 months of pupillage and such further training as may be required by the BSB from time to time.
14. Pupils shall sign a written agreement before commencing pupillage in the form developed by Chambers.
15. Chambers ensures that pupils obtain (through the implementation of the Pupillage Training Programme, as to which see below):
 - a. adequate supervision and resources to enable the timely completion of pupillage,
 - b. an understanding and appreciation in practice of the rules of conduct and etiquette at the Bar
 - c. sufficient practical experience of advocacy to be able to prepare and present a case competently
 - d. sufficient practical experience of conferences and negotiation to be able to undertake the same competently
 - e. sufficient practical experience in the undertaking of legal research and the preparation of drafts and opinions to be able to undertake the same competently.
16. Pupils are referred to Section 4H of the Bar Qualification Handbook, which summarises the responsibilities of pupils. Furthermore, pupils have the following duties:
 - a. To act appropriately on feedback provided by pupil supervisors;
 - b. To act appropriately in relation to assessment and appraisal of their work;

- c. To take steps to ensure that the required standards are met;
- d. To undertake the compulsory courses that are required by the BSB;
- e. To keep such hours as may be stipulated by their pupil supervisor;
- f. To complete any remedial or additional work that is required by Chambers or the BSB;
- g. To behave at all times in accordance with professional ethics and conduct.
- h. To preserve the confidentiality of all clients of chambers - please bear in mind that the pupil supervisors of your friends and acquaintances may be involved in the same case on the other side. Casual discussion of your pupil supervisor's cases in student commons rooms etc is hazardous and unprofessional.
- i. To carry out such reasonable tasks as are assigned to them by their pupil supervisors.
- j. To prepare diligently for all conferences and court appearances so as to derive maximum benefit from them, unless practical constraints render this impossible.
- k. To treat clients, clerking and secretarial staff and members of chambers with courtesy and consideration.
- l. To comply with the duties and specifications for the non-practising and practising periods of pupillage.
- m. To ensure completion of the required checklists as specified by the BSB.

17. All pupil supervisors are on the register of approved pupil supervisors kept by the BSB, have a current practising certificate, and have regularly practised as a barrister during the previous two years. In addition, Chambers ensures that pupil supervisors are both familiar and compliant with the requirements of pupil supervisors provided for by Chapter 4 of the Bar Qualification Handbook. There is a pupillage committee which has a Head of Pupillage, with overall responsibility for pupillage. The present Head of Pupillage is Luke Harris.

18. It is a primary responsibility of the pupil supervisor to give appropriate advice, support and guidance, and pupils should approach their supervisor with any concerns that they may have. Pupil supervisors shall at all times have regard to section 4M of the Bar Qualification Manual and shall endeavour to follow the good practice identified there. Pupil supervisors shall follow the requirements of the Pupillage Training Programme and have the following role and duties in particular:
 - a. to provide and organise induction for pupils in accordance section 5M, paragraph 2 of the Bar Qualification Manual. At the induction pupils will be shown how to access electronic copies of chambers' various policies. Hard copies are provided on request.

 - b. to establish and maintain regular contact with the pupil, ensuring their accessibility when advice is needed.

 - c. to ensure resources are in place.

 - d. to provide learning opportunities for the pupil.

 - e. to provide timely, effective and constructive guidance, advice and feedback on the pupil's work. A pupil supervisor shall endeavour to provide feedback on a pupil's written work within 1 week of receiving it.

 - f. to assess, monitor and evaluate a pupil's progress with the pupil at

monthly intervals over the course of pupillage.

- g. to ensure outcomes of core areas are met and competencies attained to the required standard.
- h. to instil professional ethics and conduct, ensuring that the pupil is aware of the need to exercise probity and conduct according to ethical principles.
- i. to ensure that compulsory courses specified by the BSB are undertaken and passed.
- j. to ensure that the pupil is initially registered, and, provided that the non-practising period has been satisfactorily completed to sign off after the non-practising period in order that the pupil is able to obtain a provisional practising certificate.
- k. to ensure the pupil is covered through their own insurance when providing legal advice;
- l. to comply with other rules or guidelines relating to pupillage issued by the BSB.
- m. where possible, act as mentor and advisor to pupils, as well as supervisors.
- n. to ensure that a good range of the items specified in the BSB-approved specialist Chancery checklist are met and to review the checklist with pupils on a regular basis to identify any gaps in the completion of the checklist.
- o. to support the pupil as far as is possible in non-professional/academic areas;

- p. to deal with any other issues arising (e.g. conduct, complaints, special circumstances);
 - q. to perform appraisals of a pupil's overall progress as appropriate
 - r. to contribute to the tenancy selection process
 - s. to endeavour to ensure that the pupil is fit to practise on completion of pupillage and provided that the pupil has satisfactorily completed both the non-practising and practising periods of training to sign off the necessary documentation to enable the pupil to confirm to the BSB that he or she has completed pupillage.
19. The expected structure of pupillage is set out more fully in the Pupillage Trainign Programme but, in summary, pupils generally sit with 3 or 4 different pupil supervisors in the course of any twelve-month period. All pupils are rotated amongst the same pupil supervisors so as to allow candidates to be compared on a fair basis. Pupils should not expect to undertake work in their 2nd six months. Some work may be made available but this will be limited and cannot be guaranteed. Any work which is given to pupils during their second six months will be distributed on a fair basis without regard to sex, race, colour, ethnic or national origin, nationality, citizenship, gender re-assignment, sexual orientation, social background, marital or civil partnership status, disability, age, religion or belief or pregnancy and maternity.
20. Pupils are expected to provide their own laptop for the duration of pupillage, but will be provided with access to Chambers' email and computing facilities, access to Chambers' library (including access to Law reports, Westlaw and LexisNexis), secretarial services, photocopying, and postage. Pupils will usually share a room with their Pupil Supervisor so that they can benefit from observing their routine and professional practice.
21. Pupils will have 20 days holiday per year (not including Bank Holidays), the timing of which will be arranged with their pupil supervisors.

III. Pupillage Training Programme for Pupils

22. Chambers has developed a Pupillage Training Programme. The programme is based upon a curriculum for pupillage and incorporates structured feedback and two formal assessments (one advocacy assessment and one written assessment).
23. The programme has been devised to ensure that pupils have the opportunity to develop the skills, knowledge and experience required to obtain a provisional practising certificate at the end of the non-practising period of pupillage and a full practising certificate upon completion of pupillage having regard to the Threshold Standard for Competencies prescribed by the Professional Statement for Barristers.

IV. Disciplinary procedure

24. Chambers considers the following matters to constitute pupil misconduct:
 - (1) Committing a breach of the BSB Handbook;
 - (2) Committing a breach of Chambers' policies, procedures or codes of conduct applicable to the pupil;
 - (3) Being 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);
 - (4) Failing to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of a pupil's pupillage training;
 - (5) Ceasing, during the practising period of pupillage, to hold a valid practising certificate;

(6) Bringing or risking bringing the name or reputation of Chambers or its members into disrepute or prejudicing the interest of Chambers through actions or omissions (whether or not in the course of the pupillage).

25. In the case of misconduct, and subject to clause paragraph 23 below, the following procedure shall apply:

(1) Stage one: In the case of a first minor breach, a pupil may be given an informal verbal warning by their pupil supervisor, who will inform the pupil of the nature of the misconduct, request an improvement in that pupil's conduct and specify a time for such improvement. A file of instances of misconduct shall be kept and a note of the verbal warning shall be taken and kept on the file and copied to the pupil.

(2) Stage two: A second failure to remedy the misconduct or a more serious breach will justify a formal warning by the pupil supervisor, who shall notify the Chair of the Pupillage Committee. The warning will be recorded on the file of instances of misconduct referred to in stage 1 and copied to the pupil. Where appropriate, the pupil will be given a time in which to improve their conduct.

(3) Stage three: The repetition of breaches previously dealt with at Stage 1 or Stage 2, or a more serious first breach will be dealt with by a final written warning which will be given to the pupil by a member of the Pupillage Committee after a full investigation of the circumstances. A written copy of the final warning will be issued to the pupil. The final warning will, where appropriate, specify a time for improvement in their conduct.

26. The written pupillage agreement between a pupil and Chambers specifies the circumstances in which Chambers has the right to terminate a pupillage at any time and with immediate effect. Those circumstances include the matters set out below:

(1) Committing a breach of the BSB Handbook;

- (2) Committing a serious or persistent breach of Chambers' policies, procedures or codes of conduct applicable to the pupil;
 - (3) Being 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);
 - (4) Failing to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of your pupillage training;
 - (5) Ceasing, during the practising period of pupillage, to hold a valid practising certificate;
 - (6) Bringing or risking bringing the name or reputation of Chambers or its members into disrepute or prejudicing the interest of Chambers through actions or omissions (whether or not in the course of the pupillage).
27. If Chambers decides to terminate a pupillage pursuant to the terms of the written pupillage agreement, it shall forthwith notify the pupil of that decision and provide the pupil with sufficient information so as to understand the grounds for the decision.
28. Any pupil whose pupillage is terminated shall have the right of appeal against that decision.
29. Any appeal against the decision of Chambers to terminate pupillage:
- (1) Must be made as soon as reasonably possible;
 - (2) Shall in any event be made within 14 days of the termination of pupillage;

(3) Shall be made in writing to the Head of Chambers and will be acknowledged within 7 days of receipt unless there are good reasons for delay;

(4) Will be dealt with promptly in accordance with this procedure and in any event within 28 days of receipt of the appeal unless there are good reasons for delay;

(5) Will be considered in accordance with standards of natural justice and, in particular, the pupil and Chambers shall each have the right to rely on written submissions and, if there is a hearing, the pupil and Chambers will be permitted to be represented if they so wish; and

(6) Will be considered by two members of Chambers (including one QC) who, where possible, have not been involved in the decision to terminate the pupillage.

30. On the conclusion of the consideration of the appeal the pupil will receive a written response on the outcome of the appeal.

31. If the appeal is upheld and pupillage is re-instated, the pupillage will recommence within 14 days of the appeal being upheld.

32. The written pupillage agreement makes provision for the pupillage award and any repayment thereof in the event that pupillage is terminated by Chambers pursuant to that agreement. Such provisions include:

(1) The reduction pro rata of the pupillage award in the event that a pupil does not complete 12 months pupillage and the cessation of monthly payments;

(2) The repayment of any advance payment of the award in the event that the pupillage is terminated prior to its commencement.

(3) The circumstances in which Chambers may seek repayment of sums already paid in respect of the award in the event that the pupillage is terminated after its commencement.

33. Where pupil misconduct triggers an obligation to make a report to the BSB under Part 2-C4 of the BSB Handbook, the Head of Chambers and/or the Pupillage Committee shall make a written report of the relevant misconduct to the BSB in accordance with the BSB Handbook and shall inform the pupil's Inn of Court.

V. Recruitment of Junior Tenants

34. Chambers will usually aim to recruit new junior tenants from existing pupils. There is no formal application process and unless they indicate otherwise it will be assumed that a pupil wishes to be considered as a candidate for tenancy. Pupils will be appraised of the timing and mechanics for recruitment of junior tenants in the induction section at the beginning of pupillage.

35. Pupils' suitability for tenancy will be assessed over the course of the pupillage year in accordance with our written objective, fair and explicit selection criteria (see Annexe A). Chambers aims to achieve reliability, validity, objectivity and transparency in its recruitment processes as specified in the Bar Council's Fair Recruitment Guide.

36. The procedure that will be adopted is as follows:

(1) During their first nine months in chambers each pupil will spend a period of approximately three months with each of three pupil supervisors. Save for unforeseen circumstances the pupil supervisors will be the same for all of that year's pupils.

(2) Once each of that year's pupil supervisors has had an opportunity to assess the work of each pupil they will meet and (by reference to the selection criteria set out at Annexe A) formulate a recommendation as to whether each pupil meets

the criteria for selection as a tenant.

(3) Subject to its confirmation by the Pupillage Committee as provided for in the Pupillage Training Programme, this recommendation will be forwarded to the Head of Chambers. Save for unforeseen circumstances this recommendation will be made no later than 1st July in any year.

(4) The decision as to whether Chambers is able to offer a tenancy to all or any of the pupils will be taken by Chambers as a whole.

(5) A decision may be sought in the first instance by email in which case any dissentient may convene a chambers meeting. A majority vote will be employed.

(6) Chambers will aim to notify each pupil as to whether they will be offered a tenancy no later than 15th July.

37. Pupils who are not taken on will be afforded as much assistance, in finding alternative places, as is possible. However, squatting will not be allowed and pupils to whom an offer of tenancy has not been made will be expected to leave chambers at the end of their pupillage.

VI. Failure to satisfy completion of the non-practising or practising period of pupillage

38. Paragraph 39 shall apply if a pupil supervisor is unable to certify that a pupil has satisfactorily completed:

(1) the non-practising period of pupillage pursuant to section 4K, paragraph 2.5 of the Bar Qualification Manual; or

(2) the practising period of pupillage pursuant to section 4K, paragraph 3.11 of the Bar Qualification Manual.

39. In such circumstances, the Pupillage Committee may in its absolute discretion:
- (1) extend the period of pupillage; and/or
 - (2) provide opportunities for the pupil to complete remedial work to enable the pupil to attain the required level of competency (as referenced at Section 4J, paragraph 1.31 of the Bar Qualification Manual; and/or
 - (3) take such other steps as the Pupillage Committee shall consider necessary;
- so as to enable the pupil to complete the relevant period of pupillage.
40. A pupil who is dissatisfied with a decision not to certify satisfactory completion of a period of pupillage may be entitled to invoke the complaints procedure set out below.

VII. Financial Arrangements

41. Chambers offers a pupillage award of up to £60,000 per pupillage. Up to £15,000 of the pupillage award offered to a pupil may be drawn down during the year before pupillage commences. The remaining award is split into 12 equal monthly payments, over the pupillage year, paid in advance of each month by cheque on the first day of the month. The scale and timing of pupillage awards is reviewed annually.
42. In the event that a pupil does not complete 12 months of pupillage in Chambers, monthly payments in respect of the pupillage award will cease for the future upon the pupil ceasing to undertake pupillage in Chambers. Chambers reserves the right to require the repayment of the whole or any part of the amount drawn down on account of the pupillage award in a pre-pupillage year if fewer than 9 months of pupillage have been completed or if a pupil rejects an offer of tenancy in Chambers or becomes unable (otherwise than by reason of something which is a protected characteristic under the Equality Act 2010) to take up an offer of tenancy in Chambers, whether or not such an offer has been made.

43. Pupils do not contribute to the payment of clerks' fees or rent or other Chambers' expenses during pupillage. Pupils are expected to pay for their own travel within London and whenever travelling on their own account. Where possible, pupils will be put in funds before incurring any other expenses (such as copying) on their pupil supervisor's behalf, or failing that, will be reimbursed promptly by the pupil supervisor or by Chambers. Chambers will meet the cost of compulsory courses specified by the BSB.
44. Pupils are reminded that the nature of practice at the Bar (whether at 5 Stone Buildings or elsewhere) means that it may take several months for work done on a case to be paid, and this can lead to financial pressures arising during the first months in practice. To alleviate these Chambers will usually offer an income guarantee for a junior tenant's first year of practice and will usually make available loan arrangements to cover periods of low receipts during that year. However, pupils are strongly recommended to make provision for this period by saving part of their pupillage award.

VIII. Complaints

45. Chambers aims to resolve any grievances or complaints fairly and expeditiously, through discussion, at the point at which they occur. Complaints on any aspect of chambers life or pupillage may be addressed to:
 - (1) your pupil supervisor (if practical) in the first instance;
 - (2) the Head of Chambers (if it is impractical to complain to your pupil supervisor e.g. if he or she is the subject of the complaint).
46. If a pupil wishes to discuss matters with a member of the same sex, this can be arranged through the Head of Chambers, if an informal approach is not practical. Chambers also has an Executive Committee and any member of it can be approached with complaints if the pupil feels more comfortable with this. Please do not suffer in silence.
47. Chambers also has a formal complaints and grievance procedure which a pupil may

invoke. A copy of the complaints and grievance procedure can be obtained from the Chambers' administrator.

IX. Other policies

48. Chambers has a wellbeing policy, a harassment policy and a reasonable adjustment policy, all of which apply to pupils.

X. Further clarification

49. Further clarification on any of the above points can be obtained from the Pupillage Committee.

Annexe A

PUPILLAGE AND MINI PUPILLAGE RECRUITMENT POLICY

At 5 Stone Buildings we aim to recruit pupils and mini-pupils with the ability and potential to become successful members of chambers. To that end, we look for candidates who demonstrate the abilities and qualities set out below.

1. Career motivation

- Commitment to the Bar / Chancery work / 5SB
- Ambition

2. Intellectual ability

- Analytical ability:
 - Thinking deeply
 - Thinking clearly (“seeing the woods for the trees”)
- Intellectual agility
- Attention to detail / ability to manage information

3. Communication skills

- Clarity
- Precision
- Persuasiveness
- Ability to handle clients and professional relationships

4. Personal Qualities

- Efficient, organised and resilient
- Self-starting
- Ability to work as part of a team
- Ability to self-promote