

## **PUPILLAGE POLICY**

### **INTRODUCTION**

1. While Chambers may consider recruiting a person who has completed a third six month pupillage at Gough Square Chambers and occasionally recruits suitable established practitioners in its specialist areas of practice, Chambers principally recruits tenants from those successfully completing a 12 month pupillage.
2. Subject to periodic breaks, or subject to changes of the start date, Chambers provides one 12-month pupillage in the academic year. Chambers does not currently offer third six pupillages but may consider doing so in the future.

### **PUPILLAGE RECRUITMENT CRITERIA**

3. Chambers complies with the four principles of fair recruitment: reliability, validity, objectivity and transparency. The following objective and fair criteria are applied in the selection of pupils, with selectors being required to complete a standard form, recording the marks given to each applicant in respect of each criteria to ensure a consistent and thorough approach:

- 1. Intellectual Ability**

We will have regard to your academic record as a whole and your potential. We usually look for a 2:1 university degree, but will consider candidates who do not meet this threshold if there are mitigating circumstances and/or other evidence of intellectual ability which overrides this. Consideration will also be given to your clarity of expression in writing in your application. If your qualifications were not gained in the UK, we will consider them on an equivalent basis. Please let us know any information you believe to be relevant in relation to the above.

- 2. Advocacy**

We will look for evidence that a candidate is articulate, responsive and has an ability to inspire confidence in others. Mooting and debating experience will be considered, but is not essential.

- 3. Analytical ability**

Your ability to distil, retain and convey information when analysing the factual and legal issues in a problem will be tested. We will look for evidence that you can think under pressure, identify the crux of an issue and offer a persuasive solution.

**4. Interpersonal skills and temperament**

We will look for evidence of emotional intelligence, empathy, integrity, objectivity, confidence, common sense and an ability to stay calm and focused under pressure.

**5. Initiative**

Evidence of motivation, industry and resourcefulness will be considered. This may include placements, holiday jobs, vocational experience, mini-pupillages, mooting, debating and other life experiences. Please tell us about anything you feel demonstrates a high level of drive and determination. We will also consider your interest in and commitment to the Bar.

**6. Ability to build a successful practice in Chambers**

This will include your interest in Chambers and its specialist areas of practice, your ability to contribute to Chambers and your aptitude for marketing and client care.

**FINANCE AND AWARDS**

4. The 12-month pupillage is currently funded by a guaranteed income of £100,000, being an award of £60,000 coupled with guaranteed earnings of £40,000 in the practising six months (this is a guarantee of fees billed not fees received). The award is paid by equal monthly instalments over the 12 month period of the pupillage (£5,000 per month).
5. It is a requirement for pupils who receive income during their practising six months to rent to Chambers at the prevailing rate.
6. A pupil's reasonably incurred travel expenses for the purposes of pupillage (other than those incurred in respect of fee paying work) will be reimbursed on production of receipts no later than the end of the month in which they were incurred.
7. Chambers pays for attendance at educational courses required during pupillage. Pupils will be reimbursed for expenses reasonably incurred by them in connection with such attendance no later than at the end of the month in which they were incurred. Chambers may also pay for additional courses of further education during pupillage and connected expenditure reasonably incurred.

**APPLICATIONS FOR PUPILLAGE**

8. Chambers uses the Pupillage Gateway application system.
9. When there is a pupillage vacancy, Chambers advertises on the Pupillage Gateway website in accordance with the Bar Standards Board's requirements and runs a recruitment process through the Gateway. The advertisement will refer prospective applicants to Chambers' website for further information about Chambers and the recruitment process.
10. All advertising is done in accordance with the Pupillage Funding and Advertising Rules 2003.

11. Applications for the advertised pupillage will only be considered if made within the timescale and manner advertised on the Pupillage Gateway website.

#### **FAIR RECRUITMENT AND EQUALITY AND DIVERSITY**

12. Chambers complies with the Bar Standards Board's Equality and Diversity Code and conducts its recruitment process in accordance with the Bar Council's Fair Recruitment Guide.
13. In the recruitment of pupils, members of chambers and members of staff, Chambers will not discriminate, directly or indirectly, on the grounds of age, disability, gender reassignment, marital or civil partnership status, race, religion or belief, sex or sexual orientation.
14. It is our policy to ensure the person in charge of any recruitment as well as any member sitting on a recruitment panel will, save in unforeseen and exceptional circumstances, have undertaken Equality and Diversity training on fair recruitment and selection processes.
15. Applicants for pupillage are encouraged to complete an accompanying diversity monitoring form.
16. Diversity monitoring information is not disclosed to selectors but is retained for the purpose of diversity monitoring, which will be carried out at the conclusion of the selection of each pupil by the Head of Pupillage and Chambers' Equality and Diversity Officers.

#### **SELECTION OF PUPILS**

17. All the applications for pupillage are fully considered on paper on an equal and non-discriminatory footing using the published Pupillage Recruitment Criteria; applications are anonymised before this paper review. This initial selection procedure is undertaken by at least two members of Chambers. The most suitable applicants are selected for the interviewing process. Those rejected will be notified in writing.
18. The interviewing process generally consists of two rounds of interviews unless, in exceptional cases, it is necessary to hold a third round. Best endeavours are used to ensure that the panels are not comprised only of members of the same gender. The interviewing panels can contain members of the initial selection panel. The first round interview is usually conducted by a panel of three members of Chambers; the second round interview is usually conducted by a panel of five members of Chambers. Save for exceptional circumstances, no more than one member of the first round panel shall sit on the second round panel.
19. After the first round of interviews are completed, the first round panel will draw up a shortlist of candidates whom will be given a second interview. Those rejected will be notified in writing.
20. The second interview will include questions on a problem which will be provided to applicants 30 minutes before the interview.

21. Following the second round interview, the panel will decide which candidate (if any) will be offered pupillage. Candidates will be informed of the decision in writing. If the pupil accepts, a contract in compliance with the BSB's rules will be drawn up between Chambers and the pupil.
22. Feedback will be provided on request to any candidate who reached the interview stage.
23. All those involved in the selection process will assess applicants on the basis of the published Pupillage Recruitment Criteria. The Pupillage Recruitment Criteria will not be changed during the selection process.

## **PUPILLAGE**

### Structure of pupillage

24. A pupil will normally have three nominated pupil supervisors each for a four month period.
25. The pupil's usual working hours are 08:30 to 18:00 subject to court attendance. The pupil will have an hour's break for lunch. Work/training is ordinarily carried out from Chambers but requests for flexible working will be considered and can be agreed between the pupil and their supervisor(s) and/or the Head of Pupillage. For example, it may be possible to arrange the pupillage such that the pupil works three days per week from Chambers and two days per week from home.
26. Chambers will also consider any request by a pupil for the pupillage to take place on a part-time basis. To the extent that such an arrangement is reasonably workable and is appropriately signed off by the BSB, Chambers will grant that request.
27. Chambers will also make other reasonable adjustments for a pupil with disabilities. Any pupil who requires such adjustments should raise the matter with the Head of Pupillage after receiving the offer.
28. If a pupil requires a break during pupillage (for example for health reasons or as a result of having a child), they should raise the issue with the Head of Pupillage, the Equality and Diversity Office or the Head of Chambers. Chambers will be flexible and adaptable in such a scenario and will agree to a break of up to 12 months provided this can be approved by the BSB. Chambers will also consider any request for the pupillage to conclude on a parttime basis as set out above.
29. The pupil is entitled to ten working days holiday in each of the six month periods. This holiday entitlement is in addition to public holidays and is to be arranged in consultation with the pupil supervisor and the senior clerk.

### The roles and duties of pupils

30. These are as set out in the Bar Qualification Manual (available at <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual.html>).

31. The pupil is expected to shadow his/her pupil supervisor and carry out work, research and other preparation connected to his/her pupil supervisor's work. The pupil will occasionally spend time with other members of Chambers where it is felt that the pupil should experience the work in which another member of Chambers is involved and also so that the other members of Chambers are able to view the pupil's work.
32. During the practising six months, a pupil's time will be divided between shadowing his/her pupil supervisor and undertaking suitable work in the pupil's own right.
33. Pupils in Chambers must also comply with Chambers' written policies insofar as these are relevant to pupils. All relevant policies will be provided to pupils in good time before the commencement of pupillage.

#### The roles and duties of pupil supervisors

34. These are set out in the Bar Qualification Manual.

#### Assessment during pupillage

35. Pupils will be assessed against the Professional Statement as required by the new BSB rules. Chambers will also utilise a specialist checklist for Consumer and Regulatory Law, previously approved by the Bar Council, to ensure that pupils receive full exposure to Chambers' core practice areas.
36. At the beginning of pupillage the pupil supervisor will ensure that the pupil is provided with the necessary documentation and will discuss with the pupil how it should be used. The pupil should refer to the Professional Statement regularly throughout pupillage and records of progress against this criteria will be maintained throughout the pupillage, in particular at the conclusion of both the non-practising and practising 6 months.
37. Towards the end of the non-practising and practising six months, the pupil supervisor, after consulting with the Head of Pupillage, will determine if the pupil has satisfactorily completed that element of training and can be signed off for a provisional or full practising certificate. If the supervisor refuses to sign off the pupil, the pupil can appeal to the Head of Chambers.

#### Procedure for the objective assessment of the pupil's progress at intervals

38. The pupil supervisor is the person best placed to make such an assessment. All work done by the pupil will be critically appraised in a constructive manner by the pupil supervisor. It is likely that this will be done at least every few days in the non-practising 6 months. In the practising 6 months the pupil supervisor will monitor all work done by the pupil in the pupil's own right.
39. Every month the pupil supervisor will provide a more formal assessment of all the major areas of training and record that such an assessment has been carried out.
40. Pupils will have stressed to them the importance of comprehensive records. The pupil will be encouraged to seek advice and to ask questions if unsure or uncertain about any aspect of the pupillage.

41. In addition to the assessments carried out by the pupillage supervisors, there will be a formal advocacy assessment during the first six months of pupillage. This will most likely consist of the pupil completing an exercise in which they make a summary judgment (or similar) application before a small panel consisting of no more than five members of Chambers. Whilst the assessment will allow Chambers to judge the pupil's abilities and suitability for practice within Chambers, it will predominantly be used as a means of ensuring the pupil is ready to progress to the practising six months of pupillage and provide constructive feedback and further training as appropriate.
42. During the second six months there will also be a formal written assessment which will involve the pupil producing an opinion on a question of law relevant to Chambers' main practice areas. This written exercise will usually be reviewed by the pupil supervisors and the pupillage committee but may be shared more widely in appropriate circumstances.

#### Method of fair distribution of work for pupils

43. Chambers' Equality & Diversity Policy sets down requirements enshrining fair access to work which ensures that all members and pupils are provided with equality of opportunity. The clerking team is particularly attuned to the need to ensure that pupils and junior tenants are afforded the opportunity to develop their practices in a fair and equal manner.
44. If there are two working pupils competing for work, Chambers has a policy that work would be evenly distributed amongst pupils. The senior clerk would be requested to keep a record of the work allocated to and done by pupils. This would assist in the implementation of Chambers' policy that if there were two pupils the work would be distributed in such a way that at the end of a given period each would have done approximately the same amount of work measured in terms of amount and value. The records kept by the senior clerk would be checked by the Chairman of the pupillage committee once a month.

#### **OFFER OF TENANCY**

45. Each funded pupillage is offered with a view to tenancy. To date, every funded pupillage has concluded with an offer of tenancy. However, a final decision on whether any pupil is offered a tenancy is dependent on the circumstances of Chambers at the relevant time and the merit and suitability of the candidate.
46. The decision as to whether a pupil should be offered tenancy will be taken by all members of Chambers. During this process, the pupil supervisors will each produce a written report and recommendation which will be distributed to all Members of Chambers; the pupillage committee will also provide a report on any formal exercises undertaken during the pupillage.
47. The supervisors and the pupillage committee will review the pupil against the Professional Statement and certify that the pupil has satisfactorily met all the competences. The supervisors and the pupillage committee will also provide more general feedback on the pupil's performance and suitability for a position in Chambers; ordinarily there is no formal

marking criteria for this assessment but reference may be made to the pupillage recruitment criteria.

48. Chambers usually only has one pupil at a time but in the unusual event that Chambers has more than one pupil, an objective marking criteria against which the pupils can be assessed shall be agreed between the supervisors and the pupillage committee and the formal assessments shall be conducted and reviewed by the same members of Chambers to ensure that the pupils are treated fairly.
49. Save in the case of unanimous decisions, Chambers will hold a "tenancy meeting" in which all members of Chambers will be entitled to provide their views and vote on whether tenancy will be offered. Tenancy will be offered if a special majority of two-thirds votes in favour of offering said tenancy.
50. The tenancy decision will be communicated to the candidate no later than two months prior to the end of pupillage.
51. A 12 month pupil who is not offered a tenancy may be permitted to squat at Chambers for a short period of time whilst seeking tenancy elsewhere. The terms of any such arrangement will be agreed with the pupil prior to the conclusion of pupillage. Chambers will give all the assistance it is able to help a pupil not offered a tenancy to obtain a tenancy elsewhere or to obtain employment.

### **THIRD SIX MONTHS PUPILLAGES**

52. Chambers does not usually offer third six pupillages and does not advertise for such a position. However, from time to time unsolicited applications for third six month pupillages are made to Chambers. Such applications will not be considered unless the applicant has experience in financial services or consumer and regulatory law and demonstrates a real desire to specialise in that field. Chambers' policy on third six pupils is subject to ongoing review.
53. If such an application is considered and a decision is made that the applicant is suitable for a third six months' pupillage, then the availability of a third six pupillage will be advertised on the Pupillage Gateway website. The selection procedure for 12 month pupillages will then be followed.

### **REVIEW OF PROCEDURES**

54. This statement reflects Chambers' current policy and is subject to ongoing review. The Head of Pupillage will review the pupillage procedures at least once a year.