

# Radcliffe Chambers

## Pupillage Policy Statement

(June 2023 version)

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## 1. GENERAL

- 1.1. The pupillage committee consists of the following members of Chambers at the time of writing:
  - 1.1.1. Kate Selway (Chair)
  - 1.1.2. Anthony Dearing
  - 1.1.3. Dawn McCambley
  - 1.1.4. Matthew Mills
  - 1.1.5. Chambers' CEO also sits in on the second-round interviews
- 1.2. The composition of the pupillage committee will vary from time to time.
- 1.3. The pupillage committee will use its best endeavours to comply with, and to ensure that Chambers complies with, the relevant provisions of the Code of Conduct and the Equality and Diversity Code for the Bar.
- 1.4. A copy of this Policy together with the pupil's induction documents are given to pupils on commencement of pupillage in Chambers. Time will be taken to talk the pupil through the Bar Standards Board (BSB) Pupillage Handbook.

## 2. AVAILABILITY

### Mini pupillages

- 2.1. Non-assessed mini-pupillages will be offered in accordance with the Mini-Pupillage Policy Statement.
- 2.2. Assessed mini pupillages (see 5 below) take place as part of the selection procedure for prospective pupils.

### Pupillages

- 2.3. Up to three twelve-month pupillages will be offered, if appropriate, in each pupillage year. The nature and scope of the training that a pupil will receive is set out in the Training Policy in Appendix Four. There is no guarantee of a tenancy in Chambers at the end of pupillage. All pupils will be considered on their merits for any tenancy.
- 2.4. The pupillage year usually runs from 1 October to 30 September (the "Pupillage Year").

2.5. Pupillage is divided into two parts:

2.5.1. *non-practising period of six months*

During this period, pupils may not accept any client instructions, except for noting briefs (taking notes during a trial or other hearing) where they have the permission of their pupil supervisor or the Head of Chambers. Pupils will normally have been Called to the Bar either before commencing the non-practising period of pupillage or during the early part of that period.

At the successful conclusion of the non-practising period of pupillage, the pupil supervisor must complete the non-practising period completion form. Pupil supervisors must not confirm that requirements have been met if the pupil has not reached the required standards.

2.5.2. *A practising period of six months*

Provided that the pupil has completed the compulsory training specified by the BSB, the BSB will then grant a Provisional Practising Certificate for a practising period of six months.

The entire practising period must be undertaken after Call; this means that pupils must be Called to the Bar before they can undertake their second six. A pupil is entitled to supply legal services and exercise rights of audience as a pupil barrister during the practising period, provided that they have the permission of their pupil supervisor or the Head of Chambers and have been issued with a Provisional Practising Certificate by the BSB.

Provided that the pupil has satisfactorily completed the practising period, which includes completing the compulsory training specified by the BSB, the BSB will confirm eligibility for a full Practising Certificate, and the pupil may apply for a full Practising Certificate in order to continue practising.

A practising pupil must register with the Information Commissioner's Office. It is a criminal offence not to do so where required.

- 2.6. Pupils must warrant that their nationality or immigration status allows them to undertake the pupillage and they must undertake to notify Chambers immediately if at any time they cease to be eligible to undertake the pupillage.

#### Third Six Pupillages

- 2.7. Chambers does not normally offer third six-month pupillages. If any such pupillage becomes available, it will be advertised on our website and in accordance with the requirements of the Code of Conduct.

### 3. FINANCIAL ASSISTANCE

- 3.1. An award will be made in each Pupillage Year. The amount of the award will be advertised and provided in a letter of offer. Part of the award may be drawn down during the vocational stage of training whilst undertaking the bar course. Chambers retains a discretion as to how much can be drawn down in advance. Pupils retain any earnings received during their practising second six without any deductions for Chambers' contributions.

### 4. ADVERTISEMENT AND PUBLICATION

- 4.1. Chambers publicises pupillage widely. All pupillage vacancies will be advertised on the Pupillage Gateway and advertisements are placed in student publications and websites. Chambers ensures that vacancies notified to the BSB, and other organisations are kept up to date.
- 4.2. Where appropriate, the opportunity will be taken:
- 4.2.1. to advertise pupillages and pupillage awards and/or mini-pupillages in student publications; and
  - 4.2.2. to participate in at least one Law Fair every year.
- 4.3. Such decisions will be made at the discretion of the pupillage committee.
- 4.4. The pupillage committee will supply the BSB with such information as it requires.

### 5. PUPILLAGE SELECTION PROCEDURE

- 5.1. Selection decisions and criteria will be taken by the pupillage committee as a whole. The selection criteria adopted by the pupillage committee, and the associated marking scheme for each of the three stages of the selection process, are set out in Appendix One to this Policy Statement. All pupils are

selected using the same procedure. Records of all applicants and documentation relating to selection decisions are kept by the pupillage committee for a period of up to two years after the completion of the recruitment process.

- 5.2. Upon receipt of all applications the pupillage committee will draw up a list of candidates who will be invited to a first-round interview in Chambers. Candidates will be assessed using the first marking scheme set out in Appendix One. Candidates progressing successfully to interview will be those with the highest total scores.
- 5.3. First-round interviews will last up to 15 minutes. Candidates will be assessed on their interview performance by reference to the second marking scheme set out in Appendix One. In general, between 10 and 15 candidates will then be invited to undertake a one day assessed mini-pupillage in Chambers, which will include a second-round interview. Candidates progressing successfully to this second stage will be those with the highest total combined scores.
- 5.4. Prior to attending the assessed mini-pupillage, candidates will be provided with instructions to provide a written advice. This should be sent to Chambers by email by the deadline and will be discussed further during the second-round interview.
- 5.5. The second-round interview will last between 45 to 60 minutes and will additionally comprise the following. On the day of the assessed mini-pupillage candidates will be provided with details to enable them to prepare for a mock conference with a solicitor and lay client (where the candidate will play the role of the barrister from whom the client is seeking advice). The conference papers will normally be provided to candidates two hours in advance of the interview time. The interview will also include discussion of professional ethics issues of the type that a barrister might typically face from time to time in the course of their professional practice. There will also be further questions about the commercial realities of being a barrister.
- 5.6. Second-round interviews will normally take place during the afternoon of the candidate's mini-pupillage.
- 5.7. Candidates will be assessed using the third marking scheme set out in

Appendix One. After the conclusion of all the interviews, the pupillage committee will meet to decide, by reference to the combined total scores awarded to each candidate in the first, second and third marking schemes, which (if any) of the candidates should be offered a pupillage.

- 5.8. Where possible, the interviewing panel for all first and second-round interviews will comprise all members of the pupillage committee and will be chaired by a senior member of the committee.
- 5.9. In the event that insufficient members of the pupillage committee are available to attend either a first or second-round interview, the vacancy or vacancies may be filled by co-opting a member or members of Chambers so that each candidate will be interviewed by at least three members of Chambers. Selection of a suitable member or members will be carried out by the chair of the pupillage committee in consultation with the other members of the committee so far as practicable and as the chair shall see fit. In the event that the most junior member of the committee is unavailable, the replacement panel member will, if possible, be drawn from the most junior quarter of members of Chambers.
- 5.10. Candidates will normally be notified of the outcome of their applications either by e-mail or telephone.
- 5.11. The offer of a pupillage and its acceptance give rise to a legally binding contract for education and training. Prior to the commencement of pupillage, Chambers and the pupil will enter into a written pupillage agreement in accordance with the requirement of the Bar Standards Board.
- 5.12. As part of Chambers' commitment to increasing diversity at the Chancery Bar, Chambers uses the contextualised recruitment system developed and operated by Rare Recruitment Ltd as part of the pupillage application process.
- 5.13. Candidates may request reasonable travel expenses if they are not in a position to fund these themselves. Payment of these expenses are solely at Chambers discretion.
- 5.14. Chambers reserves the right to modify its selection procedures at its discretion.

## 6. ALLOCATION OF PUPILS

- 6.1. Save in exceptional circumstances, a pupil will sit with four different pupil supervisors, each for a period of three months.
- 6.2. The function of allocating the pupils will be discharged by the pupillage committee as a whole, taking into account all relevant circumstances (including in particular the need to ensure that the burden of taking pupils is equally shared by those members eligible to take them). Where possible, the pupil will be told towards the middle of their seat with any given pupil supervisor who their next pupil supervisor will be.

## 7. ROLE AND DUTIES OF PUPILS

- 7.1. Chambers' core business hours are 9am to 6pm Monday to Friday (inclusive). There are no fixed training hours, but in order to maximise the educational and training benefits that pupillage affords, pupils are expected to be available for a minimum of 40 hours each week.
- 7.2. Chambers expects that pupils will spend at least eight hours a day undertaking education and training, a majority of which will be during Chambers' core business hours, save for periods when pupils are unable to work due to illness, bereavement, injury, vacation, maternity, or paternity leave.
- 7.3. Chambers is of the view that to obtain the most from pupillage a pupil should shadow their supervisor as much as possible. It is though accepted that there has been an increase in flexible working across the bar and that some supervisors do not attend chambers every day. There is an expectation that a minimum of three days in chambers is expected although it is the preference of the pupillage committee that most if not all pupillage is undertaken in chambers save for court hearings or conferences.
- 7.4. Pupils may on occasion be invited to attend evening or weekend events relevant to their educational and training needs. Attendance at such events is not compulsory but is encouraged.
- 7.5. The pupil's responsibilities are:
  - 7.5.1. At all times to adhere to the Core Duties and Conduct Rules, as set out in the BSB Handbook. Pupils should familiarise themselves with the BSB Handbook and Code of Conduct in the non-practising period of pupillage and ensure that they are prepared for dealing with common ethical dilemmas that may



arise in the practising period.

- 7.5.2. To preserve the confidentiality of every client's affairs.
- 7.5.3. To ensure that their pupillage is registered with the [BSB](#) on the relevant forms. Registration forms should be submitted two weeks prior to commencement of pupillage. Pupils must provide the name of the designated pupil supervisor and the commencement date. Registration will be confirmed by email.
- 7.5.4. To notify the BSB of any material changes in pupillage arrangements, eg change in pupil supervisor, change in start, or end dates of pupillage.
- 7.5.5. To attend court when their pupil supervisor attends court and to take care to ensure that they arrive at the appropriate court at the appropriate time. The pupil will not play any active role in court proceedings. Before attending court, the pupil will be required to read the papers and familiarise themselves with the issues. Whilst at court, the pupil should observe the proceedings and take detailed notes, which may be referred to by the pupil supervisor.
- 7.5.6. To attend Chambers when their pupil supervisor is in Chambers and to carry out research and do paperwork given to them by the pupil supervisor. Pupils should, where possible, try to complete their work within the timescales set by the pupil supervisor. Pupils should not take papers or books out of Chambers without the prior permission of their pupil supervisor.
- 7.5.7. To do work for other members of Chambers when required to do so.
- 7.5.8. To attend Chambers' marketing events where appropriate and in particular the junior programme.
- 7.6. Pupils will be given oral feedback from their pupil supervisors in respect of every piece of work undertaken for them. In addition, pupils will be given oral feedback from each of their four pupil supervisors on a monthly basis. At the end of each three-month seat the pupil supervisor will complete a review assessment which will be passed on to the next pupil supervisor. Further details are set out in the Training Programme in Appendix Four.

- 7.7. A pupil is likely to have their own work during the second six months. Chambers does not guarantee a minimum amount of work in the second six, but if there is work for pupils to do, it will be allocated fairly between pupils (if there is more than one pupil) by one of the clerking team taking into account all relevant circumstances. The clerks will also consider whether the work would be more suitable for a junior tenant. From time-to-time secondment work may arise; this should be discussed with the CEO and if appropriate should be signed off by the pupillage committee. Given that the emphasis during pupillage is on training, and the pupillage offered in Chambers is fully funded, priority for secondments will be given to junior tenants. Practising pupils do not pay Chambers' rent or expenses.
- 7.8. Where a pupil is asked to devil for a member of Chambers, that member of Chambers will negotiate payment of an appropriate proportion of the fee with one of the clerking team.
- 7.9. Chambers holds an informal gathering for coffee at about 11.00 am and for tea every day at about 4.00 pm. Pupils are under no obligation to attend but may wish to do so on some occasions as a means of developing their relationships with members of Chambers.
- 7.10. At the end of each six months of their pupillage the pupil must ensure that they have completed the relevant parts of the specialist checklists and that it has been signed by the relevant pupil supervisor. Although the BSB no longer requires the use of the checklists for pupillages starting on or after 1 September 2019, Chambers has chosen to continue using them. Further details are set out in the Training Policy in Appendix Four.
- 7.11. Pupils should keep diaries or portfolios of all work undertaken and go through the specialist checklists at least every three months, filling in the relevant details of their experience and self-reflection. Keeping a work diary is also useful if a pupil applies for tenancy, because completion of all requirements can be demonstrated to have been met. It provides an accurate record of experience and self-reflection and demonstrates organisational abilities that will be useful in practice.
- 7.12. It is important that pupils begin a process of reflection on their own progress that should continue throughout practice, with a view to shaping their Continuing Professional Development (CPD) as a practising barrister. During

the first three full years as a practising barrister, practitioners must comply with the CPD rules within the New Practitioners Programme. Once in practice for more than three full years, practitioners must then comply with rules within the Established Practitioners Programme (EPP).

- 7.13. At the end of the practising stage of pupillage, the pupil must ensure that their pupil supervisor signs the form in good time that declares satisfactory completion of the practising period of pupillage.

## 8. RESPONSIBILITIES OF PUPIL SUPERVISORS

- 8.1. Each member of Chambers to whom a pupil is allocated:

- 8.1.1. Must ensure that they are on any BSB register of approved pupil supervisors (if maintained). If not, they must inform the pupillage committee of the fact and take immediate steps to ensure that they are placed on such register.
- 8.1.2. Must ensure that they have undertaken appropriate training (including refresher training) that meets the outcomes specified by the BSB. Training records are to be maintained by supervisors and recorded in their CPD records.
- 8.1.3. Must be familiar with the Training Programme in Appendix Four, the Guidance and Responsibilities in Appendix Five, and the BSB's Professional Statement before they commence acting as the pupil's supervisor.
- 8.1.4. Must discharge the obligations and functions set out by the BSB from time to time.
- 8.1.5. Must ensure that their pupil does work for a wide cross-section of Chambers.
- 8.1.6. Will have a copy of the BSB Professional Statement and will refer to it to ensure, as far as is possible, that the pupil carries out work and attends hearings in accordance with its requirements and, in particular, will ensure that the pupil:
  - 8.1.6.1. has an understanding and appreciation of the operation in practice of rules of conduct and etiquette at the Bar and a working knowledge and

- understanding of the BSB Handbook and Code of Conduct;
- 8.1.6.2. has gained sufficient practical experience of advocacy to be able to prepare and present a case competently;
  - 8.1.6.3. has gained sufficient practical experience of conferences and negotiation to be able to conduct the same competently. Pupils should be instructed on how to prepare for conferences and negotiations, including the making and retaining of a full and accurate note of all conferences. Pupils and pupil supervisors should discuss in advance what is expected from pupils in conference;
  - 8.1.6.4. has achieved the BSB standard for drafting, paperwork, and legal research. Pupils must practise the necessary skills by producing their own work and receiving constructive feedback from their pupil supervisors.
- 8.1.7. Will ensure that their pupil has been provided with and completes or updates the specialist checklists in the form approved by Chambers in relation to competences in the BSB Professional Statement.
- 8.1.8. Where a pupil supervisor will be attending court or advising in conference outside London, will arrange for their pupil to attend at the expense of Chambers if (but only if) the pupil supervisor considers that the expense is justified by the benefit which the pupil will derive from attending. Where, however, the expense of the pupil's attendance exceeds £150 the excess will only be borne by Chambers if the pupil supervisor obtains Chambers' CEO's consent. Chambers' CEO will seek guidance from the executive committee where appropriate. If such consent is not forthcoming, the excess must be borne by the pupil supervisor personally.
- 8.1.9. Where a pupil supervisor will be away from Chambers for an extended period (two or more days) during which their pupil will

remain in Chambers, will arrange for another member of Chambers to look after the pupil.

- 8.1.10. Will ensure that their pupil is reimbursed for expenses properly incurred during pupillage.
- 8.1.11. Will give the pupil regular objective feedback as set out in paragraph 7.5 and in Appendix Five. Where omissions and shortcomings are identified, steps must be taken to overcome any deficiency. These should be identified as early as possible through the feedback and appraisal of pupils, so that corrections can be made before the end of the training period. If the defined standards and competences are not met, the pupil supervisor must not sign off the pupil as having completed the stage of pupillage.

## 9. COMPULSORY COURSES AND OTHER TRAINING

During pupillage, all pupils must attend certain compulsory courses and pass certain assessments to build on training received during the vocational component and to supplement work-based learning during pupillage, so that pupils can meet the competences in the BSB Professional Statement. Chambers encourages pupils to attend in-house training courses where available and will on occasion also pay for some external courses where it is felt they are suitable for pupils. These external courses are solely at Chambers discretion and should be signed off by Chambers CEO who will consult the pupillage committee where needed.

The compulsory courses and assessments during the pupillage component of training are undergoing a period of change. The new requirements are set out in the BSB's Curriculum and Assessment Strategy, and pupils must ensure that they sign up for courses and assessments that they are required to take.

### 9.1. **BSB Requirements**

#### 9.1.1. **Advocacy Course**

This course must be undertaken during the non-practising stage of pupillage (ie during the first six).

The non-practising stage will not be certified until this course has been satisfactorily completed.

The fundamental objective of pupillage is that the pupil should develop and practise the skills necessary to be an effective advocate.

This course provides training on core aspects of advocacy, including case preparation, witness handling, speeches, and pleas in mitigation in accordance with the Curriculum and Assessment Strategy.

#### 9.1.2. **Forensic Accounting Course**

With effect from 1 March 2019, there is no longer a requirement to complete this course. Chambers arranges with other Chancery sets to ensure this course is undertaken by its pupils.

#### 9.1.3 **Professional Ethics**

Pupils must undertake this assessment after three months of pupillage. It is chambers preference that this course is undertaken during the second three months of pupillage.

#### 9.1.4 **Negotiation skills course and assessment**

It will be a requirement that the Negotiation Skills course and assessment must be satisfactorily completed in the non-practising period of pupillage. If the course is not satisfactorily completed, the non-practising period of pupillage can be extended.

## 10. MISCELLANEOUS – PUPILLAGE

- 10.1. Unless the pupillage committee agrees, no member of Chambers is to take a pupil (or mini-pupil) who has not been selected by the pupillage (or mini-pupillage) committee in accordance with Chambers' Selection Policy.
- 10.2. The pupil supervisor's permission should **always** be sought before other members of Chambers ask a pupil to do a piece of work for them, or to accompany them to Court. Where 8.1.8 applies, the permission of the member who is temporarily supervising the pupil should be sought by other members of Chambers who wish to give work to the pupil, or to take the pupil to Court with them, during the pupil supervisor's absence. This will avoid the twin problems of:
  - 10.2.1. pupils being burdened with unmanageable amounts of work from several sources at the same time: and
  - 10.2.2. pupil supervisors suffering the annoyance of unauthorised

“borrowings” of their pupils.

- 10.3. Chambers will reimburse pupils for the fees paid by them for attending compulsory courses during their pupillage. Pupils who wish to attend such courses should be allowed time off to do so.
- 10.4. Members of Chambers should remind pupil supervisors, where appropriate, that pupils have not done work for them.
- 10.5. In the event of dissolution of Chambers, the pupil will be notified in good time and every reasonable effort will be made to ensure that an alternative pupillage can be obtained.
- 10.6. Pupils are covered by their pupil supervisor’s Bar Mutual Indemnity Fund (BMIF) insurance, for work performed during pupillage. Once pupillage ceases, they must apply immediately to the BMIF for their own cover for legal services offered in self-employed practice.

## 11. ABSENCE

- 11.1. Pupils will be entitled to 22 working days holiday per annum, in addition to Bank Holidays.
- 11.2. If a pupil is absent for any longer period than that set out above, for example due to illness, bereavement, or maternity / paternity / parental leave, Chambers will decide whether the period of pupillage should be extended, in particular to enable the pupil to meet the competences in the Professional Statement. Chambers will make its decision with the benefit of a recommendation from the pupillage committee as to the appropriate course of action.

If the pupillage is to be extended, Chambers will notify the BSB of the revised completion date by completing the [Notification of material change in pupillage form](#).

- 11.3. Where the pupillage is extended, the pupillage committee and the pupil supervisor will set clear and measurable objectives as to what is expected of the pupil during the extended period.
- 11.4. Pupils must apply to the BSB for dispensation if they need to take a substantial break from pupillage and extending the pupillage would not be appropriate.

- 11.5. Maternity / paternity / parental leave: pupils will be entitled to take any statutory periods of leave in force at the relevant time.

## 12. SICKNESS DURING ANNUAL LEAVE

Where sickness occurs during paid annual leave the normal sickness notification procedures should be followed. The pupil should inform their pupil supervisor of sickness on the day. The pupil may need to supply a GP medical certificate/GP 'Fit Note' covering the period of leave if they wish to be credited with additional annual leave. Should this be the case, the pupil supervisor will liaise with the Chief Executive before any leave is credited back to the pupil. Chambers reserves the right to follow the short / long term sickness procedure if trigger points are reached.

## 13. THE GENERAL DATA PROTECTION REGULATION (GDPR) AND THE DATA PROTECTION ACT 2018

Every individual self-employed practising barrister is a data controller. All self-employed barristers, including practising pupils, and Chambers are required to comply with the GDPR and the Act if they process personal data.

- 13.1. From 25 May 2018, the Data Protection (Charges and Information) Regulations 2018 require every organisation and sole trader who processes personal information to pay a data protection fee to the [ICO](#), unless they are exempt.

## 14. TAXATION

Pupils should become familiar with tax requirements, including self-assessment, VAT and National Insurance, for self-employed practice. The Bar Council provides a [taxation handbook](#) on its ethics website.

## 15. EQUALITY AND DIVERSITY

- 15.1. Chambers adopts and implements the equality and diversity guidelines recommended in the Equality and Diversity Provisions of the Code of Conduct and, in particular —

- 15.1.1. Chambers does not discriminate unlawfully, directly, or indirectly, against, victimise or harass any person on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil.



partnership status, disability, religion or belief, or pregnancy and maternity.

## 16. RECORD KEEPING

Chambers will maintain the following data and records; we may be required to provide them to the BSB for supervision purposes or research. These records are kept by the pupillage committee for a period of at least five years after the completion of the pupillage and will be destroyed afterwards:

- Training records for pupils.
- Training outcomes for pupils.
- Training records for pupil supervisors.
- Training records for recruitment panel members.
- Pupillage agreements.
- Diversity data for pupils (this might compare applications, interviews offered, pupillage offers made, places taken up and progression to tenancy/employment) and the action that has been taken following review of data.
- Complaints/grievances with analysis and action taken.
- Pupil feedback, analysis and action taken.
- Policies related to pupillage.

Recruitment records of all applicants are kept by the pupillage committee for a period of up to two years after the completion of the recruitment process.

## 17. COMPLAINTS AND GRIEVANCES

17.1. Chambers is committed to providing a working environment in which everyone is treated fairly and properly. No one will suffer detriment if they raise a complaint or grievance in good faith under this procedure.

17.2. In the first instance any complaints should be discussed informally with a pupil's supervisor. If they are unable to help, or if a pupil would prefer to raise the issues with someone other than their pupil supervisor, then the pupil should discuss the matter confidentially with the chair of the pupillage committee.

17.3. If this does not address the pupil's concerns, the complaint should be put in

writing to the chair of the pupillage committee.

- 17.4. The chair will nominate a committee to address the complaint. The committee will consist of the chair of the pupillage committee, a member of Chambers of under five years' call and one other member of Chambers of at least ten years' call.
- 17.5. The committee will meet as soon as is practicable to discuss the issues raised.
- 17.6. The pupil will be given a written response on the outcome of the complaint with a clear indication of the action Chambers will take if the complaint is upheld. Solutions which rely on changes to working arrangements which may unreasonably disadvantage the pupil will be avoided.
- 17.7. If the formal grievance or complaint is found to have substance appropriate steps will be taken to remedy the problem.
- 17.8. A brief confidential report on all formal complaints and on the outcome will be made to the Head of Chambers and will be retained for one year after the conclusion of the case or longer if deemed necessary.
- 17.9. Chambers also adopts and implements the guidelines recommended in the Bar Model Harassment Policy (see Appendix Two).
- 17.10. If the chair of the pupillage committee is also the pupil's pupil supervisor at the relevant time, the Head of Chambers will act in the place of the chair for the purposes of this section.

## 18. RECRUITMENT OF NEW TENANTS

- 18.1. The decision whether to recruit a pupil as a new tenant will be taken by Chambers as a whole.
- 18.2. Chambers' CEO requests feedback from all members of Chambers and in particular it is important to receive feedback from the supervisors and the clerks and where possible from clients. This information is collated and provided to the pupillage committee. The pupillage committee then provides a recommendation to Chambers. Normally an email vote is carried out. It is the hope of members of Chambers that this process should be completed by the end of July at the latest. The pupil will be notified in writing (or in person) of the decision shortly thereafter.

- 18.3. Chambers will use all reasonable endeavours to advise and assist pupils not taken on as tenants and, in particular, enquiries should be made as to which member of Chambers would make the most appropriate referee.

## APPENDIX ONE – PUPILLAGE APPLICATIONS ASSESSMENT CRITERIA

### **CRITERIA FOR ASSESSING PUPILLAGE APPLICATION FORMS**

Intellectual ability (a) Academic record (b) Quality of written expression	(1-10) (1-8)	
Responsibility and maturity (evidenced by extra-curricular activities)	(1-6)	
Advocacy and/or public speaking (experience and achievement)	(1-6)	
Interest in Chancery Bar and work done by Chambers	(1-5)	
Care and attention in preparation of application	(1-5)	
<b>Total</b>	<b>maximum 40</b>	

**SELECT FOR INTERVIEW?**

**YES / NO**

### **FIRST ROUND INTERVIEW CRITERIA**

Oral communication skills	(1-7)	
Ability to analyse and assimilate information	(1-7)	
Other professional attributes (eg flexibility, commerciality, good judgment)	(1-6)	
	<b>maximum 20</b>	

**SELECT FOR SECOND ROUND?**

**YES / NO**

## **SECOND ROUND INTERVIEW CRITERIA**

Ability to present written work clearly and accurately	(1 – 8)	
Ability to assimilate and analyse information	(1 – 8)	
Oral communication skills	(1 – 8)	
Legal analytical skills (a) Written problem (b) Mock conference	(1 – 5) (1 – 5)	
Ability to engage appropriately with clients and solicitors	(1 – 8)	
Commercial practicality (a) Written problem (b) Mock conference	(1 – 4) (1 – 4)	
<b>Total</b>	<b>maximum 50</b>	

<b>OVERALL TOTAL</b>	<b>maximum 110</b>	
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## APPENDIX TWO – ANTI-HARASSMENT POLICY

This policy covers all those working in Chambers, visiting Chambers, and providing services to Chambers. It covers, amongst others, tenants, pupils, members of staff and instructing solicitors. Chambers is committed to providing a work environment in which all individuals, clients and members of the public are treated with dignity and respect. Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish. This Anti-Harassment Policy is a central plank of Chambers' commitment and will be applied rigorously.

Harassment in any form will not be tolerated in Chambers. Harassment includes any unwanted conduct related to sex, race, disability, gender re-assignment, religion or belief, sexual orientation, or age. Such behaviour may take many forms including:

- Conduct which is unwanted by the recipient and perceived as hostile or threatening.
- Conduct which gives rise to a hostile or threatening work environment.
- Conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have an impact on the recipient at work such as an allocation of work or tenancy decision.

The following are examples of types of behaviour which may, do, or are likely to amount to harassment:

- Physical or sexual assault;
- Requests for sexual favours in return for career advancement;
- Unnecessary physical contact;
- Exclusion from social networks and activities or other forms of isolation;
- Bullying;
- Compromising suggestions or invitations;
- Suggestive remarks or looks;
- Display of offensive materials, including on a computer screen;
- Tasteless jokes or verbal abuse, including any sent by email;
- Offensive remarks or ridicule;
- Dealing inappropriately or inadequately with complaints of harassment.

Harassment is unlawful under the Equality Act 2010. In addition to the above unwanted conduct, it can arise where a person engages in any kind of unwanted sexual behaviour (or gender reassignment or sex related behaviour).

Complaints of harassment may be raised informally in the first instance with the Equality and Diversity officers, CEO, the Head of Chambers, or another senior member of Chambers who will agree an appropriate response. Formal complaints should be made under the Chambers' Grievance Procedure.

Harassment is misconduct or gross misconduct for employees or a breach of the Bar Code of Conduct for barristers. Allegations of harassment by staff will be dealt with under the Chambers' Grievance Procedure.

Allegations which may amount to serious misconduct by a barrister may, and if required, will be reported to the BSB under its reporting procedure.

Chambers is committed to ensuring that no-one who makes an allegation of harassment in good faith should be subjected to any detriment as a result. Any victimisation of a complainant, witness, or anyone else involved in the investigation of a complaint will be dealt with as a serious disciplinary matter.

A copy of this policy is provided to all those for whom Chambers constitutes a working environment, including members of Chambers, pupils, clerks and other employees, temporary workers, those who provide Services to Chambers such as contract cleaners, accountants, and IT consultants, and mini-pupils and work experience students.

This policy will be reviewed on a regular basis.

## APPENDIX THREE – EQUALITY AND DIVERSITY POLICY

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#### 1. PRELIMINARY

- 1.1 This Statement of Policy is intended to set out Chambers' policy on issues of equality and diversity.
- 1.2 In adopting this Statement of Policy, it is recognised that policy in relation to all the action areas identified in the above table of contents needs to be kept under review and that some aspects of Chambers' policy have been in place for significantly longer than other aspects and are therefore better developed. Those areas where Chambers' policy is less developed will require particular attention and it is expected that this Statement will be revised from time to time accordingly. It is further recognised that any changes in the Bar Standards Board's and Bar Council's rules and guidance concerning Equality and Diversity ("the Rules and Guidance") will need to be reflected in amendments to this Statement.
- 1.3 The responsibility for ensuring that review, development, and amendment (subject to the agreement of Members) takes place as necessary is that of Chambers' Equality and Diversity Officer. The present holders of that office are Elizabeth Ovey, Howard Smith, and Kate Rogers.
- 1.4 The primary responsibility for ensuring that this Statement of Policy (as amended from time to time) is implemented is that of the Equality and Diversity Officer, but Chambers commits itself to supporting them by taking all reasonable steps recommended for the purpose of implementation.

#### 2. RECRUITMENT: PUPILS AND TENANTS

##### **Advertisement**

- 2.1 It is Chambers' current policy to advertise pupillages through the Bar Council's online system although recruitment is carried out directly. All vacancies for pupillage will continue to be



advertised in compliance with the requirements of the Code of Conduct and advertisements will include:

- 2.1.1 encouragement of applications from groups which are under-represented in Chambers,
- 2.1.2 a statement of compliance with the Rules and Guidance,
- 2.1.3 a statement indicating willingness to make reasonable adjustments for disabled candidates.

2.2 If it is proposed to recruit a tenant from outside Chambers, the vacancy will be advertised.

### **Applications**

- 2.3 Applicants are required to submit a copy of their CV along with a covering letter and the relevant application form (if any).
- 2.4 Chambers will make such reasonable adjustments as may be required to enable a candidate with a disability to make an application.

### **Selection processes: pupillage**

- 2.5 The Pupillage Committee currently operates a two-stage interview selection process. An initial short list is prepared of approximately 30 applicants based on selection criteria set out in Chambers' Pupillage Policy Statement, which is available on the Chambers' website. Short-listed applicants are invited to attend a 15 minute first round interview. A further short list is then prepared of approximately 8-10 applicants who will be invited to complete a one-day mini pupillage, during the course of which they will be interviewed. At both interview stages, further selection criteria are applied, which are also set out in the Pupillage Policy Statement. The Pupillage Committee will continue to apply selection criteria which are made generally available in advance by means of the Chambers' website.
- 2.6 The Pupillage Committee currently consists of four members of Chambers and the Chief Executive. The committee's size may vary, but it will always include at least three members of Chambers, and will, as far as possible, reflect an appropriate range of age, gender and social, racial, or cultural background.
- 2.7 All short-listing decisions will continue to be made by the whole committee, each member of which will independently assess candidates' application forms by reference to the criteria before the committee discusses its decision.
- 2.8 The Pupillage Committee will continue to agree on the general content of any mini-pupillage undertaken as part of a selection process and in particular will ensure that applicants are given an opportunity to demonstrate skills in written and oral work through a common exercise or exercises of a nature which is fair to all applicants. The course of the interview will be planned in advance to ensure that the same broad topics are covered in each case and each interview will last no more than one hour. Where possible, every member of the Pupillage Committee will attend each interview. Each interviewer will independently assess the applicant by reference to the selection criteria before any general discussion.
- 2.9 All selection decisions will continue to be made by all members of the committee.

### **Training**

- 2.10 The members of the Pupillage Committee will be required to ensure that they are trained in accordance with the requirements of the Code of Conduct.

### **Record-keeping**

- 2.11 Records of all applicants and documentation relating to the pupillage selection decision are kept by the pupillage committee for a period of up to two years after the completion of the recruitment process.

### **Monitoring and review**

- 2.12 Chambers will review its current monitoring arrangements to ensure that they are suitable to enable preparation of statistics relating to the gender, race, disability, and age of those applying for pupillage, being short-listed, and being recruited.
- 2.13 The statistics referred to in paragraph 2.12 will be reviewed by the Equality and Diversity Officer in conjunction with the Equality and Diversity Committee and the Pupillage Committee to identify any necessary amendments to:
- 2.13.1 Chambers' practice in relation to advertisements,
  - 2.13.2 Chambers' short-listing selection criteria,
  - 2.13.3 Chambers' interview selection criteria,
  - 2.13.4 the practices and procedures of the Pupillage Committee (including practices and procedures which may reflect prejudices, whether conscious or unconscious),
  - 2.13.5 any other aspect of pupillage recruitment which may seem to require amendment.

### **Pupillage Policy Statement**

- 2.14 Chambers will continue to maintain and keep under review a Pupillage Policy Statement which will be available generally through the Chambers' website and intranet.

### **Recruitment of starter tenants**

- 2.15 It is Chambers' current policy to offer two pupillages in any one year, and it is anticipated that pupils will apply for tenancy in Chambers. If a tenancy remains available following Chambers' vote on the pupils' applications for tenancy, applications will be invited by advertisement, as set out in paragraphs 2.2 and 2.3. A Tenancy Committee will be appointed and an ad hoc recruitment procedure following the Rules and Guidance will be agreed upon by the Tenancy Committee.
- 2.16 The final decision on the admission of a new member of Chambers will continue to be reserved to a Chambers' Meeting in accordance with paragraph B/5.

### **Pupils seeking a third or subsequent pupillage**

- 2.17 If a vacancy for a third six pupillage arises, a recruitment and selection procedure following the Rules and Guidance will be agreed upon by the Pupillage Committee.

### **Private arrangements for pupillage**

- 2.18 Members will not take pupils by private arrangement.

### **Mini-Pupillages**

- 2.19 Chambers will continue to offer non-assessed mini-pupillages of 2 or 3 days at times when mini-pupils can conveniently be accommodated. Preference will be given to applicants who are at least in the second or third year of a university law degree or undertaking the Graduate Diploma in Law.
- 2.20 Applications are invited on the Chambers' website and applicants are informed that they must demonstrate an interest in Chancery law and a desire to practise at the Chancery Bar. Applications are currently made by application form (a copy of which is available on Chambers' website). Applications are assessed, by at least two members of the Mini-Pupillage Committee, during the time frame and on the basis of selection criteria set out in Chambers' Mini-Pupillage Policy Statement, which is available on the Chambers' website.
- 2.21 Chambers will continue to maintain and keep under review a Mini-Pupillage Policy Statement which will be available generally through the Chambers' website.
- 2.22 Chambers' monitoring arrangements will be reviewed to ensure that effective monitoring of decisions relating to mini-pupillage is possible and is undertaken.

### **Recruitment of established practitioners**

- 2.23 Although the provisions of paragraphs 2.2 and 2.3 concerning advertisements and application

forms apply to the recruitment of established practitioners, Chambers may exceptionally recruit an established practitioner or a group of established practitioners without following that procedure where the following conditions are satisfied:

- 2.23.1 the practitioner practises, or the members of the group practise, in fields in which members of Chambers practise.
- 2.23.2 Chambers has a need for an additional practitioner or group of practitioners in that field having regard to:
  - 2.23.2.1 the amount of work available or reasonably expected to be available (i) to the applicant and to members from the clients that they will bring with them or otherwise generate and (ii) to the applicant from Chambers' existing clients,
  - 2.23.2.2 any potential adverse impact on members,
  - 2.23.2.3 Chambers' current business plan,
  - 2.23.2.4 the desirability of promoting equality and diversity within Chambers.
- 2.23.3 the particular experience, skills and seniority of the practitioner or the members of the group are especially suited to meeting Chambers' need (having particular regard in the case of applicants of five years' call or under to any risk of undermining the process for the recruitment of pupils).
- 2.24 Recruitment will be carried out by the New Members Committee which is collated from members with an interest in the relevant area of practice. It should always include a member of the Executive Committee. A second interview with the senior and deputy senior clerk will also normally take place.
- 2.25 The provisions of paragraphs 2.23, and 2.24 will not apply to the recruitment of Door Tenants, ADR Members, Honorary Members or Academic Associates.

### **Reasonable adjustments**

- 2.26 Chambers will have regard to the need to make reasonable adjustments for applicants with a disability at all stages of any recruitment process (whether or not expressly referred to above).

## **3. FAIR ACCESS TO WORK**

### **Work allocation**

- 3.1 The Senior Clerk will report to the Chief Executive monthly and the Equality and Diversity Committee quarterly on all pieces of work received, their allocation and the reason for their allocation.
- 3.2 The Chief Executive will review the form of the current data analysis of work done, type of work, fees earned, fees received and solicitors instructing in order to ensure the effective monitoring of the allocation of work received and, in particular, the allocation of work which is not addressed to a particular member.
- 3.3 The results of the data analysis referred to in paragraph 3.2 will be reviewed by the Equality and Diversity Committee, which will ensure that the clerks make any necessary amendments in respect of:
  - 3.3.1 any unfair practices (whether or not consciously adopted) in work allocation by the clerks,
  - 3.3.2 any unfair consequences resulting from briefing practices adopted by instructing solicitor,
  - 3.3.3 any unfair consequences resulting from practices relating to the delivery of

- instructions or briefs adopted by instructing solicitors,
- 3.3.4 any other matter relating to the allocation of work which may seem to require amendment.
- 3.4 The Head of Chambers will ensure that the clerks are aware that unfairness in work allocation is a serious matter and that a solicitor who insists on directly discriminatory allocation of work should be reported to their disciplinary body. The work in such a case will be refused.
- 3.5 The clerks will be encouraged to undergo equality and diversity training.

### **Practice development**

- 3.7 Each member will be entitled to have a meeting at least annually, and more frequently if considered necessary, with the Chief Executive, their main clerk and, where necessary, the business development and marketing manager. Tenants in their first year of practice should have at least two such meetings during the course of that year. The purposes of the meeting will include discussion of the allocation of work, work opportunity and development of that member's practice. The results of the data analysis referred to in paragraph 3.2 as respects that member over the previous three months will be part of the discussion.
- 3.8 Any pupil in their second six months or doing a subsequent pupillage will be offered the opportunity of a meeting of the kind described in paragraph 3.7 at the start of undertaking work and at least every two months thereafter. Unless the pupil requests otherwise, their pupil supervisor will be invited to attend the meeting to ensure that any course of action agreed is consistent with the satisfactory completion of pupillage.
- 3.9 Chambers will continue its present policy with respect to a starter tenant that they should initially spend some months sharing the room of a senior member of Chambers who will be readily available to offer advice and guidance on any aspect of their practice.
- 3.10 The Chief Executive and the Executive Committee will keep under consideration the desirability of a formal mentoring scheme for junior tenants.

### **Marketing of barristers and pupils**

- 3.11 The Chief Executive and the Executive Committee will review every six months the nature of the marketing events conducted over the preceding six months and proposed for the following six months in order to ensure that over a rolling period of a year all members and pupils can, as far as reasonably practicable, be equally involved.
- 3.12 The Chief Executive and the Executive Committee will encourage all members to take part in Chambers' seminars and lectures, to attend outside seminars and lectures, to write or contribute to legal works or articles for professional publication, to become involved in relevant professional organisations and to consider becoming involved with pro bono schemes or legal advice or support centres.
- 3.13 The Chief Executive and the Executive Committee will keep under review the desirability of establishing formal practice groups within Chambers with arrangements for regular meetings.

## **4. HARASSMENT**

### **Written policy**

- 4.1 Chambers has adopted and will continue to follow the Bar Standards Board's model harassment policy set out in Section 13 of the Supporting Information on the equality rules of the BSB Handbook.
- 4.2 The Chief Executive and the Executive Committee will ensure that a copy of the Chambers' Harassment Policy is provided to all employees of Chambers.
- 4.3 The Chambers' Harassment Policy is currently annexed to the Chambers' Pupillage Policy Statement and to the Pupillage Guide given to all pupils. The Pupillage Committee will ensure

that it continues to be annexed to those documents.

## 5. COMPLAINTS AND GRIEVANCES

### **Written procedures**

- 5.1 Chambers has adopted and will continue to follow a written procedure as respects complaints or grievances by pupils which is currently included in the Chambers' Pupillage Policy Statement and the Pupillage Guide given to all pupils. The Pupillage Committee will ensure that the procedure continues to form part of those documents.
- 5.2 As respects complaints or grievances by members, mini-pupils, Chambers' employees and applicants for positions in Chambers, Chambers hopes that any potential grievance will be resolved quickly and informally, but in dealing with any grievance Chambers will follow the provisions of any applicable Code of Practice or, if there is no such Code, will follow as far as is reasonably practicable the principles of the Code, which after consultation with the complainant, Chambers considers is the most nearly applicable.
- 5.3 Except as provided in respect of pupils, the nominated persons for the purposes of Chambers' Grievance Procedure are the members of the Executive Committee other than the Head of Chambers (if they are such a member).
- 5.4 Chambers will take all reasonable steps to ensure that any member of Chambers who is requested to participate in investigating a complaint or grievance is familiar with the Bar Standards Board Handbook Equality Rules and the Supporting Information.

## 6. SERVICE PROVISION

### **General**

- 6.1 Chambers will maintain its current general non-discrimination policy, which is in the following terms:

"Chambers does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, religion or political persuasion."

The Chief Executive and the Executive Committee will ensure that its policy is stated on its website and in its brochure and any other similar material issued by Chambers.
- 6.2 The Chief Executive and the Executive Committee will ensure that members, employees, and pupils are offered the opportunity to undergo diversity training.

### **Disability Discrimination Act 1995**

- 6.3 The Equality and Diversity Officer will investigate available sources of advice on making reasonable adjustments to:
  - 6.3.1 Chambers' practices, policies, and procedures,
  - 6.3.2 the provision of auxiliary aids and services,
  - 6.3.3 the physical features of Chambers' premises,

in order to ensure compliance with Chambers' obligations under the Disability Discrimination Act 1995 and will make recommendations to Chambers in the light of such advice, having regard to the resources available to Chambers.
- 6.4 The Equality and Diversity Officer will review annually whether and if so to what extent it is reasonable to obtain further external advice in relation to the provision of services to people with a disability and will report the result of their review to the Executive Committee. The

Equality and Diversity Officer will in any event keep under review the need to make further adjustments in respect of the matters listed in paragraph 6.3 and will make recommendations to the Chief Executive and the Executive Committee accordingly.

- 6.5 Any person with a disability who has any dealings with Chambers will be encouraged to make known to Chambers what adjustments to the matters listed in paragraph 6.3 would assist them to make use of the services of Chambers and Chambers will make any such adjustments which are reasonable. A statement to that effect will be made on the Chambers website and in its brochure and any other similar material issued by Chambers.
- 6.6 Chambers will ensure that where any person dealing with Chambers is known to have a disability, they are informed of any matters relating to the provision of Chambers' services which will assist them to make use of those services.
- 6.7 Members and pupils will continue to offer to provide outside Chambers services which would usually be provided on Chambers' premises where to do so will enable a person with a disability to make use of Chambers' services.

## **7. STAFF IN CHAMBERS**

### **Recruitment**

- 7.1 In recruiting employees, Chambers will follow the principles of:
  - 7.1.1 open advertisement,
  - 7.1.2 clear and objective selection criteria,
  - 7.1.3 interviewing and decision-making by more than one person,which are applied in recruiting pupils and tenants.

### **Maternity, paternity, and parental leave**

- 7.2 Chambers will comply with the statutory obligations as varied from time to time.

### **Complaints and grievances**

- 7.3 As set out in section 5, the Chambers' Grievance Procedure applies to members of staff.

## APPENDIX FOUR – TRAINING PROGRAMME FOR PUPILS

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### Overview of training

The pupillage programme at Radcliffe Chambers has been designed to produce barristers who possess the key knowledge, skills and attributes set out in the BSB Professional Statement for Barristers (the "**Professional Statement**"). These standards are viewed as minimum standards and pupils at Radcliffe Chambers are expected to exceed them.

Although they are no longer required by the BSB, we continue to use pupillage checklists as an element of our training programme. They are a helpful guide to ensuring that each pupil is exposed to a suitably wide range of work.

Where we can, we adopt a flexible approach to training. This means we tailor training to help each pupil develop the type of practice that they wish to have, whilst ensuring that the commercial needs of Chambers as a whole continue to be met and that each pupil gains proper experience of the main practice areas within Chambers.

Training is not a tick-box exercise but rather a constant subjective assessment of each pupil's skills and a tailoring of support to develop those skills most effectively.

The written record of training consists of the following:

- a. A Pupillage Diary, which should be maintained by the pupil and reviewed regularly with the supervisor;
- b. 3-Month Review Forms, incorporating the checklists, which should be completed by each of the pupil's four supervisors at the end of each period of supervision;
- c. Formal feedback on an advocacy exercise before a panel of members;
- d. At least one piece of formally assessed written work where full feedback will be provided from a more senior barrister who is not a supervisor. If there is more than one pupil at any time the same piece of work will be provided to each, if Chambers considers there is a need to do so (for example because Chambers is only able to offer one tenancy in a given year);
- e. Written feedback forms (at least one piece of work whilst with a supervisor should have written feedback);
- f. Assessments against competencies at the end of the non-practising six months and at the end of pupillage, to be completed by supervisors alongside the corresponding reviews mentioned in b. above.

## Training Structure

### *General*

During the first few days of pupillage, pupils will be given a full induction. Pupils will be provided with IT training as well as general familiarisation with Chambers' policies and procedures, including expenses forms, the Equality & Diversity, Sickness & Absence and Grievance & Disciplinary policies. Efforts will also be made to introduce pupils to as many staff members and members of Chambers as possible during their initial days of pupillage.

Thereafter, the day-to-day activities of pupils will be determined by their pupil supervisors and will vary depending on supervisors' practices, external factors, and any identified training needs.

Pupils are expected to take part in Chambers' marketing and business development activities from the beginning of their pupillage. These are good opportunities to get to know other members and staff and to create relationships with future clients.

First six pupils can expect a mix of shadowing their supervisors and other barristers at court as well as undertaking research and written work on behalf of those individuals.

Towards the end of their first six months, pupils will undertake an advocacy exercise. A pupil will be given sufficient time to prepare a skeleton argument and will then appear in front of a panel of three or more members of Chambers to present oral arguments. As an example, past exercises have involved making an application for summary judgment.



Subject to satisfactory completion of the first six months, passing the oral advocacy exercise and the approval of their supervisor, during their second six pupils will begin to take on their own work. All pupils are expected to become outstanding advocates. During the second six, pupils will also continue to carry out work for their supervisor and other members of Chambers. A careful balance will be maintained between work done for a supervisor and pupils undertaking their own work, in order to ensure that pupils continue to acquire detailed knowledge of specialist areas of law with the benefit of supervision. Second six pupils will not be required to take on more than two pieces of work per week on their own account.

Pupils will also have access to training sessions and events run internally and externally by Chambers. Attendance is not required but is encouraged as such events will further a pupil's education generally and will also provide invaluable networking opportunities with professional clients. There are also a number of other training courses provided by the Chancery Bar Association and the Inns of Court which pupils are likely to find very useful. On occasion, Chambers may ask pupils to attend a specialist training course on a particular area. The cost of such attendance will be met by Chambers.

#### *Compulsory training courses*

All pupils must undertake the compulsory advocacy course, which must be successfully completed prior to starting the practising period (and, when mandated, the compulsory negotiation course). From the academic year 2021/22 the compulsory professional ethics examination will be introduced which the pupil must pass prior to completing pupillage. Chambers will cover the cost of these courses. If, however, a pupil fails the course or any examination the cost of any resits will have to be borne by the pupil.

#### *Assessments*

Pupils are expected to take an active part in their own professional development. Self-assessment and taking responsibility for one's own professional competence and development are key aspects of life at the Bar. To this end, pupils are required to keep a Pupillage Diary recording work completed, any learning points identified and how this work has helped the pupil assess themselves against the Professional Statement. A flexible approach is taken to the Pupillage Diary requirement; the aim is not to go through the motions of recording every piece of work completed and straining to connect this to the Professional Statement. A pupil's Pupillage Diary should be a valuable learning tool, not merely an administrative exercise.

An assessment against the competences should be carried out at the end of the first six months and at the end of pupillage. This will be carried out by the pupil and their current supervisor, with the involvement of the Pupillage Committee, as necessary.

Pupils are also encouraged to be proactive in seeking feedback from other members and from clerks.

If, for an extended period of time, the pupil takes sickness leave or is otherwise absent from training and there is a risk that the competences in the BSB's Professional Statement will not be met, the pupil's supervisors and the Pupillage Committee will assess the pupil's learning to date and decide what course of action needs to be taken. The courses of action could include an extension of pupillage, a change of supervisor, or the adoption of a more flexible approach to learning.

## Pupillage Supervision

Pupil supervisors will not endorse any pupil's application for either a provisional or a full practising certificate if they are not entirely satisfied that the pupil has met the required standards as set out in that document.

During the course of pupillage, pupils will have to complete one assessed piece of written work for a more senior barrister who is not their supervisor. Each supervisor will also provide written feedback on at least one piece of written work. After each assessed piece of work, pupils will be provided with a formal feedback sheet to form part of their training record. Pupils should not take a different approach to assessments than they do to any other piece of work they are asked to perform; every task should be performed to the best of the pupil's ability.

Advocacy skills will be developed continually through shadowing, discussing cases with supervisors and other members, a formal advocacy exercise and gaining experience in court during the practising second six. If a pupil is deemed not to meet a sufficient standard in advocacy by the end of their first six (as assessed in the advocacy exercise), their supervisor will not endorse a provisional practising certificate. Should that be the case, the pupil, their current supervisor, and the Pupillage Committee will together determine the most appropriate course of action to enable the pupil to meet the required standard.

Each pupil will be required to undertake a detailed formal review with their pupil supervisor every three months. At each review, pupils will be assessed against the Professional Statement and the pupillage checklists. The supervisor will identify and record areas for improvement. Pupils will be provided with a written record of this assessment and this will form part of a pupil's training record. Each review will be passed on to the next supervisor. The reviews are also an opportunity for pupils to give feedback to their supervisors and to request that greater or lesser focus be placed on any particular training need(s).

## Pupil Supervisors

In order to ensure pupils gain experience of as wide a range of work types and legal specialisms as possible, pupils will ordinarily change supervisors every three months. In general, pupils will be

informed who their first supervisor will be at least two weeks prior to the commencement of their pupillage.

Pupil supervisors will be responsible for the day-to-day training and development of their pupil as well as endorsing their pupil's applications for provisional and full practising certificates at the appropriate times.

All pupils will be subject to continuous assessment by their supervisors, having regard to the Professional Statement. All efforts will be made to ensure that feedback is provided to pupils in a fair, timely and objective manner.

All pupil supervisors are trained in accordance with the outcomes and frequency specified by the Bar Standards Board in the Bar Training Manual. Pupil supervisors will ensure they comply with Chambers' reasonable adjustments policy in providing supervision and feedback.

## Mentors

At the beginning of pupillage each pupil will be given details of who their mentor will be. These are generally the most junior members of Chambers who have previously undertaken pupillage at Radcliffe Chambers. The aim of a mentor is to provide supportive and non-judgmental mentoring to assist pupils in obtaining the best pupillage experience possible.

## Quality assurance of training programme

It is very important to Radcliffe Chambers that we provide an excellent pupillage experience. Feedback is sought from pupils on an ongoing basis through a series of meetings with Chambers' CEO. Any areas of concern, including feedback on supervisors, are reported to the Pupillage Committee who will take appropriate steps to address any such concerns.

Chambers' culture is one which encourages continuous professional improvement. This training programme is reviewed on an annual basis by the Pupillage Committee and adjustments are made as needed. Regular monitoring is also carried out by the Pupillage Committee to ensure this programme is being implemented fully and correctly. Chambers is aware of the need to be flexible. Feedback on improvements regarding flexibility is therefore particularly encouraged.

## APPENDIX FIVE – PUPIL SUPERVISORS: GUIDANCE AND RESPONSIBILITIES

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### Pupil Supervisors: Guidance and Responsibilities

This document contains information about the role and responsibilities of pupil supervisors at Radcliffe Chambers.

#### Registered pupil supervisors

The role of the pupil supervisor is to provide the pupil with:

- Training in accordance with Radcliffe Chambers' Training Programme for Pupils, in a way which meets the competences in the BSB's Professional Statement and in compliance with the BSB's Curriculum and Assessment Strategy; and
- All necessary assistance in complying with their regulatory obligations eg registering their pupillage with the BSB, applying for any necessary waivers, and obtaining practising certificates.

In carrying out this role, the pupil supervisor will have all necessary and appropriate support from Chambers.

Pupil supervisor contact time with pupils will vary, but high standards of supervision must be maintained and must be capable of being demonstrated to the BSB. The Pupillage Committee will

monitor supervision standards on a regular basis.

Any change in pupil supervision arrangements previously authorised must be reported to and authorised by the BSB.

There are no longer eligibility criteria for pupil supervisors except that a pupil supervisor must normally be a practising barrister.

All pupil supervisors must ensure that they have received (and continue to receive) appropriate training that meets the outcomes specified by the BSB.

When considering the suitability and competence of a member of chambers to act as a pupil supervisor, Chambers will check the disciplinary record of the member with reference to the Barristers' Register on the BSB website and seek a declaration from the member that no other disciplinary action is in progress. Other considerations include:

- Professional experience;
- Nature of the member's practice and whether it offers appropriate learning opportunities;
- The time the member can devote to a pupil;
- Aptitude to create an appropriate learning environment; and
- Competence to provide effective feedback.

If any matter which appears to affect the suitability of a member to act as a pupil supervisor comes to the notice of the BSB, the BSB's policy is to assess the matter in accordance with its risk-based approach to regulation and take appropriate action. The BSB may designate a barrister as unsuitable to be a pupil supervisor.

## Ratio of pupils to pupil supervisor

Supervisors may supervise up to two pupils at the same time, one non-practising and one practising. It is the policy of Chambers, however, for pupil supervisors to have no more than one pupil for a period of three months in any two-year period. This may be more frequent under exceptional circumstances eg lack of appropriately trained supervisors.

## Training of pupil supervisors

Chambers will ensure that all pupil supervisors receive appropriate training before supervising a pupil and continue to receive appropriate training. Chambers will maintain training records. Members should also record any such training on their Continuing Professional Development records.

Formal training can only cover a certain amount of ground in one session, so pupil supervisors should

combine this formal training with a combination of (i) self-study (eg reading the relevant BSB documentation); (ii) familiarisation with Chambers' policies and procedures relevant to pupillage; and (iii) attending third party training (where not available in-house).

Appropriate further training can be on subjects such as equality, diversity, and inclusion, bullying and harassment, learning styles, coaching skills, giving effective feedback and wellbeing.

Pupil supervisors who do not have prior experience will be provided with additional support from Chambers to ensure they are able to deliver effective feedback to pupils.

Refresher training is mandatory every five years, and after three years if the barrister has not been a pupil supervisor during that time.

Under the CPD rules barristers have an obligation to reflect on their competence as a pupil supervisor or as a member of the pupillage committee, or equivalent.

## Outcomes for training pupil supervisors

### **The regulatory requirements**

The pupil supervisor will:

- Be familiar with the current version of the following BSB documents (all of which are available on the BSB website) and the relevant regulatory requirements:
  - The BSB Handbook;
  - The Bar Qualification Manual;
  - The Authorisation Framework and supporting guidance for pupillage;
  - The Professional Statement, Threshold Standard and Competences; and
  - The Curriculum and Assessment Strategy.
- Be familiar with and able to apply the Equality and Diversity Rules (contained in the BSB Handbook) and the Equality Act.
- Understand the BSB's administrative procedures for registering pupillage and applying for the Provisional and Full Practising Certificates.
- Understand the role of a pupil supervisor.

### **Chambers' pupillage training programme, policies, and processes**

The pupil supervisor will:

- Be familiar with Chambers' Training Programme for Pupils and able to apply it, in order to

assist pupils in meeting the competences in the Professional Statement to the threshold standard.

- Be familiar with Chambers' policies, procedures, and standard documentation in relation to pupillage, and able to apply them. These documents are located on the Chambers Intranet.

### **Effectiveness as a pupil supervisor**

The pupil supervisor will:

- Understand what makes an effective supervisor, have knowledge and experience of how pupils learn effectively and be able to assess the learning needs/learning styles of their individual pupils.
- Understand the time commitment that is required to be effective as a pupil supervisor.
- Understand the behaviours which constitute unacceptable supervision practices.
- Be competent to conduct assessment of their pupils' progress in meeting the required competences and to conduct effective one-to-one appraisal and feedback to pupils throughout the duration of the supervision period.
- Be able to identify and act on their own development needs as an effective pupil supervisor.

### **Pupil wellbeing**

The pupil supervisor will:

- Be familiar with and be able to apply Chambers' policies and support mechanisms to enable all pupils to complete their training and to support those who experience difficulties.
- Be able to direct pupils to where they can find help externally if needed.
- Be able to create a positive relationship with pupils, such that they feel comfortable to speak up without fear of intimidation or unfair reproof.

### **Registration of pupil supervisors**

Pupils must have a named pupil supervisor who is responsible for confirming that the non-practising and the practising period of pupillage have each been satisfactorily completed.

The supervisor responsible for signing off each period of pupillage must be registered in relation to that pupillage by the time the pupillage is registered (or notified promptly if there is a change in circumstances) and trained to the required standards.

The BSB is no longer maintaining a register of approved pupil supervisors but will maintain a record of which pupil supervisor is responsible for signing off each pupil when that pupillage is registered.

<b>Approved by</b>	<b>Date</b>
Pupillage Committee	October 2019
Pupillage Committee	November 2019
Pupillage Committee	September 2020
Pupillage Committee	February 2022