

WILBERFORCE CHAMBERS
PUPILLAGE POLICIES AND PROCEDURES

Wilberforce Chambers aims to:

- recruit the best candidates for pupillage and tenancy;
- provide pupils with a thorough and comprehensive training which will equip them for practice at the Chancery/Commercial Bar;
- provide pupils with mentors (their pupilsupervisors and others in Chambers) to whom they can turn for advice, not only during pupillage but also during their early years of practice;
- give pupils an opportunity to join in the life of Chambers and to consider whether they would wish to apply for a tenancy at Wilberforce Chambers;
- give members of Chambers an opportunity to consider whether they would wish to support an application for tenancy made by a pupil.

I Mini-pupillage

1. Chambers offers a number of non-assessed mini-pupillages arranged over specific weeks. The timing of mini-pupillages and the number of places available are determined in advance by the Pupillage Committee and advertised on Chambers' website.
2. Mini-pupils are selected on the basis of an application form, available on Chambers' website. Their applications are judged against the selection criteria for pupillage (see Section IIC below) but bearing in mind that there is limited (and in some cases, no) evidence available in respect of some of the criteria at this stage of a student's education. Mini-pupillage places are offered to those candidates whom the selectors consider are most likely to be successful candidates for pupillage, based on the selection criteria.
3. Applicants will not be given a Chambers mini-pupillage otherwise than by selection through the formal processes. On occasion a member of Chambers may be asked to allow a friend or family contact to experience life at the Bar by sitting with him or her for a few days. In this case the member of Chambers,

rather than the Pupillage Committee, takes responsibility for that contact and the work they experience. This is not considered to be a Wilberforce Chambers mini-pupillage and will not be treated as such for the purpose of pupillage applications.

4. Mini-pupillages are structured and will usually involve accompanying members of Chambers to Court and conferences, the opportunity to meet members of Chambers socially and to discuss the nature of practice at Wilberforce Chambers.
5. It is not necessary to carry out a mini-pupillage in Chambers in order to apply for or obtain a pupillage.

II Pupillage

A. The Number and Types of Pupillage:

1. Chambers offers 12-month pupillages ("standard pupillages") commencing in late September or October every year. The number of standard pupillage places available in any year will be determined by the Pupillage Committee (in consultation with the Finance and General Purposes Committee) and advertised on the website nominated by the Bar Council in accordance with the Code of Conduct/Pupillage Funding and Advertising Requirements 2003 and on the Chambers website.
2. The Pupillage Committee may at its discretion allow a successful standard pupillage applicant to postpone the commencement of his or her pupillage for a year.
3. Chambers aims to take a decision whether or not to offer a pupil a tenancy when the pupil has completed about 9 months of his or her pupillage (by the end of June). Chambers may in appropriate cases postpone the decision as to whether or not to offer tenancy beyond the period of 9 months. If Chambers decides not to

offer the pupil a tenancy, that has no impact on the continuation of the pupillage or of the pupillage award and the pupil remains entitled to complete their pupillage and to a fair share of any work available to pupils in accordance with the Equality Code for the Bar. If, however, the pupil decides to terminate his or her pupillage, the pupillage award will cease to be payable.

4. Chambers does not offer 2nd or 3rd 6-month pupillages as a matter of course. The decision as to whether to offer 2nd or 3rd 6-month pupillages is taken by the Pupillage Committee (in consultation with the Management Board) and any vacancies will be advertised on the Chambers website and in such other way as the Pupillage Committee considers appropriate, having regard to the Pupillage Funding and Advertising Requirements 2003. Chambers will only take such pupils on if it is considered that it is likely that they will be offered a tenancy in Chambers at the end of their pupillage.

6. Chambers will generally only offer standard pupillages to candidates who have a genuine intention to practise at the Bar of England and Wales upon completion of their pupillages. Pupils who do not so intend or who are non-standard applicants in some other way (e.g. because they are solicitors transferring to the Bar who need only complete a short pupillage) may be offered pupillage at the discretion of the Pupillage Committee and on such financial terms as the Management Board (after consultation with the Pupillage Committee) considers appropriate.

7. Members of Chambers may not take on pupils privately without the pupil having gone through the Chambers selection processes.

B. The Finance Available to Pupils

1. All standard pupillages carry a pupillage award. The amount of the award is determined by the Management Board on the recommendation of the Pupillage Committee. All pupillage awards are on the basis that they are in lieu of payment for any individual piece of work under para. 805 of the Code of

Conduct.

2. An award may be given to a 2nd or 3rd 6-month pupil at the discretion of the Management Board on the recommendation of the Pupillage Committee.
3. Those who have accepted an offer of pupillage with a pupillage award are permitted to draw down a proportion of their pupillage award during their BPTC year on conditions regarding repayment to be determined by the Pupillage Committee.
4. During their pupillage and in addition to their pupillage award, pupils are entitled to be reimbursed by Chambers for:
 - (1) the cost of any compulsory course;
 - (2) the cost of any other course which the Pupillage Committee considers the pupil ought to attend;
 - (3) the costs of travelling outside London to Court or conference where the pupil's pupilsupervisor considers it would be of benefit for the pupil to attend (but accommodation costs will only be covered at the discretion of the Pupillage Committee).

C. The Selection of Pupils

1. Pupillage applications are assessed against the following criteria:
 - (1) Intellectual ability
 - (2) Ability to analyse legal problems
 - (3) Oral communication skills
 - (4) Motivation to do Chancery/commercial work
 - (5) Maturity/confidence
 - (6) Interpersonal skills

Pupillages will only be offered to those candidates who demonstrate that they have the qualities specified in the selection criteria to a sufficient extent that they have the potential to attain the standard required of junior tenants in Chambers after completion of their pupillage.

2. Chambers aims to make decisions about pupillage selection in a rational and fair way and in accordance with the recommendations of the Equality and Diversity Code and Chambers' professional and legal obligations. Chambers operates a three-tier selection process - Paper, Long-list and Short-list. We may take up references from academic tutors or previous employers.
3. Pupillage applicants are required to complete an Application Form via the Pupillage Gateway.
4. Selection is initially carried out by members of the Pupillage Committee solely on the Application Form. A decision whether to offer an interview is always made by more than one member of Chambers. Where two selectors disagree as to whether or not a candidate will be invited to interview, a third member of the Pupillage Committee will consider the application. It is recognised that the Application Form necessarily provides only limited evidence of some of the selection criteria and when assessing the Application Form, selectors are primarily focussing on: a candidate's intellectual ability, as demonstrated by their academic record; oral communication skills, as demonstrated by, for example, their experience of giving presentations, mooting, or drama; and motivation to do Chancery/commercial work as demonstrated, for example, by mini-pupillages, and results of examination papers.
5. Applicants who pass the Paper selection stage will be offered a Long-list interview. This is a fairly short interview with a minimum of two members of Chambers.
6. From those on the Long-list a Short-list is drawn up by those members of Chambers who have carried out the Long-list interviews. Candidates on the Short-list are invited to a longer and more challenging interview which will involve the analysis of a legal question.
7. The Pupillage Committee decides to whom offers of pupillage are to be made,

based on all the evidence available to it. Although selectors at each stage may score candidates, the decision as to whether to make an offer is not based simply on totting up scores but on a detailed analysis, weighing up all the available evidence, of the candidates' different aptitudes and skills. Chambers may not fill all of its vacancies if the Pupillage Committee is of the view that there are insufficient candidates of a suitable calibre.

8. Reasonable adjustments will be made to the pupillage selection process for disabled applicants.

D. Monitoring

1. Chambers collects and analyses data about the characteristics of applicants for pupillage and mini-pupillage with a view to ensuring that its selection processes are fair and appropriate and in order to comply with its duties under the Code of Conduct for the Bar.
2. Applicants for pupillage and mini-pupillage will be asked to complete an equality monitoring form at the end of their application form. Completion of the equality monitoring form or any part of it is entirely voluntary and applicants will not in any way be treated differently because they have, or have not, completed the form or because of the way in which they have completed the form. The equality monitoring form will be separated from the application form and will not be made available to any person involved in making selection decisions.
3. The equality monitoring form will allow applicants to self-classify in respect of age, gender, disability, ethnic group, religion or belief, sexual orientation, socio-economic background and caring responsibilities, broadly along the lines of the Model Diversity Data Questionnaire at Annex C to the Guidance on the Bar Standard Board's Diversity Data Collection Rules and/or as collected by the Pupillage Portal. In respect of applications for mini-pupillage, a wider range of questions may be asked in relation to the applicant's socio-economic background.

4. Equality monitoring forms will not show the applicant's name but will each be assigned a number. Using the numbers from the equality monitoring forms so as to ensure anonymity, the data will be entered into a spreadsheet enabling a calculation to be made of the number and proportion of applicants having a particular diversity characteristic at each stage of the selection process. A member of staff (not a barrister) is given responsibility inputting the data. That member of staff will compile a list of names of applicants matching them with their numbered form ("the key") to be used only for the purpose of ensuring that data can be inputted correctly in relation to each stage of the application process. The key will not be made available to any barrister, save as provided for below.
5. Once the process of inputting data has been completed in respect of any selection round, the equality monitoring forms will be destroyed but the anonymous spreadsheet of data will be retained. The key will be provided to the Diversity Data Officer and kept confidential to him or her and his or her assistant, and will be used only if necessary to match applicants to their data so as to assist in the process of investigating disparities in the data or taking appropriate remedial action, as required by the Code of Conduct.
6. The Pupillage Committee will annually review the data collected on the spreadsheet in relation to pupillage and mini-pupillage applications, in accordance with paragraph 408(2)(e) of the Code of Conduct.

E. Record keeping

1. The Pupillage Secretary has responsibility for keeping the following documents for a period of 5 years:
 - mini-pupillage application forms;
 - pupillage application forms;
 - equal opportunities monitoring forms and statistical evidence referred to above;
 - evaluation sheets used by selectors assessing mini-pupillage and

pupillage application forms;

- mini-pupillage assessments (where relevant);
 - feedback from members of chambers on mini-pupils;
 - evaluation sheets used by selectors interviewing applicants for pupillage;
 - copies of pupillage offers and acceptances;
 - correspondence between pupils and chambers prior to commencing pupillage;
 - references given by pupilsupervisors and other members of chambers regarding tenancy applications;
 - any Bar Council correspondence relevant to a pupil or mini-pupil.
2. Under current Bar Council guidelines, it is the responsibility of pupils to complete and file their pupillage checklists and Chambers no longer keeps copies of these.

F. Conduct of Pupillage: Pupils

1. The Pupillage Committee allocates pupils to pupilsupervisors, after discussion with the pupilsupervisor. Pupils are usually moved between pupilsupervisors approximately every 2 months. Although the Pupillage Committee will take into account any particular request of a pupil to see any particular category of work, the Pupillage Committee's aim when allocating pupilsupervisors is to ensure a balanced and diverse training for the pupil.
2. The first pupilsupervisor and/or the clerk with responsibility for pupillage matters will ensure that the pupil attends one or more induction sessions during the first week of pupillage which will cover the following points (many of which are addressed in the body of this Pupillage Policy).

General

- The pupil will be provided with and should retain the appropriate Handbook, checklists and policy documents (including this Pupillage Policy) and will have an opportunity to discuss what is expected of him/her during pupillage.
- Time will be taken to talk the pupil through the Bar Standards Board Pupillage Handbook especially the aims and objectives of pupillage, the roles and responsibilities of pupilsupervisors and the roles and responsibilities of pupils.
- Attention will be drawn in particular to the Checklist at Appendix I to the Bar Standards Board Pupillage Handbook that the pupil should complete during his/her pupillage.

People

- The pupil will be introduced to the Head of Chambers and other members of Chambers as appropriate including the confidential mentor to whom reference is made at paragraph H2 below.
- Arrangements for rotation to other supervisors will be discussed.
- Procedures for taking on work for members of Chambers other than the pupilsupervisor will be made clear.
- The pupil will be introduced to the clerks, secretarial and support staff and other persons within Chambers.

Work

- The importance of confidentiality will be stressed to the pupil.
- Timing for feedback and formal appraisal will be made clear from the outset.
- Procedures and conduct in conferences (e.g. preparation, participation and follow up) will be made clear.

- Pupils will be encouraged to ask questions about the work they see.
- Pupils will be informed about any presentation requirements for paperwork.

Additional Educational opportunities and requirements

- Procedures for attending compulsory courses will be made clear.
- If Chambers decides to provide in-house training then the procedures will be explained.

HR and Financial matters etc.

- The pupil will be informed of his/her expected working hours.
- The mechanisms for payment of pupillage awards will be explained (and awards will be paid on time).
- The handling of remuneration for work done in addition to the pupillage award will be made clear.
- Expenses and incidentals to be borne by Chambers will be made clear (and will be met promptly).

Use of equipment (professional and private)

- It will be made clear how telephone and email facilities are to be used (professional or private).
- The availability of secretarial support will be discussed.

Policies

- Pupils will be informed of the Equality and Diversity policy (including policies on selection and recruitment to tenancy).
- It will be made clear that the promised timing and method for appraisal and for decision about tenancy will be met or any unavoidable delays will be explained.
- Attention will be drawn to the Code of Conduct and steps taken to ensure that the pupil reads it and discusses any points arising. In particular pupils will be told to have regard to their obligations under paragraph 801 of the Code of Conduct.
- The pupil will be informed of Chambers' complaints and grievance procedures as well as the Bar Standards Board complaints system. Although it is preferable for issues to be resolved internally, with advice and support, pupils will be made aware of the possibility of complaining to the Bar Standards Board.

Appraisal for tenancy / permanent position

- The timing and mechanics for Chambers to consider recruitment to tenancy and for decisions as to tenancy to be made will be explained.
3. Pupils are expected to sit with their pupilsupervisor or another member of Chambers to whom they have been assigned. They are expected to read their pupilsupervisor's papers and, under their direction, to draft opinions, pleadings, skeleton arguments and other documents. They are also expected to accompany their pupilsupervisor or other members of Chambers to Court and conferences, where the pupilsupervisor considers it appropriate for them to do so. They may be asked to assist their pupilsupervisor with legal research or other work,
 4. Pupils are expected to apply themselves diligently to their pupillage. They are expected to work full-time and should not take any other employment without the consent of their pupilsupervisor. Their usual hours of work will be agreed with their pupilsupervisor. Pupils should expect to be flexible about working

beyond those hours when circumstances require but should not feel under pressure to work excessively long hours. Pupils can take four weeks' holiday in a 12-month pupillage but should discuss the timing of holidays with their pupilsupervisors. Longer holidays are at the discretion of the Pupillage Committee.

5. During pupillage all pupils in Chambers will be asked to carry out written work by members of Chambers other than their pupilsupervisor, with the permission of their pupilsupervisor. Pupils will not otherwise be expected to carry out written work for other members of Chambers. Chambers aims to provide advocacy training or exercises. If it does so, the procedures will be fully explained to pupils.
6. Pupils are encouraged to take part in the life of Chambers and to develop good working relationships with other members of Chambers and members of staff. Pupils may be invited to attend Chambers internal social events, informal gatherings and attend any Chambers Marketing Events.
7. The work done by Chambers is of a high quality and generally of a complex nature. As a consequence there is very little work which is suitable for pupils to undertake in their own names. Whilst a pupil might obtain the occasional brief in the County Court or a noting brief or be asked to undertake work, for example, on a discovery exercise, pupils cannot expect to have any work of their own on a regular basis and certainly cannot expect to earn a living from it. Where there is more than one pupil undertaking work on their own account, the Equality Officers will monitor the distribution of work between pupils to ensure fairness.
8. Pupils must ensure that they complete and file with the Bar Council their pupillage checklists.

G. Conduct of Pupillage: Pupilsupervisors

1. Pupilsupervisors should have regard to their obligations to pupils under the

Code of Conduct. Pupilsupervisors will read the Bar Standards Board Pupillage Handbook and aim to follow the guidance contained within it.

2. Pupilsupervisors should discuss with pupils at an early stage of pupillage the hours they are expected to work.
3. The range of work carried out by pupils will be assessed by reference to the Chancery or Commercial checklists, depending on the nature of the pupilsupervisor's practice.
4. Pupilsupervisors and other members of chambers setting written work for pupils (or who are accompanied to Court or conference by pupils) are expected to monitor the quality of the work undertaken by pupils and to provide appropriate feedback periodically and in any event (in the case of the pupilsupervisor) at the end of the pupil's seat with him or her. Pupilsupervisors should also keep sufficient records of pupils' work to enable them to provide references. A pupilsupervisor should provide a written report on the pupil as soon as possible after the end of the pupil's seat with him or her. This report should be provided to the Head of the Pupillage Committee and should not be circulated more widely to other members of the Pupillage Committee or to other members of Chambers.
5. Chambers aims to undertake a formal appraisal of the pupil's performance after about the first 4 months of pupillage. The appraisal will be carried out by a member of Chambers who has not been, and is not intended to be, the pupil's pupilsupervisor and will be conducted in accordance with guidance given by the Pupillage Committee.
6. Pupilsupervisors must periodically review and sign off their pupil's checklists (including the checklist at Appendix 1 to the Bar Standards Board Pupillage Handbook) as appropriate and must also, if appropriate, complete all necessary documentation required by the Bar Council, e.g. certificate of completion of pupillage.

H. **Grievances**

1. Pupils are encouraged to discuss any problems in the first place with their pupilsupervisors.
2. A junior member of Chambers, ideally between 3 and 7 years' call, acts as a confidential mentor for pupils. The mentor undertakes to take no part in the decision whether or not to offer a tenancy to any pupil, except if asked by a pupil. Pupils may discuss any matter connected with or affecting their pupillage with the mentor in absolute confidence.
3. Chambers has formal complaints procedures, which are open to pupils who are unable to resolve their difficulties with the assistance of their pupilsupervisor, or applicants for pupillage or tenancy. The first pupilsupervisor of a pupil should ensure that the pupil is given a copy of the relevant complaints policy.

III **Starter Tenancies**

1. Chambers generally only takes starter tenants from those who have completed a pupillage in Chambers. Applicants who were formerly solicitors and have transferred to the Bar after completing a short period of pupillage are not treated as starter tenants for the purposes of this policy but as established practitioners.
2. If Chambers decides to accept applications for starter tenancies from those who have not completed a pupillage in Chambers, the vacancy or vacancies will be advertised in such a way as the Pupillage Committee considers appropriate. In this event the selection process will be decided by the Pupillage Committee having regard to the requirements of the Code of Conduct and the Equality and Diversity Code.
3. Applications for starter tenancy are assessed against the following criteria:
 - (1) Intellectual ability
 - (2) Ability to analyse legal problems

- (3) Oral communication skills/advocacy
- (4) Written communication skills e.g. opinions, draft letters
- (5) Drafting skills e.g. statements of case, orders, transactional documents
- (6) Legal research skills
- (7) Motivation to do Chancery/commercial work
- (8) Maturity/confidence
- (9) Interpersonal skills.

Tenancies will only be offered to those pupils who fulfil the above criteria to a standard of excellence to the extent that it is considered that the applicant will be able to build a successful practice at Wilberforce Chambers and form good working relationships with members of Chambers and staff. A tenancy will be offered to pupils who satisfy the above criteria.

4. Chambers aims to make decisions about tenancy in a rational and fair way and in accordance with the recommendations of the Equality and Diversity Code and Chambers' professional and legal obligations.
5. All pupils in Chambers will be automatically considered for a starter tenancy without the need to complete an application form. A meeting of the Pupillage Committee will consider the applicant's original pupillage application form and references from members of Chambers who have seen the pupil's work or otherwise come into contact with the pupil (including the clerking staff), in particular the pupil's supervisors, on whose views particular weight is placed. The Pupillage Committee will recommend to Chambers whether or not a pupil should be offered a tenancy, the final decision being that of Chambers as a whole.
6. Pupils who are not taken on as tenants will be seen by their pupilsupervisor and given appropriate feedback on their application. Pupilsupervisors will advise pupils on applications to other Chambers and the clerks can often assist in finding out about vacancies elsewhere. All pupils whether offered a tenancy or not, or with the decision deferred, will be kept well informed of the decision making process.

7. Wilberforce Chambers never allows squatting.

ADOPTED BY CHAMBERS 21st December 2012