

# **SPIRE BARRISTERS**

## PUPILLAGE POLICY

Commencement Date: 1 September 2020

Reviewed: December 2023

Next Review: December 2024

The Spire Barristers Pupillage Committee  
[pupillages@spirebarristers.co.uk](mailto:pupillages@spirebarristers.co.uk)

## **1) Aims and Purpose of Pupillage:**

- a) The purpose of pupillage is to provide pupils with practical training under the supervision of an experienced member of the Bar with the aim that the pupil is thereby prepared for practice at the Bar, is able to further develop the knowledge, skills and competencies studied at the vocational stage and acquires a high level of understanding of the professional and ethical requirements of a member of the Bar.
  
- b) Pupillage is intended to equip pupils to perform competently in matters in which they are likely to be briefed in their early years of practice and to enable them to develop the skills and experience to undertake more complex matters as they develop.
  
- c) At all times, Chambers has in mind that its pupillage offering should:
  - i) be accessible;
  
  - ii) be affordable;
  
  - iii) be flexible; and
  
  - iv) sustain the high standards rightly expected of barristers.
  
- d) Chambers embraces the opportunity through pupillage to recruit talented barristers who shall be an asset to chambers and, though there is no guarantee, pupils are recruited very much with a view to securing tenancy.
  
- e) To select the best candidates for pupillage, Chambers operates an admissions policy which is fair, based on merit and is non-discriminatory. Applications are welcome from all sections of society regardless of race, gender, disability, age, sexual orientation, religion or belief.

- f) Chambers is committed to strengthening and enriching its membership by recruiting practitioners from all sections of society.
- g) With the guidance from our Equal Opportunities Officer(s), Chambers keeps its promotional activities under review and, in determining priorities, takes into account the importance of promoting chambers amongst the widest possible number of potential entrants to the profession.
- h) Chambers is mindful that a mini-pupillage is often the first experience that a person will have of the bar and that the opportunity to have undergone a mini-pupillage may help prospective pupils obtain interviews and subsequent pupillage. Chambers seeks, therefore, to ensure that the opportunities to take a mini-pupillage are made available as widely and as fairly as possible.
- i) Chambers expects and requires pupils to be diligent and loyal to chambers and, in return, Chambers is committed to providing the pupil with excellent opportunities to learn and develop the skills required for practice at the bar and an appreciation of the high professional standards expected of a barrister.
- j) Chambers will deal with pupils in accordance with the Bar Handbook and undertakes to provide training in accordance with guidance issued from time-to-time by the Bar Standards Board.
- k) Chambers' Pupillage Policy contains specific detail of how Chambers intends to meet the standards required of it, pupil supervisors and pupils as regards pupillage. A copy of Chambers' Pupillage Policy shall be made available to all members of Chambers involved in pupillage, to all pupils and to the Bar Standards Board upon request.

## **2) The Pupillage Committee**

- a) The Pupillage Committee constitute no less than six members of Chambers who have practiced out of Chambers for at least 12 months as a Tenant. Probationary tenants are not eligible to sit on the Pupillage Committee.
- b) New members of the Pupillage Committee shall be secured by a proposal of appointment being made by the Chair of Pupillage and Recruitment and the Committee voting on a simple majority basis.
- c) Members of the Pupillage Committee shall serve a term of three years.
- d) Members of the Pupillage Committee shall be eligible to serve two consecutive terms. If no other member of Chambers is forthcoming in taking the place of a member of the committee after two consecutive terms, then the term may be extended up to a maximum of twelve months.
- e) A Chair of Pupillage and Recruitment shall be appointed by Chambers' Membership from within the Membership of the Pupillage Committee. The Chair of Pupillage and Recruitment shall serve a term of three years and must be of at least 7 years post pupillage and must be a trained and authorised pupil supervisor.
- f) There may be a maximum of two Chairs of Pupillage and Recruitment.
- g) A Chair of Pupillage and Recruitment shall be eligible to hold the post for a maximum of two consecutive terms.
- h) The Pupillage Committee shall appoint one Member from within its number each year to be responsible for executing the recruitment of Mini-Pupils (see **section 3**, below).
- i) Each Member of the Pupillage Committee is expected to sit on at least one interview panel in each Pupillage recruitment cycle.

### **3) Mini Pupillage**

#### Recruitment Process

- a) Chambers may offer up to three mini-pupillages in any year (January - December).
- b) Mini-pupillages shall be for up to five days in duration. The duration of a particular mini-pupillage shall be confirmed by Chambers in correspondence to successful applicants.
- c) Applications for mini-pupillage are accepted by CV and covering letter.
- d) Applications shall only be accepted between 1 September and 30 November each year. From time-to-time Chambers may suspend mini-pupillage recruitment.
- e) If Chambers suspends its mini-pupillage recruitment in any given year it shall publish confirmation of the suspension on its website.
- f) Candidates shall not receive an acknowledgement email confirming receipt due to the number of applications received.
- g) Applications for mini pupillage shall be marked by the Pupillage Committee or by other arrangement which is from time to time agreed by the Pupillage Committee. The Pupillage Committee shall utilise the following scoring system when marking mini-pupillage applications and shall not deviate from the same:
  - i) Outstanding = 10
  - ii) Very Good = 7
  - iii) Good = 4

iv) Average = 2

v) Poor = 0

h) Applicants shall be notified of the outcome of their applications in the January following the close of the mini-pupillage application window.

i) Applications are only accepted from students studying at undergraduate level or above.

j) Mini-pupils completing mini-pupillage under paragraph 3 a, above, shall receive £100 as a contribution towards expenses.

#### Other Mini-Pupillage Opportunities

k) In addition to the three mini-pupillages offered through the above recruitment process, Chambers offers one mini-pupillage per year (January – December) through the Inner Temple Pegasus Access Scheme. Applicants for this mini pupillage must be made through the Pegasus Access Scheme and not directly to Chambers.

l) Chambers is also a founding partner of the 'Bridging the Bar' Mini-Pupillage Scheme and applications for a mini-pupillage through this organisation are considered from time-to-time.

m) The Pupillage Committee shall consider a request for mini-pupillage from successful pupillage applicants to Chambers.

n) From time-to-time, Chambers may also offer a mini pupillage to eligible individuals as recognition of exceptional ability, for example through mooting.

#### Other Work Experience Offered by Members of Chambers

o) From time-to-time, members of Chambers may make arrangement with individuals to provide work experience.

- p) The responsibility for such an individual rests with the member of Chambers offering the work experience and Chambers shall not make arrangements for them.
- q) Individuals undertaking work experience in this way are not permitted to assert that they have undertaken a mini-pupillage with Chambers. Work experience falling under this heading shall be for no more than five days and seven days' prior notice shall be given to the Pupillage Committee.
- r) In all cases, whether mini-pupillage or work experience, all such individuals are required on or before commencing the mini pupillage or work experience to sign a confidentiality agreement.

#### **4) Pupillage Recruitment**

##### *Recruitment Process*

- a) The number and type of pupillages to be offered by Chambers from time-to-time shall be determined by the Chambers Management Committee.
- b) A copy of this policy shall be provided to all Members of Chambers who sit on an interview panel in order that they familiarise themselves with the recruitment process herein.
- c) Chambers will advertise all Pupillage Vacancies (save for those Pupillages to which exemptions apply) on a website designated by the Bar Council and will provide all requisite information required of it.

- d) Chambers will recruit pupils through the Pupillage Gateway and via its own application form which will be available on the Chambers website at a time specified within the Chambers advert for pupillage vacancies. The decision as to route shall be taken by the Pupillage Committee dependent upon strategic recruitment requirements at the time.
- e) Applications made to Chambers shall be anonymised such that the following is not known by those Members of Chambers involved in the “sift” process:
  - i) The candidate’s name;
  - ii) The candidate’s date of birth;
  - iii) The candidate’s given address;
  - iv) The candidate’s University (including vocational stage);
  - v) The candidate’s Sixth Form or College; and
  - vi) The candidate’s Secondary School.

#### *The Application Sift Process*

- f) All Members of Chambers (save probationary and door tenants) shall undertake the fair recruitment training annually.
- g) All Members of Chambers (save probationary and door tenants) shall partake in the marking of Pupillage applications received.
- h) All applications shall be marked by a minimum of three Members of Chambers.



- i) The Pupillage Committee shall confirm the number of applications to be marked by Members of Chambers prior to their distribution to the Chambers Membership.
  
- j) Applications shall be distributed by electronic means, save where a specific request has been made for an alternative method of provision. Such requests are to be made to the Chambers Finance Manager and the Pupillage Committee should also be copied into such a request at: [pupillages@spirebarristers.co.uk](mailto:pupillages@spirebarristers.co.uk)
  
- k) Each candidate shall consider each application assigned to them and attach the appropriate score to each of the following criteria:
  - i) Quality of Application (English, grammar, fluency etc);
  
  - ii) Motivation/Commitment to Chambers' practice areas; and
  
  - iii) Personality/Life experience.
  
- l) Members of Chambers shall utilise the following marking structure and must not deviate from it:
  - i) Outstanding = 10
  
  - ii) Very Good = 7
  
  - iii) Good = 4
  
  - iv) Average = 2
  
  - v) Poor = 0

- m) The sole criteria for determining which candidates are invited to interview is the number of points scored in the sift process.

### *The Interview Process*

- n) Candidates invited to interview shall undertake one interview lasting 45 minutes. The interview shall involve:
- i) pre-selected questions as identified by the Pupillage Committee and circulated to the Panel;
  - ii) a presentation exercise to be set by the Pupillage Committee and further pre-selected questions; and
  - iii) the Panel may ask supplementary questions as is deemed fit and in accordance with the fair recruitment guidance/training. The Chair of the panel shall be responsible for monitoring any supplementary questions to ensure fairness for each candidate.

- o) Candidates shall not have sight of the preselected questions in advance of the interview.
- p) Candidates shall receive a copy of the presentation exercise upon arrival in Chambers for interview and shall have thirty minutes to prepare unless otherwise decided by the Pupillage Committee from time to time.
- q) The panel shall be constituted as follows:
  - i) between seven and ten Members of Chambers;
  - ii) at least two members of the Pupillage Committee; and
  - iii) the Chair of the Panel shall be the Chair of Pupillage and Recruitment if on the panel or, if not, the most senior Member of Chambers on the panel (seniority shall be determined by reference to year of call save if a Silk is on the panel, in which case they shall act as Chair).
- r) A copy of the Pupillage Policy shall be taken to the interview by a member of the Pupillage Committee sitting on the panel. Any questions on the interview process shall be directed towards the Pupillage Committee members who shall defer to the policy in answering.
- s) The panel shall each, by secret scoring, assign an appropriate score as against the following criteria:
  - i) Motivation, ambition, and commitment to a practice with Spire Barristers;
  - ii) Integrity and judgment;
  - iii) Communication and presentation skills;
  - iv) Reasoning skills; and

- v) Ability to work under pressure.
  
- t) Members of the panel shall utilise the following mark structure and must not deviate from it:
  - i) Outstanding = 10
  
  - ii) Very Good = 7
  
  - iii) Good = 4
  
  - iv) Average = 2
  
  - v) Poor = 0
  
- u) The Chair of the Panel shall, at the end of the interview day, collate all secret ballot scores and input them into the electronic score record and identify to the panel the candidate who has scored the highest across all six criteria.

- v) Upon learning of the identity of the highest scoring candidate, the panel must then, ask a discreet question, ask itself whether the Panel recommends to the Pupillage Committee that the candidate be offered pupillage.
- w) For a recommendation to be put to the Pupillage Committee in favour of offering pupillage, there must be a majority in favour with no more than two dissensions.
- x) If the Interview Panel declines to make a recommendation for pupillage to the highest scoring candidate, no pupillage will be offered.
- y) Should there be more than one exceptional candidate, the Chair may invite the Panel to consider whether there should be a recommendation to the Pupillage Committee to have a reserve candidate(s) should the first-choice candidate refuse the offer. Such recommendation to the Pupillage Committee shall be made where there are no more than two dissenting panel members and the Pupillage Committee shall decide whether to accept the recommendation on a simple majority vote.
- z) Should there be more than one exceptional candidate, the Chair may invite the Panel to consider whether there should be a recommendation to the Pupillage Committee to offer an additional pupillage. Such recommendations to the Pupillage Committee shall be made where there are no more than two dissenting panel members. The Pupillage Committee shall decide whether to accept the recommendation on a simple majority vote and shall present their recommendation to the Management Committee for final decision.
- aa) All candidates invited to interview shall receive notification as to the outcome of their interview.
- bb) All candidates who are unsuccessful in their applications shall be offered short feedback from Chambers, if such feedback is requested.

### The Pupillage Offer Letter

- cc) Candidates who receive an offer of pupillage shall receive an offer letter setting out the following information:
- i) Information as to when the identity of their pupil supervisor shall be available;
  - ii) Confirmation of pupillage funding arrangements (see below at **section 5**, below);
  - iii) Details of the documentary evidence Chambers will require of them (see below at **dd (i) – (vii)**);
  - iv) Details of the notice period Chambers requires a candidate to give if they accept an offer of pupillage but later seek to withdraw from pupillage;
  - v) Any conditions to the offer of pupillage; and
  - vi) The pupillage commencement date.

### Conditions to Pupillage Offers

- dd) Chambers expects all candidates to have achieved the following minimum requirements:

- i) 2:1 at undergraduate degree; and
  - ii) Very Competent on the Vocational Training Course
- ee) Upon application, extenuating circumstances raised by the candidate may be taken into account should a candidate have failed to reach those minimum requirements. Such circumstances shall be considered by the Chair of Pupillage and Recruitment.

#### Undergraduate applications

- ff) For those candidates who are offered pupillage before completing their vocational training, their offer is contingent upon achieving those minimum requirements.
- gg) Failure to meet those minimum requirements or failure to do so within the period set out within in the offer will result in the offer being withdrawn. However, should the candidate present extenuating circumstances, they shall be considered by the Pupillage Committee who may recommend to the management committee, upon a simple majority vote, whether to extend or amend the offer. For the avoidance of doubt, any offer will only be amended or extended once and will not be extended beyond the first examination resit / results period.
- hh) Successful applicants for pupillage will be required to provide evidence of their credentials (prior to commencing pupillage). Successful candidates who accept the conditional offer of pupillage should send to the Pupillage Committee no later than 7 days prior to the commencement of their pupillage the following documentation:
- i) A certified copy of their undergraduate degree certificate;
  - ii) A certified copy of their undergraduate examination results (where a degree certificate is not available);

- iii) Certified evidence that their undergraduate degree was a qualifying law degree;
  - iv) Certified evidence of satisfactory completion of the vocational component of education within the five-year limit (save for pupillages commencing in September 2020 due to the COVID-19 Pandemic);
  - v) Evidence that they are a member of an Inn of Court;
  - vi) Evidence that immigration visas have been obtained, where relevant; and
- vii) Evidence that waivers have been granted by the Bar Standards Board, where relevant.

## **5) Pupillage Funding**

- a) Chambers remunerates pupils above the minimum requirements set by the Bar Standards Board from time to time. The rates of remuneration for the pupil's first and second six will be specified in the advertisement relating to that particular pupil's recruitment and may vary from time to time as agreed by Chambers' Management committee.
- b) Pupils shall receive the pupillage award relating to the first six in equal instalments payable once per month during their first six months (non-practising period).
- c) During the second six months (the practising period), pupils shall undertake work in their own right and pupillage funding is by way of guaranteed income comprising one sixth of each month, the amount specified as the second six guaranteed earnings. Pupils will retain all earnings.
- d) Second six pupils shall not be liable for Chambers expenses, but remain personally liable for their VAT, National Insurance and Income Tax liabilities.



- e) Pupils shall be reimbursed for travel expenses to court during their first six months of pupillage. For the avoidance of doubt, pupils in their second six shall not be eligible for reimbursement of travel expenses.
- f) If eligible, pupils should purchase and utilise a twelve-month Railcard up to the value of £30 the cost of which shall be reimbursed by Chambers.
- g) Pupils shall be reimbursed for the costs of standard class train tickets.
- h) Pupils shall receive payment per mile of travel. For calculations, Chambers shall be considered the start point and the Court centre the pupil is required to attend on any given day being the end point.
- i) Pupils shall receive payment of 45p per mile of travel.
- j) Pupils shall receive reimbursement of parking costs when at Court.
- k) Payment of expenses shall be monthly by default. If any other frequency of payment is sought, then pupils should speak with the Chambers Finance Manager who will consider such a request.
- l) The cost of Chambers' pupils attending all mandatory pupillage courses undertaken on the North Eastern Circuit will be met by Chambers.
- m) All pupils are expected to join the following associations under the appropriate membership category:
  - i) Family Law Bar Association;
  - ii) Court of Protection Bar Association; and
  - iii) CoPPA.

- n) Pupils shall pay any initial fee required when joining the above specialist bar associations and shall be reimbursed the cost of the joining fee back through their expenses.
- o) Chambers has a subscription to Office 365 Business; pupils shall receive access to Office 365 Business free of charge during their full 12-month pupillage.
- p) Chambers shall arrange for a 12-month subscription for pupils to Adobe Acrobat Pro DC to facilitate electronic working for which pupils shall not be charged.
- q) From time to time, it may be desirable for pupils to receive an advance to help with the funding of out-of-pocket expenses during the first six of their pupillage. The amount would be determined by travel requirements but will not exceed £300. It will be accounted for by the imprest method and will revert to claiming post making the expenditure by the fifth month of the first six.

## **6) Responsibilities for Supervision**

- a) The Heads of Chambers are ultimately responsible for pupillage in Chambers and shall, as required by the Code of Conduct, take all reasonable steps to ensure that proper arrangements are made for dealing with pupillage and pupils, ensuring that all matters are dealt with in a manner that is fair and equitable for all barristers and pupils.
- b) Chambers has in place a Chair of Pupillage and Recruitment (see above) who has day-to-day responsibility for overseeing pupillage arrangements in Chambers.
- c) The Chair of Pupillage and Recruitment must ensure adherence to the requirements and standards set for pupil supervisors and must ensure that a pupil obtains adequate supervision, adequate resources to enable timely completion of pupillage and an understanding and appreciation of operation in practice of the rules of conduct and etiquette at the Bar.
- d) The Heads of Chambers and the Chair of Pupillage and Recruitment are responsible for ensuring that Chambers Pupillage Policy adequately meets regulatory requirements as set by the BSB and as amended from time-to-time.

Pupil Supervisors:

- a) Each pupil supervisor is required by Chambers to:
  - i) be on the register of approved pupil supervisors kept by the Bar Standards Board;
  - ii) have a current practising certificate;
  - iii) have regularly practised as a barrister for at least six years in the previous eight years and must during the two previous years have regularly practised as a barrister and been entitled to exercise a right of audience before every court in relation to all proceedings;
  - iv) have successfully undergone the requisite training (and subsequent refresher training) for pupil supervisors provided by their Inn of Court or their Circuit;

- v) Prior to allocation of a pupil to a registered pupil supervisor, the Chair of Pupillage and Recruitment shall ensure that the pupil supervisor's accreditation has not lapsed due to the need to undergo refresher training;
  - vi) No pupil supervisor shall be responsible for the supervision of more than one first six pupil at any one time. On occasion and with the approval of the Pupillage Committee, a pupil supervisor may be responsible for one first-six month and one second-six month pupil; and
  - vii) Ideally, each pupil shall have fortnightly contact with at least one other barrister in Chambers with at least three years' experience of practice and who is entitled to exercise a right of audience before every Court in relation to all proceedings and has been so entitled for at least three years.
- b) When responsible for supervising any pupil, the pupil supervisor shall:
- i) take all reasonable steps to provide the pupil with adequate tuition, supervision, and experience (see Training and Assessment below);
  - ii) have regard to any pupillage guidelines issued by the BSB and to the Equality Code for the Bar;
  - iii) ensure that the pupil prepares for and attends any further training required by the Bar Standards Board such as advocacy training provided by Circuit or the pupil's Inn of Court;
  - iv) provide the pupil with support and guidance (see Support and Development for Pupils below); and

- v) Ensure that their own training requirements are kept up to date.

Pupil mentors:

- a) Alongside a pupil supervisor, pupils shall be assigned two mentors.
- b) Any member of chambers (save probationary or door tenants) with at least three years practice experience may act as a pupillage mentor.
- c) The pupil supervisor retains primary responsibility for the pupil as set out within this document.
- d) The pupillage mentors shall provide the pupil with support and guidance and assist the pupil supervisor.

## **7) Roles and Responsibilities of Pupils**

- a) During first six a pupil may with the permission of his or her Pupil Supervisor or Head of Chambers accept a noting brief.
- b) In addition, all pupils must:
  - i) Be diligent in receiving instructions given;
  - ii) Apply themselves full-time to their pupillage save that, with permission from their pupil supervisor, a pupil may take other part-time work which does not in their opinion materially interfere with pupillage;
  - iii) Act appropriately on feedback provided by the supervisor and on assessment and appraisal of their work;
  - iv) Take steps to ensure that the outcomes of the core and specialist areas (see below) are met and that competencies are attained to the required standard;
  - v) Undertake compulsory courses as required;

- vi) Behave in accordance with the requirements of the Bar Handbook at all times;
- vii) Preserve confidentiality of every client's affairs, including clients of their pupil supervisor and other barristers with whom they work;
- viii) Preserve the confidentiality of Chambers' affairs;
- ix) Not attempt to exercise rights of audience during the non-practising six months of pupillage; and
- x) Prepare documentation to assist the supervisor in the completion of documentation for signing off after the first six months of pupillage as follows:
  - (1) Documentation setting out how they have met the required standards/competencies and how they have met the outcomes as defined in the core and specialist units;
  - (2) Keeping a pupillage diary and keeping the respective pupillage checklists issued during their induction up to date regularly; and
  - (3) By providing evidence of successful completion of the pupillage practice management course and the pupillage advocacy course during the non-practising six months of pupillage.
- xi) Ensure evidence is provided that the pupil has been called to the Bar by their Inn of Court before the commencement of their second six of pupillage.

- c) In the second six months of pupillage the pupil may exercise rights of audience with the permission of their pupil supervisor or Head of Chambers and only once they have received notification from the BSB that they are eligible to do so.
- d) Pupils shall, upon receipt of their provisional practising certificate, send a copy of the same, by email to [pupillages@spirebarristers.co.uk](mailto:pupillages@spirebarristers.co.uk) so that a record can be kept.
- e) No later than 7 days prior to commencement of the second six months of pupillage the pupil shall ensure that they have registered with HMRC as a self-employed person for taxation purposes and for VAT purposes.
- f) No later than 7 days prior to commencement of the second six months of pupillage the pupil shall provide to the Chambers Finance Manager a copy of their VAT registration certificate.
- g) Upon accepting instruction in a case, the pupil shall:
  - i) Review the papers and brief in a timely manner;
  - ii) Ensure that they do not conduct work that is beyond their abilities;
  - iii) Apply themselves full-time to pupillage and make full use of learning opportunities provided;

- iv) Undertake all work required of them to the best of their ability and in a timely manner; and
- v) Within 7 days of completion of any work, provide all necessary documents to Chambers for billing purposes.
- h) Pupils in their second six shall prepare documentation to assist their supervisor in the completion of documentation for pupillage sign off, as follows:
  - i) Complete any additional checklist for the practising period of pupillage;
  - ii) Make sure the pupil supervisor signs the certificate of satisfactory completion of the practising period of pupillage and submits it at once to the Bar Standards Board;
  - iii) On completion of pupillage, keep the Bar Council Records Office and their Inn notified of their current status (i.e. tenant, squatter, third six pupil or not in practice) and contact details; and
  - iv) Comply with any other rules or guidelines relating to pupillage as may be published from time to time.
- i) Pupils shall ensure that upon completion of all documentation and pupillage sign off, they send all necessary documentation to the Bar Standards Board (copying in their pupil supervisor and the Pupillage Committee at [pupillages@spirebarristers.co.uk](mailto:pupillages@spirebarristers.co.uk)) and complete the Authorisation to Practice process within 21 days of the end of their pupillage.

## **8) Training and Assessment of Pupils**

- a) All pupils must have successfully completed the Vocational Stage of training and be a member of an inn of court before the commencement of pupillage.
- b) All pupils must have been called to the Bar before the commencement of the second six months of pupillage.
- c) Pupils must ensure that their pupillage is registered with the BSB within 7 days of commencing pupillage and they should copy their pupil supervisor and the pupillage committee into their registration email.
- d) Unless other arrangements are agreed between pupil and pupil supervisor, a pupil's first six month of pupillage shall be split, where possible, as follows:



- i) 4 months in Children Law;
  - ii) 1 month in the Court of Protection; and
  - iii) 1 month in Matrimonial Finance.
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- e) The pupil shall be made aware of the split of time at the outset of pupillage and prior to commencing each period of time in a different area shall be introduced to the Members of Chambers they are likely to work with.
  - f) The pupil supervisor shall ensure that feedback is received from Members of Chambers for the purpose of ensuring on-going assessment and development.
  - g) The pupil supervisor shall act as assessor of the pupil's work and shall be responsible for ensuring that their pupil covers the outcomes and specified standards and competencies required.
  - h) The pupil supervisor must ensure that the pupil obtains sufficient practical experience of advocacy, conferences and negotiation, legal research and preparation of drafts and opinions in order to prepare and present a case competently.
  - i) The pupil supervisor shall encourage the pupil to take responsibility for their own professional development.
  - j) The pupil supervisor shall establish and maintain regular contact (at least weekly) with the pupil and will ensure that they are accessible to the pupil when advice is needed. They shall ensure that resources are in place and will provide timely, effective and constructive guidance, advice and feedback on a pupil's work.

- k) The pupil supervisor will instil professional ethics and conduct, ensuring that the pupil is aware of the need to exercise probity and conduct themselves according to ethical principles and of the implications of misconduct.
- l) The pupil supervisor shall ensure that the pupil has undertaken and passed compulsory courses and will ensure that the pupil is initially registered and signed off after the first six in order to be able to obtain a provisional practising certificate.
- m) The pupil supervisor will ensure that the pupil is covered through his or her own insurance when providing legal advice.
- n) The pupil supervisor will comply with other rules or guidelines relating to pupillage issued by the BSB from time to time.

#### The Assessment Process:

- a) The pupil supervisor shall draw up a formal plan of work for each phase of pupillage and shall implement formal and systemic assessment of the pupil at regular intervals (at least every 3 months) during pupillage, in order to assist the pupil to understand his or her progress and what difficulties he or she faces, if any, in terms of successful completion of pupillage and tenancy selection. Assessment is intended to mean a structured measurement of the pupil's progress against standards, with feedback to follow.
- b) Feedback will be provided through regular comments on a pupil's work provided by the supervisor in order to improve performance, to reinforce good practice and work and to identify areas for improvement. Clerks, solicitors, judges and clients may also provide feedback in relation to the pupil.
- c) Assessment may include written pieces of work being assessed by the supervisor and/or others.

- d) In addition to formal assessment, the pupil supervisor shall monitor and evaluate progress during pupillage.
- e) Formal appraisal will take place during pupillage in addition to regular feedback and informal monitoring of progress.
- f) In order to determine at the end of pupillage whether the competencies set out in the Bar Professional Statement have been met, these required standards and competencies shall be carefully considered. Checklists shall be used to verify that outcomes and competencies have been met. Pupil supervisors and others involved in formal supervision, the Chair of Pupillage and Recruitment and Head of Chambers are all required to countersign checklists completed by pupils to confirm that they have covered all areas of training to the required standard.
- g) Chambers must retain records of checklists of pupils for a period of three years following completion. If any sections have not been signed off as completed, then an explanation must be provided.
- h) Where omissions and shortcomings are detected, steps must be taken to overcome any deficiency. The process of feedback and appraisal is important to identify areas of difficulty as early as possible to avoid a situation where the checklist cannot be signed off.
- i) Where it is not considered that the defined standards and competencies have been met, then the pupil supervisor must not sign off the pupil as having completed either the first or second six as appropriate. The pupil must be made aware of precisely what shortcomings are evident and how these might be rectified. The Heads of Chambers, the Chair of Pupillage and Recruitment and the BSB must be informed.
- j) Where a pupil is not signed off by his or her supervisor, opportunities may be provided for additional or remedial work in order to enable the pupil to attain the

required level of competency, but there is no obligation for chambers to provide this.

- k) In order to ensure that the pupil is adequately prepared for the type of work that they will be likely to undertake at the commencement of practice and in order to provide the pupil with experience of different advocacy techniques, the pupil supervisor will arrange for the pupil to attend court with other members of chambers from time-to-time, including more junior members of chambers. However, the pupil supervisor will ensure that there is an overall structure to pupillage and that the pupil predominantly spends time with the pupil supervisor, their mentors or the member of chambers to whom the pupil is currently assigned.
- l) Should any other member of chambers have a case which is unusual or which is likely to be of particular interest or relevance to the pupil, they may approach the pupil supervisor or member of chambers to whom the pupil is currently assigned in relation to a specific practice area to offer to allow the pupil to accompany them. It will be a matter for the discretion of the pupil supervisor (or of the member of chambers to whom the pupil is currently assigned) how and with whom the pupil shall spend his or her time.
- m) Chambers shall permit the pupil to attend the compulsory courses and special training days and activities provided by Circuit, Inns etc and shall permit the pupil to have at least one full day preparation time prior to attendance at advocacy training courses.
- n) The pupil supervisor shall assess the pupil's ability to perform work of a standard (whether in oral advocacy or written work) which professionally addresses all the points raised and is capable of rendering a real and valuable service to the client. Advice given in conference or in writing must be clear, accurate, comprehensible and constructive. It must address all the issues which the client faces. Documents which are submitted to court must accurately and fairly represent the client's case and gain the respect of the court. In oral advocacy the pupil must be able to present the best possible case for the client

in an attractive, persuasive and clear manner and must properly and professionally deal with all the points in the case.

- o) During the course of assessment, the pupil and their supervisor shall endeavour to identify the aspects of practice which have reached the required standard and those which need to be developed.
- p) The pupil supervisor shall provide their pupil with an objective assessment of his or her progress at regular intervals during pupillage and shall provide the pupil with access to feedback and analysis of their attainment or otherwise of outcomes and the results of assessments.
- q) As a minimum where possible, contact time between the pupil and his or her supervisor shall include:
  - i) a formal induction session lasting not less than 1-2 hours at the beginning of each 6-month period;
  - ii) regular feedback sessions (monthly as a minimum, but ideally at least weekly);
  - iii) a formal appraisal session lasting not less than 1-2 hours at the end of each six months;
  - iv) additional formal assessment sessions as appropriate to discuss specific pieces of work;
  - v) additional appraisal meetings wherever possible; and
  - vi) at least one opportunity for observation by the supervisor in advocacy.
- r) The appraisal process is an opportunity to give structured and objective feedback to a pupil which should lead to improved performance. It is also an opportunity to obtain feedback from pupils about how they see their roles, the

work they have done and the way in which they are being supervised. The appraisal is expected to:

- i) Review performance over the previous few months;
  - ii) Set objectives for future performance;
  - iii) Identify a pupil's strengths and areas for development;
  - iv) Encourage a pupil to improve performance where necessary; and
  - v) Enable pupil supervisors to provide feedback.
- 
- s) The pupil should prepare for appraisal by considering their strengths and weaknesses, performance of objectives, opportunities for improvement, ideas for future objectives and other issues.
  - t) The supervisor should give feedback on past performance, help the pupil to plan future development and work with the pupil to plan goals and targets for the next period. Where poor performance is identified or areas that need improvement, these should be discussed in full and remedies sought.
  - u) The pupil supervisor will additionally seek feedback in relation to the pupil from the Pupillage Mentors, other Members of Chambers, solicitors, clients and judges.
  - v) The certificate of satisfactory completion of the second six months of pupillage must be completed by the Pupillage Supervisor, who will have first informed Head of Chambers.
  - w) Should any change occur during pupillage (e.g. in pupil supervisor) it shall be the duty of the pupil supervisor to notify the BSB of changes using the prescribed form and to contact the BSB for advice when necessary.

- x) Before the commencement of pupillage, the pupil shall be required to enter into a written agreement with chambers setting out the detail of chambers policies and procedures during pupillage and the grounds on which pupillage might be terminated. (See **Appendix 1**)

## **9) The Core Competencies**

- a) Pupils and pupil supervisors shall have due regard to the competencies that must be achieved as set out in the ***Professional Statement for Barristers, incorporating the Threshold Standard and Competencies*** (see here: <https://www.barstandardsboard.org.uk/uploads/assets/a4556161-bd81-448d-874d40f3baaf8fe2/bsbprofessionalstatementandcompetences2016.pdf>) which may be amended from time to time. The pupil supervisor shall ensure that the formal plan of work produced as required by section 8 above incorporates necessary observation and practical opportunities such that the pupil meets the required standard set against the competencies.

## **10) Support and Development of Pupils**

### Induction:

- a) The pupil supervisor is responsible for ensuring that an appropriate induction is carried out to include:
  - i) Provision of copies of Chambers' Pupillage Policy; Equality and Diversity Policy; Complaints and Grievance Procedures and Chambers' policy as to the recruitment of tenants and any other relevant chambers' policies.
  - ii) The supervisor must discuss the supervisor and Chambers' practice and pupillage generally. The supervisor must discuss the content of the 'Bar Professional Statement', giving particular reference to the expectations surrounding the core competencies, the roles and responsibilities of supervisors and the roles and responsibilities of pupils.

### People:

- b) The pupil must be introduced to the Head(s) of Chambers, the pupillage mentors, the Chair of Pupillage and Recruitment and other members of Chambers as appropriate.
- c) Arrangements for rotation of other supervisors must be made clear.
- d) Procedures for taking on work for other members of Chambers other than the pupil supervisor must be made clear.
- e) The pupil must be introduced to the clerks and other Chambers based staff members.

Work:

- f) The importance of confidentiality must be stressed.
- g) Timing for feedback and formal appraisal must be made clear.
- h) Procedures and conduct in conferences and for court appearances must be made clear.
- i) Pupils must be encouraged to ask questions.
- j) Pupils must be informed about presentation requirements for paperwork.

Additional Educational Requirements:

- k) Procedures or attending compulsory courses must be clear.

HR and Financial Matters:

- l) Expected working hours must be made clear.
- m) The mechanisms for payment of pupillage awards must be made clear.
- n) Expenses and incidentals to be borne by Chambers (e.g. course costs, travelling) must be made clear.



- o) The pupil supervisor shall inform the pupil during the induction of the eligibility of pupils of the North Eastern Circuit who are suffering financial hardship to apply for an interest free loan of up to £5,000 from the Henry Scott Fund administered by the North Eastern Circuit.

Use of Equipment:

- p. It must be made clear how telephone and e-mail facilities, including Microsoft 365, are to be used.

Appraisal for Tenancy:

- q. The timing and mechanics for tenancy decisions and how such decisions will be communicated must be made clear.

Distribution of work:

- r. The senior clerk is responsible for ensuring that work is fairly distributed amongst working pupils and will do so by monitoring and reviewing the distribution of work on a weekly basis.

Equal Opportunities:

- s. Chambers Equal Opportunities Officer(s) shall be responsible for ensuring that Chambers' Equality and Diversity policy is implemented fully to ensure that training is delivered in an environment that is free from any forms of discrimination and harassment.

Volume and Nature of Work:

- t. The pupil supervisor shall be responsible for ensuring that the volume and intensity of work required of the pupil is appropriate in both the first and second six months of pupillage.
- u. The pupil supervisor shall notify the pupil of opportunities for pro bono work and encourage the pupil should he or she wish to participate in the same.
- v. Completely non-educational tasks shall not be required of the pupil. Inordinate requests by supervisors or other members of chambers to pupils to do routine work (e.g. excessive photocopying, coffee making etc or running shopping errands) are inappropriate.
- w. Any request for assistance from the pupil must be made via the pupil supervisor or member of chambers to whom the pupil is assigned, who must take into account in deciding whether to accede to such request, the overall commitments of the pupil and the nature of the request.
- x. In the event that a pupil's conduct, health, progress or performance is giving rise to concern to any member of chambers, such concern shall be raised in the first instance with the pupil supervisor who will take steps, in conjunction with the Chair of Pupillage and Recruitment if necessary, to support and manage the difficulty.

#### Duration of pupillage, hours, leave and sick leave

- y. The duration of pupillage will be a minimum of 12 months unless a reduction has been approved and authorised by the BSB. Pupils should not move to another chambers to complete their 12 months or to commence a third six before this period is completed since they risk not being signed off.
- z. Pupils are required to work a minimum of 35 hours per week.

- aa. Pupils are entitled to four weeks' leave per annum and should take no more than two weeks leave in each period of pupillage.
- bb. If a pupil has an excessive number of days of sick leave in any six months of pupillage, the pupillage should be extended by the period of absence. Pupils must notify the Standards and Quality section of the BSB of the new date. Other extenuating circumstances, such as bereavement, may be taken into account in determining reasonable absence and or the need for extension of pupillage.

## **11. Complaints and Grievances**

- a. Pupils may raise matters concerning their pupillage with the Head(s) of Chambers or Chair of Pupillage and Recruitment or their pupil supervisor.
- b. Chambers aims to resolve grievances fairly and as soon as possible through discussion at the point at which they occur.
- c. By mutual agreement between the pupil and chambers, supervisory responsibilities can be changed at the request of either the pupil or supervisor.

## **12. Cessation of Pupillage**

- d. Upon a pupil having completed at least 11 months of pupillage they may apply in writing to the Head(s) of Chambers for tenancy. Upon receipt of such application, the Management Committee may affirm that application provided that:
  - a. The Senior Clerk has given written notice to all Members that it is the intention of the Management Committee to affirm the application for tenancy;
  - b. Not less than 14 days have elapsed since the date that such notice was given; and

- c. No Member has informed the Senior Clerk that he wishes the application to be determined at a Chambers Meeting.
  
- d. In the event that a Chambers meeting is required, the same will be held no later than two weeks prior to the end of the second six months of pupillage to decide whether or not a tenancy will be offered to the pupil in question. In the event that Chambers decides not to offer a tenancy, chambers will specifically consider whether the pupil is to be allowed to squat and if so for what period of time and the pupil supervisor will support the pupil in considering alternative plans.
  
- e. Where chambers and or a pupil supervisor is no longer in a position to supervise a pupillage to completion (e.g. due to the dissolution of chambers or the departure of the pupil supervisor), then Chambers and the supervisor are jointly responsible to honour the pupillage and to assist the pupil to attempt where possible to find alternative provision. If necessary, chambers and the supervisor will assist in applying for a waiver from the funding and or advertising requirements.

# APPENDIX 1

## SPIRE BARRISTERS' PUPILLAGE AGREEMENT

[REDACTED]

DATE

### **Written Pupillage Agreement**

We are delighted that you have accepted our offer of pupillage at SPIRE BARRISTERS (“**Chambers**”).

Chambers is an Authorised Education and Training Organisation authorised by the Bar Standards Board (the “**BSB**”) to provide pupillage training.

With effect from 1 May 2020 it is a mandatory requirement of the BSB that a written pupillage agreement should be signed by Chambers and pupils upon commencement of pupillage. This is that agreement.

This agreement contains the key terms of your pupillage that are required by the BSB to be included in the agreement, including the duties of Chambers and your duties as a pupil.

Those duties are derived from a number of documents produced by the BSB which are cross-referenced in this agreement; namely

- The BSB Handbook, Part 4 (Bar Qualification Rules: 8 pages);
- The Authorisation Framework (7 December 2018, 26 pages);
- The Bar Qualification Manual: <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual.html>;
- The Professional Statement for Barristers (September 2016, 36 pages); and
- The Pupillage Funding Rules (BSB Handbook Rules C113- C118).

These documents (as updated from time to time) supplement this agreement and you are expected to familiarise yourself with them. In the event of any conflict between the terms of this agreement and the rules in the BSB Handbook, the latter shall prevail.

A list of the written policies which Chambers is required by the BSB to provide to pupils upon commencement of pupillage is set out in Appendix 1 to this agreement<sup>1</sup>. Copies are accessible electronically on Chambers’ website.

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<sup>1</sup> See further BSB January 2020 Paper, paras 24 – 29 and Footnote 8

In particular, Chambers' Pupillage Policy provides further detail of some of the matters addressed in this agreement as well as other practical information relevant to the operation of Chambers and your pupillage: we encourage you to read it.

Your Training Programme is set out at Appendix 2 to this agreement.

As Chambers is not a legal entity, this pupillage agreement will be entered in to by Chambers' Management Committee on behalf of Chambers. All subsequent references in this agreement to "Chambers" shall be deemed to include a reference to Chambers' Management Committee.

Chambers offers a pupillage at the self-employed Bar: this agreement does not create an employment relationship between the pupil and Chambers and is not a contract for services or of apprenticeship<sup>2</sup>.

## **1. CONDITIONS PRECEDENT TO THE COMMENCEMENT OF PUPILLAGE**

1.1. The BSB requires Chambers to obtain documentary evidence from you of the satisfactory achievement of the academic and vocational stages of your training and certain other matters prior to the commencement of pupillage. Accordingly, the commencement of your pupillage is subject to you providing Chambers with the following before the first day of your pupillage:

1.1.1. the official certificates/transcripts of the university examinations referred to in your pupillage application form;

1.1.2. the official transcript of any examination taken or notified between the acceptance of pupillage and its commencement;

1.1.3. clear documentary evidence of your satisfactory completion of the vocational component of Bar Training<sup>3</sup> (alternatively, where relevant, that you have passed the Bar Transfer Test);

1.1.4. clear documentary evidence that:

1.1.4.1 you are a member of an Inn;

1.1.4.2 you have registered your pupillage with the BSB; and

1.1.4.3 your nationality or immigration status allows you to undertake the pupillage.

## **2 COMMENCEMENT AND TERM**

2.1 Subject to clauses 1 and 11:

2.1.4 you will commence your pupillage on [REDACTED];

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<sup>2</sup> See the BSB's Bar Qualification Manual, Section C-2-2, paragraph 2.22:

<https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual/part-2-for-students-pupils--transferring-lawyers/c2-responsibilities-of-aetos/c2-2-fair-recruitment-and-equality-and-diversity.html>.

<sup>3</sup> Known as the Bar Professional Training Course until September 2020.

- 2.1.5 your pupillage will be for a total of 12 months, consisting of a first six month non-practising period and a second six month practising period;
- 2.1.6 your pupillage will therefore continue until [REDACTED] when it will end without the need for further notice.

### 3 SUPERVISION AND TRAINING

- 3.1 Your pupil supervisor who will supervise you throughout pupillage shall be: [REDACTED], whose contact details are [REDACTED] and [REDACTED]@spirebarristers.co.uk
- 3.2 Your pupillage mentors who shall support you throughout your pupillage shall be
- 3.3 The Head of Pupillage during your pupillage year will be [REDACTED], whose contact details are [REDACTED] and [REDACTED]@spirebarristers.co.uk
- 3.4 Sometimes it is necessary to vary the supervision arrangements during the pupillage, including to take account of a supervisor's changing commitments or the type of training they are able to offer you during the year. Accordingly, Chambers may vary the details set out in this clause at any time and will notify you of any changes. Both you and Chambers are required to ensure that the BSB is promptly notified of such changes.
- 3.5 The BSB requires that pupils are assessed during pupillage against the competences in the BSB's Professional Statement (Bar Qualification Manual Part 2 C5). Accordingly:
- 3.5.4 At the end of your pupillage, subject to satisfactory completion of a final assessment against the competences in the BSB's Professional Statement, your pupil supervisor will give the required notification to the BSB.
- 3.5.5 In the event that you do not pass an assessment against the competences of the BSB's Professional Statement at the end of the non-practising period Chambers will have the right to terminate the pupillage. This right is likely to be exercised by Chambers unless there are extenuating circumstances, in which case Chambers may in its absolute discretion consider whether an extension or deferral of the non-practising period of pupillage might be appropriate to enable you to complete your training (with the duration of any permitted extension reflecting the period necessary to demonstrate competence rather than the period of absence).
- 3.5.6 In the event that you do not pass a final assessment against the competences of the BSB's Professional Statement at the end of the practising period your pupillage will end on the date set out in clause 1 and your pupil supervisor will be unable to notify the BSB that you have demonstrated the required competences. In the event that Chambers considers that your failure to demonstrate the required competence is the

result of absence from training due to sickness or other extenuating circumstances, Chambers may in its absolute discretion consider whether an extension or deferral of pupillage might be appropriate to enable you to complete your training (with the duration of any permitted extension reflecting the period necessary to demonstrate competence rather than the period of absence).

- 3.6 A written description of Chambers' Training Programme which is designed to enable you to meet the competences in the BSB's Professional Statement is set out in the Pupillage Policy at paragraph 8 and reproduced at Appendix 2.
- 3.7 If you cease to be a pupil in Chambers for whatever reason, Chambers will provide you on request with copies of your training records that apply to the period of pupillage completed in Chambers which record the extent to which you have demonstrated the achievement of the competences set out in the BSB's Professional Statement during your period of training in Chambers.

#### **4 EXPECTED TIME COMMITMENT**

- 4.1 Chambers' core business hours are 8.30 am – 5.30pm Monday to Friday (inclusive). There are no fixed training hours, but to get the most out of your pupillage you are expected to be available for education and training for a minimum of 38 hours each week.
- 4.2 We expect that you 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 you are unable to work due to illness or injury or on vacation.
- 4.3 You may on occasion be invited to attend evening or weekend events relevant to your education and training at your option.

#### **5 WHAT YOU CAN EXPECT FROM CHAMBERS**

- 5.1 Chambers will conduct your pupillage in a manner which is fair and equitable, including the fair distribution of training opportunities to each pupil. Chambers' policy on work distribution is set out in Chambers' Equality and Diversity Policy at paragraphs 15 - 19
- 5.2 Chambers will ensure that each of your pupil supervisors will have been appropriately trained in accordance with the BSB's requirements and will be registered as pupil supervisors with the BSB.
- 5.3 Chambers will ensure that you are covered by the insurance of your pupil supervisor for any legal services supplied to the public in the practising period of your pupillage.
- 5.4 Chambers will ensure that you are promptly provided with any necessary assistance you may need from Chambers or your pupil supervisors to comply with your own regulatory obligations relating to your pupillage, including registering your pupillage with the BSB, applying for any necessary waivers,



and obtaining the provisional practising certificate necessary for you to practise during your second practising six months of pupillage.

- 5.5** Chambers will promptly notify the BSB during your pupillage of any material changes to the pupillage, including any change in the date of commencement or expected completion of your pupillage and changes of pupil supervisors. You personally are also required by the BSB to see that the BSB is promptly notified of such changes.
- 5.6** Chambers will provide or make available to you copies of the written policies set out in Appendix 1 to this agreement.

## **6 WHAT IS EXPECTED OF YOU**

- 6.1** You are expected to comply with Chambers' policies and procedures applicable to pupils, including those listed at Appendix 1 to this agreement.
- 6.2** In accordance with your regulatory obligations, you must ensure that:
- 6.2.4** prior to the start of your pupillage you provide Chambers with clear documentary evidence of the matters set out at paragraph 1.1 above;
  - 6.2.5** you keep adequate training records throughout your pupillage; in particular to assist your pupil supervisor with your final assessment against the competences in the BSB's Professional Statement;
  - 6.2.6** you comply in full with your professional and regulatory obligations, including those set out in the BSB Handbook;
  - 6.2.7** at all material times throughout your pupillage you have been granted and maintain any necessary waivers by the BSB and that any material changes to pupillage are notified to the BSB promptly (material changes include changes of pupil supervisor, and changes in the date of commencement or date of expected completion of your pupillage);
  - 6.2.8** you do not provide legal services as a barrister during the non-practising period of your pupillage. The exception is doing a noting brief (taking notes during a trial) which you are permitted to do with the permission of your pupil supervisor or the Head(s) of Chambers;
  - 6.2.9** prior to starting the practising period of your pupillage, you have:
    - 6.2.9.1** registered with the Information Commissioner's Office, (Chambers will organise and assist you in such registration);
    - 6.2.9.2** been called to the Bar; and
    - 6.2.9.3** obtained a provisional practising certificate from the BSB.
  - 6.2.10** during the practising period of your pupillage, you do not provide legal services as a barrister without the permission of your pupil supervisor or the Head(s) of Chambers.

6.3 You warrant that your nationality or immigration status allows you to undertake the pupillage and you undertake to immediately notify Chambers if at any time you cease to be eligible to undertake the pupillage.

## **7 PUPILLAGE AWARD**

7.1 Subject to you commencing your pupillage and the other terms of this agreement Chambers will pay you a pupillage award of £[REDACTED] (the "Award").

7.2 The Award includes £[REDACTED] of guaranteed earnings during the second six months of your pupillage.

7.3 The Award will be paid as follows:

7.3.4 £[REDACTED] will be paid in six equal monthly instalments from [REDACTED] to [REDACTED] (inclusive); and

7.3.5 From [REDACTED] to [REDACTED] (inclusive) you will receive a minimum of £[REDACTED]. This is comprised of your monthly earnings in your second six and any Chambers contribution necessary to meet this minimum level (the 'guaranteed earnings clause')

7.4 The instalments of the Award will usually be made by direct credit into your bank or building society account on or around the 15<sup>th</sup> of each month.

7.5 Chambers' current policy on earnings for work done for Chambers or members of chambers during pupillage is that the Award is paid to you in lieu of payment for any individual item of work from any member of Chambers.

7.6 The person responsible for administering Award payments is COLIN PHILPOTT (Chambers' Administrator) Name, whose contact details are 0113 200 2400 and [cphilpott@spirebarristers.co.uk](mailto:cphilpott@spirebarristers.co.uk)

7.7 The Award will be reduced pro rata in the event that you do not complete the full 12 months pupillage for whatever reason and no further monthly payments will be made.

## **8 EARNINGS DURING YOUR PRACTISING PERIOD**

8.1 Any earnings which you receive for paid work undertaken for clients for whom you are instructed to act during your second practising six months of pupillage count towards the guaranteed earnings element of your award (please see para 7.2 above).

## **9 EXPENSES**

Chambers' policy on reimbursing expenses for travel and the cost of compulsory courses and examinations required by the BSB during the pupillage year is set out in Chambers' Pupillage Policy at paragraph 5.

## **TAX AND STATUS**

- 9.1 Your pupillage is at the self-employed Bar. Neither the pupillage nor anything in this agreement shall render you an employee, worker, apprentice, agent or partner of Chambers or any member or tenant of Chambers.
- 9.2 You will be personally responsible for any income tax, National Insurance contributions (or equivalent) and VAT (where applicable) in respect of any payments paid to you under or in connection with this agreement or your pupillage. Chambers will not pay or administer tax, or National Insurance payments on your behalf.

## 10 WITHDRAWAL OF AND TERMINATION OF PUPILLAGE

- 10.1 You may withdraw from pupillage prior to its commencement or bring the pupillage to an early termination during your pupillage year on giving not less than 4 weeks' written notice to Chambers.
- 10.2 Chambers is entitled to withdraw the pupillage prior to its commencement and to terminate the pupillage during your pupillage year with immediate effect at any time if:
- 10.2.4 you commit a serious breach of the BSB Handbook;
  - 10.2.5 you are guilty of a serious or persistent breach of Chambers' policies, procedures or codes of conduct applicable to you;
  - 10.2.6 you are convicted of a criminal offence (other than an offence under any road traffic legislation in the UK or elsewhere for which a fine or non-custodial penalty is imposed);
  - 10.2.7 you fail to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of your pupillage training;
  - 10.2.8 during the practising period of your pupillage you cease to hold a valid practising certificate;
  - 10.2.9 your actions or omissions (whether or not in the course of the pupillage) bring or are such as to risk bringing the name or reputation of Chambers or its members into disrepute or to prejudice the interest of Chambers;
  - 10.2.10 your immigration status means you cease to be eligible to undertake or complete the pupillage.
- 10.3 Chambers may also withdraw or terminate your pupillage in the event that it ceases to be authorised by the BSB as an Authorised Education and Training Organisation or there is another regulatory, financial or practical impediment to Chambers continuing to provide your pupillage training.
- 10.4 If, during your pupillage, Chambers ceases to be able or authorised to take pupils, Chambers will promptly notify the BSB. In that event, Chambers will use its best endeavours to assist you to identify another set of chambers where you can complete your training (Authorisation Framework and Bar Qualification Manual

Part 2 C3). In this event, the members of Chambers responsible for assisting you are your pupil supervisor and the Heads of Chambers, one of whom is the Head of Pupillage.

- 10.5 At any time on the request of Chambers and in any event on the termination of your pupillage howsoever arising, you shall return any property belonging to Chambers or any member or tenant of Chambers to Chambers or such member or tenant of Chambers (as appropriate).

## **11 TENANCY**

There is no guarantee of a tenancy in Chambers at the end of your pupillage. All pupils will be considered on their merits for any tenancy.

## **12 DATA PROTECTION**

- 12.1 Chambers will collect and process your personal data in accordance with the applicable laws and the relevant data privacy statement of Chambers in force from time to time.
- 12.2 You must comply with the data protection policy of Chambers and any tenant or member of Chambers with whom you are working and all applicable data protection laws and associated codes of practice (in each case in force from time to time) at all times when processing personal data in connection with your pupillage or that otherwise comes into your possession in the course of your pupillage.
- 12.3 You agree to enter into any data processing agreement that Chambers or any tenant or member of Chambers may reasonably require from time to time during your pupillage.

## **13 MISCELLANEOUS**

- 13.1 This agreement supersedes any previous agreements between you and Chambers and sets out the entire agreement and understanding between you and Chambers in connection with the pupillage. Each party acknowledges that in entering into this agreement it does not rely on, and shall have no remedies in respect of, any statement, representation, assurance or warranty (whether made innocently or negligently) that is not set out in this agreement.
- 13.2 Any variation of the terms of this agreement must be made in writing and signed by you and Chambers.
- 13.3 The termination of this agreement shall not affect any rights accrued as at the date of termination.

## **14 ARBITRATION**

- 14.1 If any dispute shall arise out of or in relation to this agreement or as to the validity, construction, effect, operation or termination of this agreement, to the extent permitted by law the dispute shall be referred and finally determined by arbitration under the provisions of the Arbitration Act 1996 by a single arbitrator

appointed by the parties or, failing agreement within 14 days of notice by the party requesting the appointment of an arbitrator, by the President for the time being of the Chartered Institute of Arbitrators. The decision of such arbitrator shall be final and binding.

- 14.2 The costs of arbitration, including the fees and expenses of the arbitrator, shall be shared equally by the parties to such arbitration unless otherwise required by law or directed by the arbitrator in his award. Each party to the claim or dispute shall pay its own legal fees unless the arbitrator otherwise determines.

## **15 GOVERNING LAW**

- 15.1 This Agreement shall be governed by and construed in all respects in accordance with the laws of England and Wales.

- 15.2 Save as provided in clause 15.1 each of the parties hereto hereby irrevocably submits to the exclusive jurisdiction of the courts of England and Wales.

Please confirm your agreement to these terms by signing and returning this agreement to Sarah Blackmore at [sblackmore@spirebarristers.co.uk](mailto:sblackmore@spirebarristers.co.uk) by close of business on 7 September 2020.

On behalf of SPIRE BARRISTERS, I confirm my agreement to the terms set out above.

Signed:

Name: [REDACTED]

Position in chambers: JOINT HEAD OF CHAMBERS & JOINT CHAIRS OF PUPILLAGE AND RECRUITMENT

Date: [REDACTED]

I confirm my agreement to the terms set out above.

Signed:

Name: [REDACTED]

Date: [REDACTED]



## Appendix 1

### Policies

1. **Pupillage Policy:** which includes full details of:
  - (a) **the recruitment policy** which provides details of any recruitment process for tenancy following the completion of pupillage.
  - (b) **the absence from training policy** which (i) states as a minimum that pupils are entitled to four weeks' absence from training per annum i.e. 20 days in addition to Bank Holidays and (ii) includes provisions on sickness and other absence from training (Bar Qualification Manual Part 2 C3);
  - (c) **disciplinary policy** which states (i) the conditions under which Chambers may suspend or terminate the pupillage for disciplinary reasons, (ii) the required notice period (if any), (iii) the method for the pupil to appeal the decision of Chambers and (iv) whether Chambers may seek repayment from a pupil in the case of misconduct (in accordance with Rule C115 of the BSB Handbook). This written policy sets out what Chambers regards as disciplinary action and misconduct for the purposes of the policy e.g. 12 breaches of Chambers' policies or rules, breaches of the written agreement for pupillage and/or BSB disciplinary findings;
2. **Equality & Diversity Policy:** which includes full details of:
  - (a) **complaints and grievances policy** which (i) states that pupils have a right to complain and (ii) sets out the procedure for dealing with complaints and grievances (Authorisation Framework);
  - (b) **reasonable adjustments policy** aimed at supporting pupils among others (Rule C110.3.m of the BSB Handbook) which sets out the procedure for requesting reasonable adjustments;
  - (c) **anti-harassment policy** which (i) states harassment will not be tolerated or condoned, and that pupils have a right to complain if it occurs (Rule C110.3.j of the BSB Handbook) and (ii) sets out the procedure for dealing with complaints of harassment;
3. **Flexible & Part-time Working Policy**
4. **Parental Leave Policy & Return to work (Back to the Bar) Policy**
5. **Well Being Policy**





## **Appendix 2**

### **Training Programme**

1. A pupil's first six month of pupillage shall be split, where possible, as follows:
  - (a) 4 months in Children Law
  - (b) 1 month in the Court of Protection
  - (c) 1 month in Matrimonial Finance
2. The pupil shall be made aware of the split of time at the outset of pupillage and prior to commencing each period of time in a different area shall be introduced to the Members of Chambers they are likely to work with.
3. The pupil supervisor shall ensure that feedback is received from Members of Chambers for the purpose
4. The pupil supervisor shall act as assessor of the pupil's work and shall be responsible for ensuring that his or her pupil covers the outcomes and specified standards and competencies required.
5. The pupil supervisor must ensure that the pupil obtains sufficient practical experience of advocacy, conferences and negotiation, legal research and preparation of drafts and opinions in order to prepare and present a case competently.
6. The pupil supervisor shall encourage the pupil to take responsibility for his or her own professional development.
7. The pupil supervisor shall establish and maintain regular contact (at least weekly) with the pupil and will ensure that he or she is accessible to the pupil when advice is needed. He or she will ensure that resources are in place, and will provide timely, effective and constructive guidance, advice and feedback on a pupil's work.
8. The pupil supervisor will instil professional ethics and conduct, ensuring that the pupil is aware of the need to exercise probity and conduct himself or herself according to ethical principles, and of the implications of misconduct.
9. The pupil supervisor will ensure that the pupil has undertaken and passed compulsory courses and will ensure that the pupil is initially registered and signed off after the first six in order to be able to obtain a practising certificate.

10. The pupil supervisor will ensure that the pupil is covered through his or her own insurance when providing legal advice.
11. The pupil supervisor will comply with other rules or guideline relating to pupillage issued by the BSB.