



CORNWALL STREET

BARRISTERS

Pupillage Policy

Appendix 5 – Pupillage Policy

1. Introduction

This policy sets out how Chambers will recruit pupils, the funding of pupillage and the structure of pupillage.

2. Recruitment Committee

Chambers has a Recruitment Committee which examines applications to Chambers for pupillages and membership of Chambers.

The Recruitment Committee consists of the Management Committee and at least four other Members of Chambers appointed annually by a majority vote of a General Meeting. The Head of the Recruitment Committee is appointed by the Management Committee and at present is David Swinnerton.

The Head of the Recruitment Committee reports to the Management Committee at each Management Committee meeting.

3. Number and Type of Pupillages Offered

We offer up to three 12-month funded pupillages each year. The number of pupils sought in each application period will be determined by the Management Committee after consultation with the Head of the Recruitment Committee, clerking team and heads of each practice team.

The Management Committee will also determine whether Chambers requires a pupil or pupils in specific practice areas (crime, family or civil) or whether general common law pupillages are to be offered.

Where two or more pupils are to be taken on within the same academic year, Chambers' may stagger the start date. The precise dates are flexible and will be determined to suit Chambers' needs and resources and after consultation with the prospective pupil.

Vacancies are published through the Pupillage Gateway. The published notice will specify the practice area in which the pupillage is to be offered, and will also set out in broad terms the person specification criteria by which candidates will be assessed. A full Person Specification for Pupils will be available on the Chambers website.

4. Funding of Pupillage

Each pupil will receive an award of £12,000 per year, half of which is by way of guaranteed earnings during the



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second six months. During the second six, if a pupil's gross receipts (less any VAT) in a calendar month are below £1,000, Chambers will pay to that pupil the difference between £1,000 and the gross amount received (less any VAT) that month. That sum will be paid during the first week of the following month. Any such sums will not be clawed back in subsequent months.

Chambers pays for pupils to undertake the "Advice to Counsel" and the "Forensic Accounts" course. Each pupil is also required to undertake his or her advocacy training programme, for which Chambers will pay if the course provider requires payment from the pupil for this course.

Pupils are not asked to pay any fees to clerks or expenses to Chambers.

In general, Chambers does not pay travel expenses to pupils. Pupils will not be expected to travel outside the Midland circuit. If, exceptionally, a pupil supervisor suggests that a pupil should travel further, Chambers will consider a request for travel expenses on a case-by-case basis. Such request will be considered by a member of the Recruitment Committee and the Administration Manager. Any such expenses will not exceed the cost of a pre-booked standard return rail fare and must be agreed in advance.

5. Structure of Pupillage

If a pupil is undertaking a pupillage within a specific practice group, that pupil will have a single pupil supervisor from within that group. If a pupil is undertaking a general common law pupillage, the first six may be split between pupil supervisors from different practice areas. There will be one supervisor for the second six.

Throughout the first six, but in particular in the fifth and sixth months, pupils will spend time with junior members of Chambers, observing work at the more junior level.

If a general common law pupillage is being undertaken, the allocation of pupil supervisors will, as far as possible, take account of the particular interests of the candidate. Allocation will be determined by the Recruitment Committee.

6. Selection Procedure for Pupillage

The pupillage gateway advertisement refers applicants to the Chambers application form, which will be available via the Chambers website. The application form will be prepared and agreed by the Recruitment Committee prior to advertising a vacancy. Applicants will be required to complete and return an application form, and will be asked to return a diversity monitoring form which will also be available from the website. Each candidate will be allocated a candidate number so that the paper assessment is conducted without knowledge of candidates' names or addresses. After the closing date for applications, every application form is placed before two members of the Recruitment Committee ("the assessors"). The assessors will consider the applications independently from each other and in accordance with a scoring matrix and the person specification for pupils which will be prepared by the Recruitment



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Committee in advance of any assessment. Each assessor will indicate whether in his or her view the candidate should or should not be shortlisted for interview. If the views of the first two assessors differ, a third assessor will independently consider the application.

We aim to shortlist approximately 18 candidates for interview, although the precise number will vary depending on the quality of candidates and whether it has been possible to separate high-scoring candidates.

All applicants will be informed by email of the result of this stage of the process. Those shortlisted for interview will be asked to telephone Chambers to confirm their availability for the first round interview. If a shortlisted candidate is unavoidably unable to attend at the suggested time then a suitable alternative time will be arranged for that candidate if possible. First interviews will ordinarily be conducted on a Saturday. Chambers do not pay travelling expenses for attendance at interview.

At the first interview stage there will be two interview panels, each consisting of at least three members of the Recruitment Committee. The shortlisted candidates will be split by random ballot into two groups and each panel will interview one of those groups.

Candidates will be asked to arrive not less than 45 minutes before their interview time. They will be given the papers for a short advocacy exercise 45 minutes before the interview is due to commence.

Each first round interview will follow a similar structure and last for approximately 25 minutes. The interviews will be based on pre-determined questions but with scope for follow-up questions tailored to the responses of the individual candidate. The short advocacy exercise will be conducted during the course of the interview.

After each interview, and before the next interview commences, each interviewer will complete an assessment form, marking the candidate. After all first interviews have been completed, a general discussion will take place including, in some instances, moderation of the collated marks to ensure consistency and genuine reflection of the interviewers' individual and collective appraisal of the candidates. A list of candidates in order of merit will be compiled. All candidates will be notified of the result of their application by email as soon as possible.

Shortlisted candidates will be invited back for a second interview. The number is flexible and will vary according to the number of pupillages available and to allow for inviting more candidates if the Recruitment Committee has been unable to separate candidates in the order of merit.

Not less than one week before the second round interview, those shortlisted will be sent by email a "brief" for an assessed piece of written work and will be given a deadline by which to return the completed work by email. The candidate should not discuss the written work with anyone else and will be asked to certify that they have completed that piece of work alone and unassisted. The written work will be discussed at the second interview.

Second round interviews will each last up to 45 minutes. The second round interview panel will consist of 6 members of the Recruitment Committee. The interviews will each follow a similar structure, based on prepared questions.



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At the conclusion of the second round interviews, the candidates will be ranked in order of merit by the members of the second interview panel. In the event of a dispute as to ranking order, a majority decision will prevail. In the event of a tie, the Head of the Recruitment Committee will have the casting vote.

The top-ranked candidate(s) will be offered pupillage. In the event of one of the preferred candidates not accepting the offer of pupillage, it may be offered to the other shortlisted candidates in ranking order.

7. Pupil Supervisors

All pupil supervisors are approved by and registered with their Inns and have undergone induction and/or refresher training organised by the Inns.

8. The Pupillage Year

Before pupils start in Chambers, their pupil supervisor will contact them to introduce themselves and make arrangements for their arrival. If possible, the pupil supervisor will meet the pupil in advance of the start date of pupillage.

At the beginning of pupillage, pupil supervisors will discuss with the pupil what the pupil supervisor and Chambers expect in terms of their working hours, daily duties, and going to court. They will introduce the pupil to the clerks and other members of Chambers. They will introduce the pupil to the Chambers librarian, who will provide them with the passcodes for access to the Chambers web-based resources. Chambers will ensure that each pupil has access to the Chambers network and a Chambers email address.

Pupil supervisors will ensure that pupils have a copy of the Bar Council Pupillage File and the relevant checklist(s). Throughout pupillage, pupil supervisors will ensure that the pupillage checklists are being filled in, discuss with pupils any gaps and suggest means of filling them. At the end of the first six and second six months, pupil supervisors must ensure that the fully completed checklist is given to the Head of the Recruitment Committee.

Pupils are required to keep a diary detailing the work they undertake each day.

The precise working day will vary and will depend on the supervisor's commitments, but in general terms pupils can expect a day that begins at 9.00am and ends at around 6.00pm, with a break for lunch in the middle of the day. When not in court with a supervisor, or in their own right during second six, pupils are expected to spend their time in Chambers.

We provide pupils with stationery. Pupils are allowed to make and receive private telephone calls, within reason. Pupils may use Chambers' computers, which are located in the library, or their own equipment. Occasional use for personal



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matters is allowed but should be kept to a reasonable level.

Pupils will be provided with a copy of and are expected to abide by the Chambers' IT policy.

Pupils must not discuss confidential information about cases that they are involved with or have seen or any commercially sensitive information about Chambers except with other members of Chambers or staff. That prohibition includes orally, in writing, on social media or by any other electronic means.

Pupils will be informed of and expected to comply with the requirements of the Data Protection Act. Pupils are encouraged and enabled to go and see work being undertaken by other members of Chambers or undertake paperwork for other tenants, subject to the direction of individual pupil supervisors. We use the appropriate Bar Council Pupillage Checklists, according to the practice area(s) of the pupillage. Pupil supervisors will ensure that pupils arrange to complete the compulsory courses: Advice to Counsel; Forensic Accounting; and the Inns of Court advocacy courses.

Pupils may take up to three weeks' holiday during the pupillage year in addition to statutory UK holidays. Such holiday dates are to be agreed in advance with the pupil supervisor and Head of the Recruitment Committee. Not more than 2 weeks should be taken during the first six months.

If a pupil is unable to attend as required for a period in excess of 2 weeks due to illness or other incapacity, the pupillage may be extended. If a pupil is unable to fulfil the requirements of pupillage for a period in excess of 4 weeks, through illness, incapacity or for any other reason, the Pupillage Committee will review the position and the pupillage and second six income guarantee may be suspended.

9. The Second Six

No pupil will be sent to court with rights of audience until he or she has been appropriately certified by the Bar Standards Board, and the Chambers Administrator has a copy of the documentation.

Pupils are encouraged to discuss their own work with any member of Chambers but especially with their supervisor. The clerks are instructed to notify the Head of the Recruitment Committee of any feedback they are aware of in respect of a pupil's court work.

The clerks distribute work equitably between the pupils as and when it becomes available, subject to specific requests by solicitors.

Any issues raised by the clerks as to the quality of work will be discussed as soon as possible with the pupil by their pupil supervisor or a member of the Recruitment Committee. Should further training or advice be required, this will be provided for the pupil as soon as can be arranged (and, in exceptional circumstances, the pupil may be required to cease outside work until this can be undertaken). At all times the emphasis will be on providing support and guidance



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for the pupil. Where the pupil is unhappy about this decision, he or she may invoke the Chambers Grievance Procedure for Pupils, set out at section 13 below.

As with members of Chambers, the clerks negotiate fees with solicitors. All fees are negotiated, collected and “chased” in the same way as tenants’ fees.

10. Assessment During Pupillage

The pupil supervisor will meet with the pupil at the end of each month to review their work, discuss progress and provide feedback. The supervisor will review the pupil’s checklist and discuss any gaps. A written record form will be completed of those reviews and a copy will be provided to the Head of the Recruitment Committee.

During the year, each pupil will be asked to write at least one paper for Chambers as a whole on recent developments in an area of law relevant to their pupillage. If an opportunity arises, the pupil will be asked to present that paper as a talk for solicitors.

At the end of the first six months of pupillage and again prior to tenancy decisions, each pupil supervisor will prepare a report on the progress of their pupil. Pupils will be invited to respond in writing to those reports. The reports will address the criteria set out in the Person Specification for Pupils.

11. Decisions as to Tenancy

Each pupil who wishes to apply for tenancy will do so in writing to the Head of the Recruitment Committee and Head of Chambers no earlier than 9 months after the commencement of pupillage.

The decision whether to offer tenancy to a pupil is taken by the Recruitment Committee. Representations and comments in writing will be invited from all members of Chambers prior to the decision being made.

The Recruitment Committee will consider whether the applicant has the potential to become a successful barrister within Chambers, as well as the availability of work both immediately and in the foreseeable future.

The competencies which will be considered in assessing candidates for tenancy are those also set out in the Person Specification for Pupils.

Pupils will be assessed on the basis of their entire performance during pupillage, taking into account the monthly reviews and reports from pupil supervisors, together with any other feedback from tenants, clerks or solicitors about work done by the pupil. The pupil will be invited to comment in advance on any negative assertions in that feedback. Sometimes Chambers wishes to see more of a pupil before making a decision. In those circumstances, the pupil concerned may be offered a further period of pupillage of up to 6 months. If a pupil is not recruited as a tenant in



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Chambers, then he or she should leave on the last day of pupillage unless permission to remain in Chambers has been requested from the Recruitment Committee and granted. Such leave to remain will not extend beyond a maximum of 3 months.

Where a pupil has not been offered tenancy by Chambers, the Recruitment Committee will provide such advice and practical help as it can reasonably give, to seek to ensure that every pupil is able to continue with a career as a practising barrister.

12. Grievance and Disciplinary Issues for Pupils

Chambers recognises that it is very difficult for pupils to raise issues that are troubling them and that, for any pupil, being involved in disciplinary proceedings within Chambers is worrying. However, some matters will require a full and formal procedure, for example, allegations of dishonesty, harassment or other gross misconduct. Other matters, such as inappropriate behaviour or rudeness may be dealt with more informally.

13. Grievance Procedure for Pupils

If a pupil has a grievance or complaint, they should speak to their pupil supervisor in the first instance. If for any reason this is not possible, or does not resolve the difficulty/grievance, the pupil should speak to any member of the Recruitment Committee at the first available opportunity. This process is entirely informal but may be a means of dealing with a problem that is capable of easy resolution.

If the pupil considers that the difficulty/grievance is still not resolved and should be taken further, the pupil may raise the matter with the Head of the Recruitment Committee and request that a formal meeting be convened, as soon as reasonably practicable, in order to consider the matter. The complaint should be outlined and the request made in writing.

At the requested formal meeting, the grievance will be considered by a panel consisting of three members of chambers, chaired by a member of the Recruitment Committee but not including the Head of Chambers. The pupil may be accompanied at the meeting by a member of Chambers or Chambers staff of their choice. The pupil will be informed in writing of the outcome as soon as possible. It may be necessary to adjourn the decision pending further investigation.

The pupil shall be entitled to appeal to the Chambers Management Committee against any decision regarding the grievance. This should be done in writing within 7 days of the written decision and should set out the grounds for appealing the decision.

A panel of at least 3 members of the Management Committee including the Head of Chambers shall re-hear the matter. No member of the Management Committee who sat on the panel for the first hearing will sit on the appeal



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panel. The appeal panel will either uphold the earlier decision, amend it or overrule it. Their decision shall be final.

14. Complaints about Pupils

Where possible, any problem regarding a pupil and his or her conduct should be resolved by informal discussion with the pupil supervisor or the Head of the Recruitment Committee. If at any time, the pupil chooses to do so, informal discussion will cease and the matter will be dealt with formally.

Where there has been a complaint which is to be dealt with formally, the Recruitment Committee shall decide which of the following processes to use:

15. Formal Interview

This is suitable for all but the most serious of complaints. The substance of the complaint will be set out in writing and provided in advance to the pupil. The pupil will have an interview with at least one member of the Recruitment Committee and one other member of Chambers, at which the complaint against the pupil will be discussed. The pupil may be accompanied by a member of Chambers or Chambers staff of their choice.

During the interview the pupil will be invited to explain his or her position. There may then be a discussion as to issues which arise and, at the end of the discussion, the pupil will be asked to leave the room whilst the interview panel discusses the position.

The pupil will then be asked to rejoin the interview and will be told the view of the panel. If the panel upholds the complaint then they will advise the pupil as to future conduct and/or further training which should be undertaken. They have the power to prohibit further court work for a working pupil until such training is undertaken.

Should the panel consider that the matter is more serious than first thought, they shall have the power to refer the matter to the Recruitment Committee for a full hearing.

If the pupil is unhappy with the decisions of the panel, then the pupil may refer the matter to the Recruitment Committee for a full hearing.

The Recruitment Committee for these purposes shall not include the member who conducted the formal interview. The interview and decision shall be minuted and copies provided to the pupil and the Head of the Recruitment Committee.



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16. Full Hearing

The aim of this hearing will be to decide whether, on a balance of probabilities, the complaint against the pupil is made out and, if so, the appropriate penalty (if any).

For the purposes of the hearing, the Recruitment Committee shall appoint one of its number to chair the proceedings. As soon as practicable, and in any event within 21 days, that person shall write to the pupil setting out the complaint. Any letters or statements which are to be considered shall be copied and given to the pupil.

At the hearing, the pupil may be accompanied by a member of Chambers or Chambers staff of their choice. The panel considering the complaint will consist of the chair of the hearing and at least two other members of the Recruitment Committee, but not the Head of Chambers.

The chair of the hearing shall outline the complaint and refer to any material supportive of that complaint. If any person is required to attend to give live “evidence” by the Committee or by the pupil then such person(s) must be given 3 days’ notice of the hearing. Such people may be questioned by the pupil and by the Committee.

At the end of all the evidence, the pupil shall have an opportunity to make submissions. He or she will then be asked to leave the room whilst a decision is made as to whether the complaint is upheld.

The pupil will be told in writing of the decision, and any penalty, as soon as possible, although the Committee may adjourn this decision pending further investigation.

In an extreme case the Committee is empowered to suspend the pupil and refer the matter to the pupil’s Inn or to the Bar Council.

The pupil shall be entitled to appeal to the Chambers Management Committee against any decision of the Recruitment Committee at or in relation to a full hearing. This should be done in writing within 7 days of the written decision and should set out the grounds for appealing this decision.

At least 3 members of the Management Committee including the Head of Chambers shall re-hear the matter. They must not have sat on the panel for the original disciplinary hearing. The appeal panel will either uphold the earlier decision, amend it or overrule it. Their decision shall be final.