Part 4 - Work-based Learning/Pupillage Component of Bar Training

See also our new Pupillage Guide produced in conjunction with Advocate , the Bar Council , the Free Representation Unit and the Council of the Inns of Court .

4A: Overview and structure of pupillage

This section includes information on the overall content, structure and duration of the work-based learning component of Bar training (pupillage), on third six pupillages, and on mini pupillages.

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1) What is pupillage or work-based learning?

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3) Mini pupillages.

1. What is pupillage or work-based learning?

This section explains what pupillage or work-based learning is and where it fits into the authorised pathways to becoming a practising barrister.

Overview

1.1 Pupillage provides work-based training in legal work under supervision. As a pupil, you will build on prior learning and experience, as set out in our Curriculum and Assessment Strategy , in order to demonstrate (as a minimum) the competences to the threshold standard in the Professional Statement .

1.2 Pupillage is an essential component of training for the Bar. You must complete this component of training in order to be authorised to practise as a barrister.

BSB Handbook

The routes to qualification are set out in Part 4, section B2 of the BSB Handbook:

Rule Q3 To be called to the Bar by an Inn an individual must have successfully completed the following:

.1 academic legal training;

.2 vocational training;

.3 the number of qualifying sessions as a student member of an Inn as prescribed from time to time by the BSB; and

.4 pay such fee or fees as may be prescribed.

Rule Q4 To obtain a provisional practising certificate a barrister must:

.1 have successfully completed a period of pupillage satisfactory to the BSB;

.2 pay such fee or fees as may be prescribed.

Rule Q5 To obtain a full practising certificate a barrister must:

.1 have successfully completed a further period of pupillage satisfactory to the BSB;

.2 pay such fee or fees as may be prescribed.

1.3 While we expect that the vast majority of barristers will obtain this component of learning via a traditional "pupillage", this component may also be called “work-based learning” with a view to encouraging a wider range of AETOs to offer this component of training. "Work-based learning" might, for example, be offered by employers offering training to future members of the employed Bar (as is currently the case).

1.4 The work-based learning (pupillage) component can be attained via one of four approved training pathways:

the academic component, followed by the vocational component, followed by the work-based learning/pupillage component;

the academic component followed by the vocational component split into two parts, followed by the work-based learning/pupillage component;

a combined academic and vocational component, followed by the work-based learning/pupillage component; or

a modular or apprenticeship model encompassing the academic, vocational and work-based learning/pupillage components.

1.5 Further information about the four approved pathways for Bar training can be found in the Authorisation Framework .

1.6 More information about the distinction between a **practising barrister** and an **unregistered barrister** can be found in **Part 4K** of this Bar Qualification Manual.

2. Structure and duration of pupillage

This section explains the two periods of pupillage, the non-practising period and the practising period. It also explains what is sometimes referred to as the “third six”, which has no regulatory status.

Overview

2.1 The primary purpose of pupillage is for you, as a pupil, to develop and build on the knowledge, skills and experience previously acquired and to gain first-hand experience in a work-based environment.

2.2 Pupillage is divided into a non-practising period and a practising period.

2.3 The normal duration of pupillage is 12 months (or part-time equivalent). This is the minimum, so AETOs should not advertise non-practising-only/practising-only pupillages where pupils do not have a waiver from the BSB from completing the full duration of pupillage. (AETOs must advertise all pupillages , but can indicate in their advertisement that they are willing to recruit pupils who have received a waiver from the BSB for a reduced duration of pupillage as a result of prior experience).

Authorisation Framework

23 Only those offering all parts of a component will be considered for authorisation as an AETO

2.4 The duration of pupillage may be extended to up to 24 months if an application is made to, and approved by, us under the Authorisation Framework. The AETO will need to demonstrate, when seeking authorisation, why the proposed arrangement is appropriate.

2.5 The normal duration of the non-practising period of pupillage is six months for full-time 12-month pupillages. A Provisional Practising Certificate can be applied for after this time. An AETO may exceptionally apply for a variation to this norm as part of the authorisation process.

Some examples of where alternative arrangements may be appropriate include:

In the employed Bar, where additional time may be needed to enable pupils to attain certain competences to the threshold standard, for example through secondment arrangements.

In certain areas of practice where pupils do not routinely have exposure to advocacy experience at an early stage of their training.

To align training programmes where AETOs provide training to both barristers and solicitors.

2.6 Any change in the duration of the training programme or change in timing for applying for the Provisional Practising Certificate that was previously authorised by us must be notified to our Authorisations Team (pupillageadministration@barstandardsboard.org.uk) as a material change.

2.7 We no longer issue Provisional Qualification Certificates for the practising period of pupillage.

The non-practising period

Curriculum and Assessment Strategy

A person may not start pupillage more than five years after completing the vocational component of training except with our permission.

Authorisation Framework

Pupils will normally have been Called to the Bar before commencing the non-practising period of pupillage.

2.8 As a pupil, you will normally have been Called to the Bar before commencing the non-practising period of pupillage. If you have not been Called, you may use the term "pupil" but will not be permitted to use the title "Pupil Barrister" until you have been Called to the Bar. Until you are Called, your conduct remains a matter for the relevant Inn.

2.9 Since the purpose of pupillage is to enable you, as a pupil, to gain the skills and experience to meet the requirements of the Professional Statement, you may not accept any client instructions in the non-practising period, except for noting briefs where you have the permission of your pupil supervisor or Head of Chambers, or equivalent.

2.10 At the end of the non-practising period, you must submit a certificate from your pupil supervisor to us certifying that the non-practising period has been satisfactorily completed.

2.11 Provided that you have completed the compulsory training specified by us, we will then grant a **Provisional Practising Certificate** . The compulsory training during pupillage is set out in **Part 4J** of this Bar Qualification Manual. The process of applying for a Provisional Practising Certificate is explained further in **Part 4K** of this Bar Qualification Manual.

BSB Handbook

Rule Q4 To obtain a provisional practising certificate a barrister must:

.1 have successfully completed a period of pupillage satisfactory to the BSB;

.2 pay such fee or fees as may be prescribed.

The practising period

2.12 As a pupil, you must be Called to the Bar before you can undertake the practising period of pupillage.

2.13 As a pupil barrister, you are entitled to supply legal services and exercise rights of audience during the practising period, provided that you have the permission of your AETO and have been issued with a **Provisional Practising Certificate** by us.

2.14 Provided that you have satisfactorily completed pupillage, which includes completing the compulsory training specified by us, we will confirm your eligibility for a full Practising Certificate. The compulsory training during pupillage is set out in **Part 4J** of this Bar Qualification Manual.

BSB Handbook

Rule Q4 To obtain a provisional practising certificate a barrister must:

.1 have successfully completed a period of pupillage satisfactory to the BSB;

.2 pay such fee or fees as may be prescribed.

2.15 Upon completion of pupillage, you must apply for a Full Practising Certificate to commence practice as a barrister. The process of applying for a Full Practising Certificate is explained further in **Part 4K** of this Bar Qualification Manual. There is no regulatory obligation for an AETO to provide tenancy or employment following pupillage.

"Third six" pupillages

2.16 Some AETOs offer, or indeed require barristers to complete, so-called "Third six pupillages" prior to tenancy. These are not part of the regulated period of pupillage and the term "Third six" has no status in our regulations. For this reason, we discourage use of the term. The term is commonly used to cover various arrangements that are effectively probationary periods prior to tenancy.

AETOs should be clear when advertising and offering pupillage whether they expect pupils to complete an additional period of training, assessment or probation on completion of pupillage before tenancy or employment is decided.

Arrangements should be set out in a written agreement or policy detailing what is expected of both parties after pupillage, and during and after the additional probationary period, including:

Training requirements during the period.

Assessment criteria for tenancy/employment.

Supervision or mentoring arrangements.

Whether or not there are guaranteed earnings.

Whether or not the individual has voting rights in chambers.

Reference to any other relevant policies.

To avoid confusion with the regulated status of pupillage, the term “Third six pupillage” should not be used.

2.17 The Bar Council’s Ethics & Practice Hub offers Best Practice Guidelines on “Third six” arrangements

2.18 The duration of pupillage may be extended to up to 24 months if an application is made to, and approved by, us under the Authorisation Framework. AETOs will need to consider whether their “Third six” arrangements amount to a probationary period of tenancy/employment or whether they form part of the regulated period of training, for which they need to apply for authorisation.

Is it a probationary period of tenancy/employment or an 18 to 24-month pupillage – what is the difference?

Pupillage must enable you, as a pupil, to meet the regulatory requirements of pupillage.

From **1 September 2019** , this means meeting the competences in the Professional Statement to the threshold standard, so that you are ready to apply for a Full Practising Certificate.

The rules provide flexibility, recognising that there may be some areas of practice where it may take longer to do that. Examples are provided above.

It is important to distinguish this from a probationary period for tenancy. Eg:

An AETO may need new barristers to acquire some of the specialist skills relevant to chambers’ practice area. That would be addressed through CPD.

An AETO may want time to determine whether the applicant is going be suitable as a tenant, ie a probationary period during which they will be assessed on certain criteria.

If in doubt, AETOs can speak to the Authorisations Team about their particular scenario.

3. Mini pupillages

Mini pupillage is the term commonly used for a short period of work experience (usually one to five days) in a set of chambers, a BSB authorised body or another type of AETO.

Mini pupillages are not regulated by us but “assessed” mini pupillages that form part of the recruitment process are regulated for the purposes of the Equality and Diversity Rules.

Overview

3.1 Undertaking at least one mini pupillage can provide you with an invaluable insight into life at the Bar. They may also prove a useful source of advice to assist in finding pupillage.

3.2 As a mini pupillage is often the first experience you will have of the Bar, we encourage AETOs to ensure that opportunities to undertake a mini pupillage are made available as widely as possible to support equality of opportunity.

Good practice: We encourage AETOs to consider taking positive action to make mini pupillage opportunities available to groups that are under-represented at the Bar.

Assessed mini pupillages

3.3 Some AETOs may require you to undertake an “assessed” mini pupillage as part of the recruitment process and use it as one of their selection criteria. Assessed mini pupillages are subject to the Equality and Diversity Rules in the Handbook because they fall within the definition of “workforce” in the Handbook.

BSB Handbook

Mini pupillages are not regulated by the BSB, but **Rule C110.3** of the BSB Handbook requires:

b. & c. fair recruitment training for selection panels responsible for recruitment

d. recruitment and selection processes must use objective and fair criteria

e. to h. equality monitoring of assessed mini-pupillages (which fall within the definition of "workforce")

3.4 To ensure that recruitment and selection processes use objective and fair criteria, if the completion of an assessed mini pupillage is made a condition for obtaining pupillage itself (effectively the first part of the selection and recruitment process), AETOs must advertise mini-pupillages on the website designated by us in the Bar Qualification Manual (currently the Pupillage Gateway). AETOs must comply with the Equality & Diversity Rules of the Code of Conduct in the BSB Handbook (Rule C110) when selecting individuals for a mini pupillage. A list of mini pupillages offered, and details of the recruitment process should be maintained and made available to us on request.

4B: Pupil Supervisors

This section sets out the requirements that AETOs must have in place for supervising pupils. It is also of interest to individuals who wish to become pupil supervisors. It covers the eligibility criteria, training requirements, and registration of pupil supervisors with us.

Registered pupil supervisors

1 The role of the pupil supervisor is to provide you, as a pupil with:

a suitable training programme that enables you to meet the competences in the **Professional Statement** to the threshold standard, in accordance with the **Curriculum and Assessment Strategy** ; and

all necessary assistance in complying with your regulatory obligations eg registering your pupillage with us, applying for any necessary waivers and obtaining a provisional practising certificate.

2 Pupil supervisor contact time with pupils will vary, depending on the way that pupillage training is structured at the AETO. It will be for the AETO to determine how contact time with the pupil supervisor is structured and the AETO must be able to demonstrate to us how a high standard of supervision is maintained.

Ratio of pupils to pupil supervisor

3 Supervisors at the self-employed Bar can supervise up to two pupils at the same time, one non-practising and one practising. Specific authorisation does not need to be obtained to do so.

4 Greater flexibility is permitted in the structure of pupillage supervision for the employed Bar. It is for the AETO to propose an alternative organisational structure of pupil supervision as part of its authorisation application, if it chooses to do so. Each case will be assessed on its merits, recognising that larger employers might have the organisational resources to support bespoke arrangements. A change in pupil supervision arrangements previously authorised must be reported to and authorised by us.

Case study: alternative supervision arrangements in Employed Bar

We piloted alternative arrangements for pupil supervision with the Government Legal Department (GLD) for the autumn 2017 intake of pupils.

The GLD is a very large organisation with approximately 1,500 lawyers.

In the pilot, three experienced pupil supervisors each had responsibility to oversee the training of three pupils.

The pupils also had seat supervisors, so they could get specialist training in specific areas of law that their pupil supervisor was not an expert in. The seat supervisors are trained in-house on management skills and on the regulatory aspects of the Bar. Seat supervisors supervise and support the pupils day-to-day. They are overseen by the pupil supervisors, who are usually senior lawyers working in a different part of the business. The pupil supervisor takes a close interest in how the pupil is getting on, discusses progress with them and their seat supervisor, and considers work diaries.

The GLD found that this arrangement worked well.

The pupil gets the benefit of training with subject specialists and experiences life in a busy litigation team, which helps in gaining case management and other core skills.

At the same time, they get the benefit of discussing progress and expectations with a suitably experienced pupil supervisor.

The pupil supervisors report to the Training Principal at intervals to advise whether pupils have satisfactorily completed periods of pupillage.

This approach also enables feedback to be captured and discussed at Steering Group level.

From a business perspective, the GLD finds it more efficient than allocating a single pupil supervisor to each pupil:

There is greater efficiency for the individual pupil supervisor. Having three pupils means heightened familiarity with the regulatory and GLD frameworks. It also means less time is spent per pupil on completion of forms and dealing with common issues.

The Training Principal gets better assurance about quality and consistency of training. Organisationally, it is more efficient liaising with three and not nine pupil supervisors.

GLD like this flexibility and consider it is consistent with the overall emphasis on an employer being able to work out for themselves what sort of training programme enables barristers to demonstrate the competences in the Professional Statement, subject to demonstrating this to the BSB through the Authorisation and Supervision processes. They think that this structure, for them, leads to a better experience and training for each pupil.

Eligibility and suitability to act as a pupil supervisor

Authorisation Framework

The Authorisation Framework requires AETOs to maintain high standards. The following indicators are relevant:

46.4 Sufficient and appropriate human…resources to provide every pupil…with an equal and effective opportunity to develop and demonstrate the Competences as set out in the Professional Statement and implemented in the BSB's Curriculum and Assessment Strategy .

49.1 Compliance with appropriate standards, requirements and quality assurance processes as relevant and proportionate to the nature of the organisation and prescribed by the BSB.

The following are conditions of authorisation that the applicant must confirm:

I agree that while the AETO will be responsible for appointing pupil supervisors the BSB may, in its absolute discretion, designate an individual as unsuitable to be a pupil supervisor.

I confirm that all pupil supervisors will be trained in accordance with the outcomes and frequency specified by the Bar Standards Board in the Bar Qualification Manual.

In addition, as a condition of authorisation, the AETO must maintain training records for pupil supervisors.

5 Our rules were very prescriptive about who could be a pupil supervisor. We no longer prescribe the eligibility criteria for pupil supervisors except that a pupil supervisor must normally be a practising barrister. If alternative supervision is proposed, the AETO needs to set this out in an application for authorisation to us.

6 It is for the AETO to decide who is suitable to be a pupil supervisor and to ensure that they have received (and continue to receive) appropriate training that meets the outcomes specified by us.

7 In considering the suitability and competence of a barrister to act as a pupil supervisor, AETOs should check the disciplinary record of the barrister with reference to the Barristers' Register on our website and seek a declaration from the barrister that no other disciplinary action is in progress. Other considerations are likely to include:

professional experience;

nature of their practice and whether it offers appropriate learning opportunities;

the time they can devote to a pupil;

aptitude to create an appropriate learning environment; and

competence to provide effective feedback.

While seniority may be among the factors considered by AETOs because of the experience that brings, it can also be helpful for pupils to spend time (whether as a pupil supervisor or simply another member of chambers) with a more recently qualified barrister prior to starting their practising period, since they may be better placed to give practical guidance on the type of work that pupils are likely to be instructed on.

8 While pupil supervisors no longer have to apply to their Inn for approval, AETOs may, if they choose, seek references from the relevant Inn or others. AETOs should be clear what information, relevant to being an effective pupil supervisor, they are seeking to obtain from any references sought.

9 AETOs are required to demonstrate (through the authorisation process under the Authorisation Framework and through ongoing supervision by us) how they ensure high standards in their pupil supervisors.

10 If any matter which appears to affect the suitability of a barrister to act as a pupil supervisor comes to our notice, we will assess the matter in accordance with our risk-based approach to regulation and take appropriate action. We may designate an individual as unsuitable to be a pupil supervisor.

Training of pupil supervisors

11 AETOs must ensure that their pupil supervisors have received appropriate training before supervising a pupil and continue to receive appropriate training in accordance with the outcomes and frequency specified by us. This must be confirmed by the AETO when the pupillage is registered. Training records should be maintained by the AETO for the purpose of supervision by us.

12 Pupil supervisors play a critical role in Bar training during the work-based learning (pupillage) component. We seek, on the one hand, to ensure that all pupils receive the necessary training and guidance in meeting the requirements to successfully complete this final component of training and, on the other hand, to provide organisations that deliver pupil supervisor training with enough information to design and deliver training which meets the outcomes that we specify here.

13 The outcomes that we prescribe provide a broad framework of what the training should achieve. AETOs must ensure that their supervisors' training meets these outcomes. Together with guidance, they have been developed to help AETOs ensure that they and their pupil supervisors maintain high standards of pupillage training. They will also assist those who deliver pupil supervisor training courses or events to structure their training programmes.

14 Attendance at formal training events can only cover a certain amount of ground in one session; in practice, the outcomes are likely to be met by a combination of self-study (reading the relevant documentation issued by us), briefing by the AETO (AETOs will need to ensure that their pupil supervisors are familiar with, and can apply, their own policies and procedures that are relevant to pupillage in their AETO) and attendance at training provided by third parties (where not available in-house).

15 We do not prescribe who can deliver training. Supervisor training is open to any provider and can be delivered in-house. Providers are not accredited by us and can include:

a. Training provided by the AETO. This might be delivered by those who have responsibility for appointing pupil supervisors, managing the pupillage training programme, developing materials and the training programme for pupils. Or it might be delivered by in-house support functions or others with relevant skills and experience.

b. Attendance at courses delivered by others with particular expertise in pupillage and the Bar, such as the Inns, the Circuits, the Bar Council or others that train pupils and barristers. For example, the Bar Council's wider training programme for barristers and chambers includes topics that are relevant, eg Managers Harassment Training.

c. Attendance at courses delivered by other trainers specialising in particular fields such as equality, diversity and inclusion, bullying and harassment, learning styles, coaching skills, giving effective feedback and wellbeing.

16 The training that an individual pupil supervisor needs may vary according to their prior experience. Pupil supervisors who do not have prior experience may need additional support to ensure that they are able to deliver effective feedback to pupils. In contrast, barristers who have come to the profession after a career elsewhere and barristers in the employed Bar may have had experience in a managerial capacity where they have received appraisal and feedback training and applied it in practice. Barristers in the employed Bar and larger chambers may have had access to internal training on managing others or equality and diversity in the workplace.

17 Refresher training for pupil supervisors is mandatory every five years, or after three years if the individual has not been a pupil supervisor during that time. The transitionary timetable for achieving this is as follows:

All relevant pupil supervisors must have met the requirement to undertake refresher training no later than **31 December 2022** . This means that from 1 January 2023:

Anyone intending to continue supervising pupils must have undertaken pupil supervisor refresher training within the last 5 years.

Anyone intending to continue supervising pupils who has not supervised a pupil within the last 3 years must have undertaken refresher training within the last 3 years

This transitionary period does not apply to new pupil supervisors, who must undertake pupil supervisor training before taking on a pupil for the first time.

18 There are no separate requirements for the content of pupil supervisor refresher training.

19 Barristers also have an obligation under the Continuing Professional Development rules to reflect annually on their training needs and should, when considering practice management, reflect on their competence as a pupil supervisor or as a member of the pupillage committee, or equivalent.

Outcomes for training pupil supervisors

20 From 1 September 2020, it is a requirement that all pupil supervisor training courses meet the following outcomes. Further guidance is provided below. As a minimum, we would expect the outcomes marked * to be met by attending a training course or courses.

1. The regulatory requirements

The pupil supervisor will:

Be familiar with the current version of the following BSB documents and the relevant regulatory requirements:
The BSB Handbook

The Bar Qualification Manual

The Authorisation Framework and supporting guidance for pupillage

The Professional Statement, Threshold Standard and Competences

The Curriculum and Assessment Strategy

Be familiar with and able to apply the Equality and Diversity Rules of the Code of Conduct and the Equality Act. *

Understand the BSB's administrative procedures for registering pupillage, applying for the Provisional Practising Certificate and Full Practising Certificate.

Understand the role of the pupil supervisor. *

2. The AETO's training programme, policies and processes

The pupil supervisor will:

Be familiar with their AETO's training plan for pupils and able to apply it, such that pupils are able to meet the competences in the Professional Statement to the threshold standard.

Be familiar with their AETO's policies, procedures and standard documentation in relation to pupillage, and able to apply them.

3. Effectiveness as a pupil supervisor

The pupil supervisor will:

Understand what makes an effective supervisor, including understanding how pupils learn effectively and being able to assess the learning needs/learning styles of their individual pupils. *

Understand the time commitment that is required to be effective as a pupil supervisor. *

Understand the behaviours which constitute unacceptable supervision practices.*

Be competent to conduct assessment of their pupils' progress in meeting the required competences and to conduct effective one-to-one appraisal and feedback, and continuing feedback to pupils throughout the duration of the pupillage. *

Be able to identify and act on their own development needs as an effective pupil supervisor. *

4. Pupil wellbeing

The pupil supervisor will:

Be familiar with the AETO's policies and support mechanisms that enable all pupils to complete their training and support those who experience difficulties.

Be able to signpost pupils to where they can find help externally if needed. *

Be able to apply appropriate policies and support mechanisms that enable all pupils to complete their training and support those who experience difficulties. *

Be able to create a positive relationship with pupils, such they feel comfortable to speak up without fear of reprisal. *

Guidance on the outcomes for pupil supervisor training

21 The following information is designed to provide AETOs with guidance on areas that training should, as a minimum, cover in order to ensure that training for their pupil supervisors meets the outcomes that we specify.

1. The regulatory requirements

The pupil supervisor will:

Be familiar with the current version of the following BSB documents and the relevant regulatory requirements:

Be familiar with and able to apply the Equality and Diversity Rules of the Code of Conduct and the Equality Act.

Understand the BSB's administrative procedures for registering pupillage, applying for the Provisional Practising Certificate and Full Practising Certificate.

Understand the role of the pupil supervisor.

BSB Document	Relevant content that pupil supervisors need to know
The BSB Handbook	Pupil Supervisors should have an up-to-date knowledge of: Part 2, The Code of Conduct: Core Duties and Rules that barristers, including pupils, are required to adhere to. This will be relevant to day-to-day practice and the Ethics exam that pupils will take in pupillage. It also includes Equality & Diversity requirements. Part 4, The Qualification Rules. This sets out the regulatory framework for qualification as a barrister, including pupillage.
The Bar Qualification Manual	This sets out how the Bar Training Rules must be applied. Supervisors must know the contents of **Parts 4** and **6** . **Part 4H** sets out the administrative procedures for registering pupillage, applying for the Provisional Practising Certificate and Full Practising Certificate. **Part 4B** sets out the role of the pupil supervisor, which is to provide the pupil with: a suitable training programme that enables them to meet the competences in the Professional Statement to the threshold standard, in accordance with the Curriculum and Assessment Strategy; and all necessary assistance in complying with their regulatory obligations eg registering their pupillage with the BSB, applying for any necessary waivers and obtaining a provisional practising certificate.
The Authorisation Framework and supporting guidance for pupillage	Supervisors should have a broad understanding of the four key principles: Flexibility, Accessibility, Affordability and High Standards.
The Professional Statement, Threshold Standard and Competences	The Professional Statement describes the knowledge, skills and attributes that all barristers will have on “day one” of practice. Pupils must meet the competences in order to complete their training and apply for a practising certificate. Pupil supervisors must be fully familiar with the competences in order to assess whether pupils are ready to apply for the provisional practising certificate at the end of the non-practising period, and successfully complete pupillage at the end of the practising period.
The Curriculum and Assessment Strategy	This describes the curriculum for pupillage, including the compulsory courses that pupils must attend and exams they must pass. The competences in the Professional Statement are mapped to the components of training, including pupillage, and describe which competences must be demonstrated in order to apply for the provisional practising certificate and to complete pupillage successfully.
Equality and Diversity	The key requirements relevant to pupillage are found in: The BSB Handbook, Part 2. **Part 4C** of this Bar Qualification Manual. The accessibility criteria in the Authorisation Framework and supporting guidance for pupillage. In addition to a knowledge of the rules and relevant aspects of the legislation, pupil supervisors must understand how to apply considerations of equality, diversity and inclusion as a pupil supervisor, with particular reference to the following: Their role in creating an appropriate learning environment. Understanding unconscious bias.

Pupil supervisors must understand their role as it applies to their particular AETO. In practice, the role of the pupil supervisor will vary between AETOs. For example, in a small AETO or in an Employed Bar setting, there may be only one pupil supervisor that is also responsible for all aspects of pupillage. In contrast, in a large chambers that offers a number of pupillages each year, there may be a pupillage committee that has responsibility for managing all aspects of pupillage from recruitment, to development of policies, processes and the pupillage training programme, and training of supervisors; in this setting, there may be many pupil supervisors who each have responsibility for a pupil during a “seat” rotation that is limited to three months. In a larger Employed setting, there may be a bespoke arrangement for pupil supervision that has been approved by us as part of the authorisation process.

2. The AETO’s training programme, policies and processes

The pupil supervisor will:

Be familiar with their AETO's training programme or plan for pupils and able to implement it, such that pupils are able to meet the competences in the Professional Statement to the threshold standard.

Be familiar with their AETO's policies, procedures and standard documentation in relation to pupillage, and able to apply them.

The pupil supervisor must be familiar with the Professional Statement and satisfied that the AETO has a training programme in place, supported by appropriate policies, procedures and documentation, that provide the pupil with the necessary opportunities to develop the knowledge, skills and attributes to enable them to meet the competences to the threshold standard by the end of pupillage. The pupil supervisor should be able to provide constructive challenge to the AETO in these areas where appropriate.

3. Effectiveness as a pupil supervisor

The pupil supervisor will:

Understand what makes an effective supervisor, including understanding how pupils learn effectively and being able to assess the learning needs/learning styles of their individual pupils.

Every pupil is different and will have had different experiences before pupillage. Each pupil brings their own combination of knowledge, skills and attributes to day 1 of pupillage. The pupil supervisor will need to be able to recognise those differences at an early stage of the pupillage and adapt to the individual their own supervision style, their way of communicating with the pupil and the training plan.

For example:

Some will have received a waiver from the BSB for a reduced pupillage because of their prior experience, and the pupil supervisor will need to identify which of the competences in the Professional Statement remain areas of focus for the pupillage period.

Some will come with a great deal of knowledge about the way that the Bar works, because of their connections or prior experience. Others will not.

People learn in different ways. A pupillage training plan is likely to involve a combination of observing the pupil supervisor and other barristers, practising written work, scenario-based exercises, attending classroom-based courses and practising as a pupil barrister.

People respond differently to the style in which feedback is given – what works for one pupil may not work for another. Pupil supervisors must be prepared to adapt their style to the pupil.

Some individuals will require specific reasonable adjustments under the Equality Act and may not yet have had the courage to ask for them.

Understand the time commitment that is required to be effective as a pupil supervisor

The pupil supervisor will need to understand that effective pupillage supervision requires them to commit sufficient time to the role, including in the practising period of pupillage.

Be able to understand the behaviours which constitute unacceptable supervision practices.

It is expected that pupillage will be a demanding experience for pupils and can be somewhat stressful. Pupil supervisors must ensure that their actions do not unnecessarily or unreasonably increase that stress. Rigorous but constructive feedback is appropriate; bullying is strictly prohibited. Pupil supervisors need to be able to clearly differentiate the two. Unacceptable behaviours would include:

Personal comments and/or jokes about pupils' appearance, race, religion, sex, marital status, background, education, age, weight, etc.

Exclusion of certain pupils from social events, social media groups, etc.

Unjustified exclusion of pupils from certain types of work or experience.

Unjustified threats to withdraw, extend or not sign off the pupillage.

Unreasonable expectations of work volume and/or working hours.

The way in which feedback is given (see below).

Case scenarios and role play to encourage discussions and ensure understanding in this area is likely to be the most effective way of training in this area.

Be competent to conduct assessment of their pupils' progress in meeting the required competences and to conduct effective one-to-one appraisal and feedback, and continuing feedback to pupils throughout the duration of the pupillage.

It is for the AETO to ensure that the necessary documentation is in place to evidence the monitoring of the pupil's progress against the competences in the Professional Statement, in a way that is transparent to the pupil. The pupil supervisor will need to be familiar with, and able to apply, the AETO's policies and processes about the manner in which feedback will be provided and the frequency with which formal feedback and appraisals will be conducted. The pupil supervisor will need to be able to explain them to the pupil.

The skills required to deliver effective, regular and consistent feedback, and the impact on pupils of poorly delivered or insufficient feedback are critical to the success of pupillage. Those in the Employed Bar, or those who have come to the Bar after a change of career, may have had the opportunity for training in this area as part of an employee management training programme and have developed these skills as managers themselves. However, this is a skill that may not have been acquired as a practising self-employed barrister and should therefore be an important area of focus for training.

Be able to identify and act on their own development needs as an effective pupil supervisor.

Pupil supervisors should be confident in identifying and acting on their own development needs for the role. For example, this could be achieved by seeking feedback from pupils and reflecting on their competence as part of creating and implementing their annual CPD plan.

4. Pupil wellbeing

The pupil supervisor will:

Be familiar with the AETO's policies and support mechanisms that enable all pupils to complete their training and support those who experience difficulties.

Pupil supervisors should read the contents of **Part 4M** of this Bar Qualification Manual. They should also be familiar with the AETO's formal policies and processes, including the grievance policy, and able to advise pupils of the process by which they can raise any issues either formally or informally. The pupil supervisor is often identified as the first point of contact in the grievance process and so they will need to be ready to act in line with the policy.

Many AETOs have a system in place whereby the pupil is assigned a buddy or junior tenant for the duration of their training. The aim is for the pupil to have someone within the AETO to speak to informally about matters which they may not feel comfortable to raise with their supervisors or more senior members. The pupil supervisor should be aware of who this person is and ensure that this means of support is operating.

Be able to signpost pupils to where they can find help externally if needed.

Pupil supervisors should read the contents **Part 4M** of this Bar Qualification Manual and be aware of the range of external support mechanisms that are available to pupils in cases where they do not feel confident to raise their problems internally or where issues have not been resolved internally.

Be able to apply appropriate policies and support mechanisms that enable all pupils to complete their training and support those who experience difficulties. Be able to create a positive relationship with pupils, such they feel comfortable to speak up without fear of reprisal.

The pupil supervisor should understand the importance of their role within the AETO in helping to foster a culture in which pupils feel that if they have any concerns, these can be raised formally or informally with either their pupil supervisor or other appropriate individuals within the AETO.

Pupil supervisors should have an understanding of the impact that pupillage can have on the wellbeing of their pupils. They need to know how issues relating to wellbeing manifest themselves and they need to know how to have conversations about stressful or distressing situations, and other wellbeing issues.

Registration of pupil supervisors

22 Pupils must have a named pupil supervisor who is responsible for confirming that the non-practising and the practising periods of pupillage have each been satisfactorily completed in accordance with the Curriculum and Assessment Strategy . The supervisor responsible for signing off each period of pupillage must be registered in relation to that pupillage when the pupillage is registered (or notified promptly if there is a change in circumstances).

23 We are no longer maintaining a "register" of approved pupil supervisors, as such. But we are maintaining a record of which pupil supervisor is responsible for signing off each particular pupil, when that pupillage is registered.

24 Although pupillage is arranged as two distinct periods for the purposes of regulation by the BSB (non-practising and practising periods – see **Part 4A** of this Bar Qualification Manual) AETOs may rotate pupils through two or more placements or "seats". Such rotations can be within the AETO or with external

organisations. This approach exposes pupils to a wider range of experience and offers opportunities for a more rounded assessment of their pupillage. It is for the AETO to ensure that all supervisors are appropriately trained and to determine how pupils are supervised during such seat rotations or external secondments, including how the consistency of supervision and the quality of training is maintained, and how effective handover between supervisors is ensured.

25 Supervisors that have responsibility for signing off a period of pupillage must be registered and trained. Where more than one supervisor has this responsibility during a pupillage, each must register as a supervisor for the pupillage with us, either when the pupillage is first registered or subsequently.

26 There is no specified maximum amount of time that a supervisor may be absent or unavailable before an alternative supervisor must be registered. It is the responsibility of the AETO to ensure that we are contacted when a material change occurs and alternative arrangements are made where necessary. See **Part 4H** of this Bar Qualification Manual for requirements to notify us of changes in pupillage arrangements.

4C: Fair recruitment and equality and diversity

All AETOs are required to abide by the Equality Act 2010 , which includes some specific provisions in relation to recruitment of pupils. In addition, our Handbook and the Authorisation Framework have a number of requirements relating to recruitment in relation to equality and the principles of flexibility, accessibility and affordability. These are outlined in this section.

Concerns raised during our consultations about Bar training and from research conducted (covering diversity , barriers to training and differential attainment in outcomes on the BPTC and in gaining pupillage , race equality and experience of women at the Bar) highlight that access to pupillage is one of the biggest barriers to increasing diversity at the Bar. Research conducted into Pupillage Advertising and Selection Criteria contributes to our understanding of which stages of the advertising and recruitment process for pupils give rise to potential barriers of entry to the Bar, particularly for those from underrepresented groups at the Bar.

The Equality Act 2010

1 The Equality Act 2010 ("the Act") consolidates and replaces the numerous Acts and Regulations which previously dealt with equalities law. It recognises the following as ' protected characteristics' :

age

disability

gender reassignment

marriage and civil partnership

pregnancy and maternity

race

religion or belief

sex

sexual orientation.

2 Barristers and clerks are bound by specific provisions relating to the Bar in Section 47 of the Act that prohibits discrimination against pupils, tenants and would-be pupils and tenants, and requires barristers to make reasonable adjustments.

3 Section 60 of the Act prohibits pre-selection questions of applicants (including for pupillage or tenancy) about their health or disability save in very narrow circumstances.

4 Positive action in recruitment is permitted in certain circumstances under Section 159 of the Act specifically in relation to pupillage and tenancy recruitment.

5 As employers, AETOs are subject to the provisions in Part 5 Chapter 1 of the Act, which prohibits direct and indirect discrimination, harassment and victimisation, and provides the duty to make reasonable adjustments.

6 As service providers, AETOs are covered by Part 3 (3) of the Act.

BSB Handbook

7 Our Handbook has a number of requirements in relation to equality. In particular, the following are relevant to pupillage:

BSB Handbook

Core Duty 8 says that BSB regulated persons and unregistered barristers must not discriminate unlawfully against any person.

Rule C12 , which applies to all BSB regulated persons apart from unregistered barristers, says that a barrister must not, in his professional practice, discriminate unlawfully against, victimise, or harass, any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief, or pregnancy and maternity.

Training for those involved in recruitment

BSB Handbook

Rule C110 of the BSB Handbook says that chambers and BSB authorised bodies must take reasonable steps to ensure that:

save in exceptional circumstances, every member of all selection panels must be trained in fair recruitment and selection processes;

recruitment and selection processes use objective and fair criteria.

The BSB Handbook provides the following guidance:

Guidance C142 : training means any course of study covering all the following areas:

a) Fair and effective selection & avoiding unconscious bias

b) Attraction and advertising

c) Application processes

d) Shortlisting skills

e) Interviewing skills

f) Assessment and making a selection decision

g) Monitoring and evaluation

Guidance C143 : Training should ideally be undertaken via classroom sessions. However, it is also permissible in the following ways:

Online sessions
Private study of relevant materials such as the Bar Council's Fair Recruitment Guide
Completion of CPD covering fair recruitment and selection processes

Guidance C144 : The purpose of Rule C110 is to ensure that applicants with relevant characteristics are not refused employment because of such characteristics. In order to ensure compliance with this rule, therefore, it is anticipated that the Equality and Diversity Officer will compile and retain data about the relevant characteristics of all applicants for the purposes of reviewing the data in order to see whether there are any apparent disparities in recruitment.

The Bar Council's **Fair Recruitment Guide** has been significantly revised and the new version was published in June 2021. Everyone involved in recruitment and selection processes should familiarise themselves with the updated guidance.

8 Feedback from those that have attended face-to-face training in fair recruitment practice indicates that this is the most effective way to engage in training, particularly in aspects such as unconscious bias. For this reason, guidance in gC143 was amended in 2019 to say that training should ideally be undertaken via classroom sessions. This is because reading the Fair Recruitment Guide is an insufficient substitute for the interactive discussions that take place during such training.

9 In practice, we recognise that the recruitment process for pupillage, and subsequently into tenancy or employment, can include a large proportion of people in an AETO. It can therefore be challenging to require everyone to attend face-to-face training that is tailored to the Bar. In considering training needs, AETOs should (as a minimum) consider the role that individuals play in recruitment. For example, those that are involved in determining policies and selection criteria may have different training needs to those involved in interviewing or voting on tenancy decisions. Equally, barristers should, as part of planning and reflecting on their Continuing Professional Development (CPD) , consider their role in recruitment and their training needs.

Advertising pupillages and the mandatory recruitment timetable

10 All AETOs should recruit pupils through a fair and transparent process. All vacancies for pupillage (including assessed mini pupillages) must be advertised on the Pupillage Gateway , in line with the mandatory timetable, to ensure equality of opportunity. The requirement to advertise forms a condition of authorisation.

Authorisation Framework

It is a condition of authorisation that an AETO will advertise all vacancies for pupillage/work-based learning on a website specified by the Bar Standards Board in the Bar Qualification Manual . This includes assessed mini pupillages that form part of the selection criteria, and pupillages offered to transferring qualified lawyers and others who have been granted waivers from completing the full period of pupillage.

11 Waivers from the pupillage advertising requirements will only be granted by us in exceptional circumstances. Each case will be considered on its own merits.

12 AETOs can choose to use the Pupillage Gateway to administer the application process. Alternatively, applications can be made directly to AETOs.

13 As a condition of AETO authorisation, all pupillage recruitment must adhere to the mandatory timetable specified by us. AETOs must ensure that each stage of the advertising and recruitment process takes place in accordance with the published timetable (whether they administer their recruitment process on or off the Gateway website).

For 2026/27

For AETOs recruiting on the Gateway

Monday, 7 September 2026: Applicant account set up

Aspiring barristers can start setting up their accounts on the Pupillage Gateway and upload their academic and work experience history, and referees

Monday, 12 October 2026: AETO advertisement and account set-up on the Gateway

AETOs must start registering their accounts and submitting applications for approval.

By 12:00pm midday, Friday, 20 November 2026: Publication of advertisements on the Gateway

AETOs must register their accounts and submit applications for approval. All approved vacancy advertisements will be published for prospective applications to browse.

Monday, 23 November 2026, 12:01 (am): Advertisements

Applicants may access the Pupillage Gateway to browse vacancies.

Monday, 4 January 2027, 11:00 (am) – Applications open:

The submissions window for applications opens and applicants can start, edit and submit their applications.

For AETOs recruiting off the Gateway

Monday, 7 September 2026: Applicant account set up

Aspiring barristers can start setting up their accounts on the Pupillage Gateway and upload their academic and work experience history, and referees

Monday, 12 October 2026: AETO advertisement and account set-on the Gateway

AETOs must start registering their accounts and submitting applicatio for approval.

Applications should include details on how applications are to be mad (eg by post or email).

By 12:00pm midday, Friday, 20 November 2026: Publication of advertisements on the Gateway

AETOs must register their accounts and submit applications for appro All approved vacancy advertisements will be published for prospectiv applications to browse.

Monday, 23 November 2026, 12:01 (am): Advertisements

Applicants may access the Pupillage Gateway to browse vacancies.

Monday, 4 January 2027, 11:00 (am) – Applications open:

The submissions window for applications opens and applicants can s their applications to the AETO.

AETOs will not have access to the applications until the submissions window closes.

Thursday, 28 January 2027, 11:59 (pm): Applications close

The submissions window for applications closes and no further applications or amendments to applications are allowed.

AETOs can begin to download and assess applications and acknowledge receipt of applications. They can also begin to sift through applications, shortlist applicants and conduct interviews.

Between Friday, 29 January and Monday, 1 February 2027: Publication of Gateway applications to AETOs

AETOs using the Pupillage Gateway to administer their recruitment process will be able to download candidate applications and begin the shortlisting and interview process from **Monday, 1 February 2027** at the latest.

They may be able to access their applications on **Friday, 29 January 2027** , pending the approval of the Bar Council's Director of Services.

Friday, 7 May 2027, 09:30 (am): Offers made

AETOs will make offers through the Gateway system. All offers will be made on the same day at the same time.

AETOs are not able to make offers to applicants in advance of this date. **They must not make informal or indicative offers in advance.**

Friday, 14 May 2027, 09:30 (am): Deadline for accepting initial offers

All applicants have a 7-day deadline to communicate acceptance of an offer (if any). Applicants will be able to accept an offer anytime up to the deadline.

If an AETO's offer is declined by an applicant within the 7-day deadline, then they may immediately make a second-round offer.

If the 7-day deadline passes without the applicant accepting the offer, AETOs should send out second-round offers within a reasonable time period.

Thursday, 28 January 2027, 11:59 (pm): Applications close

The submissions window for applications closes and no further applications are allowed.

Monday, 1 February 2027: Shortlisting of applications made outs of the Gateway

AETOs not using the Pupillage Gateway can begin the shortlisting an interview process.

Friday, 7 May 2027, 09:30 (am): Offers made

AETOs will make offers by phone or by email. All offers will be made the same day at the same time.

AETOs are not able to make offers to applicants in advance of this da **They must not make informal or indicative offers in advance.**

Friday, 14 May 2027, 09:30 (am): Deadline for accepting initial off

All applicants have a 7-day deadline to communicate acceptance of a offer (if any). Applicants will be able to accept an offer anytime up to t deadline.

If an AETO's offer is declined by an applicant within the 7-day deadlin then they may immediately make a second-round offer.

If the 7-day deadline passes without the applicant accepting the offer AETOs should send out second-round offers within a reasonable time period.

The Bar Council presents their suggested timetable to the BSB annually, together with an equality impact assessment and a written statement of the factors they have taken into account. We then consider whether to approve the timetable in accordance with the Legal Services Board's Internal Governance Rules and the protocol on regulatory independence between the BSB and the Bar Council. Waivers from the timetable (or from specific stages of the timetable) will only be considered in exceptional circumstances. Any waivers granted will be listed on our website for transparency so that candidates are aware of all opportunities.

Information provided to applicants

14 The principles that underpin the Authorisation Framework include the principles of Flexibility, Accessibility and Affordability. A number of the criteria for authorisation as an AETO relate to the approach to recruitment and the information that is provided to potential applicants.

Authorisation Framework

AETOs must provide evidence of the following:

35.1. Flexibility that takes into account pupils' personal circumstances, promotes a more diverse legal profession, and supports the pupil to develop and demonstrate the Professional Statement Competences.

37.1. Commitment to equality and diversity at organisational level, including a specific strategic commitment to:

increasing diversity at the Bar;

taking active steps to improve accessibility – so that the best candidates are able to train as barristers and that the Bar as a whole better reflects the communities it serves; and

compliance with obligations arising under relevant legislation including the Equality Act 2010 and the BSB Handbook.

37.2. A clear strategy for making pupillage/work-based learning accessible and enabling pupils and students to achieve the best outcomes they are capable of in their education and training, as well as to demonstrating the Professional Statement Competences to at least the Threshold Standard.

37.3. Policies and procedures demonstrating an AETO's commitment to promoting open and fair recruitment (including where appropriate flexible approaches to prior learning and experience).

37.4. Timely provision of clear, accessible information for pupils and students indicating what Professional Statement Competences they will have achieved during and on completion of their training, enabling them to navigate their own route to qualification, and the next steps available to them.

45.1. The communication of clear, accessible and meaningful information and data as to the affordability of pupillage or work-based learning, the likelihood of being retained post-qualification, and earnings potential.

15 AETOs should provide sufficient information in the advertisement and other supporting materials (for example on the AETO's website) to enable prospective pupils to understand:

the AETO itself, eg the type of work that its barristers do, its size, location and culture;

the number of pupillages available;

the application process and deadlines, timing of interviews and the criteria that the AETO uses to assess applicants and decision dates;

when (on their path to qualification) candidates can apply;

the pupillage training programme and what to expect from a pupillage at the AETO;

the pupillage award, including expenses and other costs of training that the AETO covers (and what it doesn't cover);

prospects at the end of pupillage and the process for applying for tenancy/employment; and

the practical impact of the AETO's equality and diversity policies.

Outreach activity

Authorisation Framework

We expect AETOs, as a minimum, to demonstrate that they have carefully considered how they could contribute to the following:

Indicator 38.1. Engagement with the wider community to encourage those who are currently under-represented at the Bar to consider it as a career.

16 We recognise that the outreach activities that AETOs engage in will vary according to their size and resources. However, research shows that access to pupillage is one of the biggest barriers to diversity at the Bar. Therefore, if your AETO does not currently engage with the wider community in support of the principle of Accessibility, we expect you to give serious consideration to what you might be able to do.

Examples of outreach activity that AETOs engage in are:

Barristers mentor individual students from deprived backgrounds or work with charities that do so.

Provision of support or information to local careers services.

Outreach programmes with local schools or charities.

Joint working through the Specialist Bar Associations.

Joint working with the Inns, eg providing practice with applications and interview techniques.

Mini pupillages are advertised so as to reach under-represented groups.

Mini pupillages are reserved for those who meet certain criteria (eg. neither parent went to university, in receipt of free school meals, raised in care, caring responsibilities) and they are subsequently guaranteed an interview for pupillage.

Mini pupillages are paid.

The Bar Council has produced a **guide on Corporate Social Responsibility** which may help you to think about what your barristers and staff may already be doing, and what more you could do.

Selection

17 Selection for pupillage is subject to the Equality Act 2010 . AETOs must not unlawfully discriminate against any applicants. Advertising, selection for interviews, the interviews themselves, the selection for pupillage, the offers made, and written agreements given to pupils are all covered by this Act.

18 In addition, our Handbook sets out requirements in relation to recruitment and selection processes, which apply to pupillage:

Authorisation Framework

We expect AETOs, as a minimum, to demonstrate that they have carefully considered how they could contribute to the following:

Indicator 38.1. Engagement with the wider community to encourage those who are currently under-represented at the Bar to consider it as a career.

19 While the above applies specifically to chambers and BSB authorised bodies, all AETOs must have recruitment and selection processes that use objective and fair criteria.

20 Given that access to pupillage is one of the biggest barriers to increasing diversity at the Bar, AETOs should carefully review their advertising and selection processes and criteria and challenge themselves to think about where they may be creating barriers to equality and diversity. Some examples are provided below which may help to reduce unconscious bias, level the playing field for those who do not have connections inside the profession and increase opportunities for social mobility for those who have the potential to succeed.

Reducing barriers to equality and diversity in pupillage recruitment – what AETOs can do

Review the information and pictures on the AETO's website to check if they convey inclusiveness.

The pupillage committee could take each of the selection criteria, at each stage of the selection process in turn and challenge themselves to (a) consider whether each criterion might give risk to any inherent bias and (b) robustly demonstrate how each criterion helps to objectively demonstrate potential.

Before recruitment starts, publish the selection process and criteria so that they are transparent to potential applicants. Consider how you ensure that they are applied consistently to all candidates.

Base your selection criteria and questions at each stage of the process on potential to meet the competences in the **Professional Statement** and ensure that applicants are given every opportunity at each stage of the selection process to demonstrate their potential.

Use "blind" applications (so that the applicants' name, school and university are not visible to the selection panel).

Consider if the weighting of your selection criteria could create a barrier to diversity.

Consider introducing flexibility to your academic selection criteria Eg. do not limit applications only to those with first class or upper second class degrees; use a "contextual recruitment" approach to boost social mobility and ensure you do not overlook promising talent.

Do not limit applications only to those who have completed unpaid mini pupillages; consider other ways that applicants can demonstrate interest in, or aptitude for a career at the Bar.

Provide equal opportunity (through criteria and selection processes) to those who have not undertaken a law degree.

Give sufficient notice of the date and time of interviews, to enable candidates to make arrangements necessary for their attendance at the interview. Do not hold interviews at times when potential applicants are likely to be preparing for and sitting exams.

Offer and make reasonable adjustments, where appropriate.

Consider offering to cover travel expenses through a clear written policy.

Form a panel to take decisions on applications, instead of one person alone.

Keep a record of decisions taken, with reasons given, that your equality officer can review.

Offer practical feedback to unsuccessful candidates.

Do not request or rely on references from third parties until the last stage of recruitment.

Collect, analyse and act on equality and diversity data from the selection process.

Case study examples:

A report on themes arising from the selection process each year

5 Essex Court provides a wealth of information on its website that gives prospective applicants an insight into a pupillage at the chambers and helps them to understand the application process. This includes an annual "pupillage selection report" that provides applicants (past and future) with insight into the criteria that are used for selection, how these are applied in practice and how applicants performed.

Individual feedback to unsuccessful candidates

Our Supervision team visited a chambers that provides individual feedback to unsuccessful candidates, when requested. One such candidate acted on the feedback he was given and was recruited the following year.

Nepotism in pupillage

We sometimes receive complaints about nepotism in pupillage recruitment, since the practice perpetuates barriers to diversity and inclusion in pupillage and the perception that the Bar is elitist. It is very unlikely that recruiting a close family member (or someone with close social connections) could be justified by an AETO as being compatible with the principles of fair recruitment that are outlined here.

AETOs are therefore encouraged to establish appropriate policies and procedures to identify whether pupillage applicants have connections to any barristers or staff within the AETO.

Checking credentials

Authorisation Framework

All AETOs must provide evidence of the following:

Indicator 46.6. How credentials checking is carried out and policies and procedures for reporting fraudulent and/or dishonest activity to the BSB and the Inns of Court as appropriate.

21 AETOs must have policies and procedures for carrying out credential checks to ensure that applicants meet the mandatory and other requirements, and for reporting dishonesty to us and to the Inns of Court. For pupillage, AETOs must exercise appropriate due diligence in relation to the following:

That academic and vocational training components have been satisfactorily completed within the 5 year limit. In accordance with the **Curriculum and Assessment Strategy** , a person may not start pupillage more than five years after completing the vocational component.

That the pupil is a member of an Inn.

That the pupil has been Called to the Bar.

Immigration visas have been obtained, where relevant.

Waivers have been granted by us, where relevant.

Any other requirements that the AETO has specified as a condition.

Vocational Bar training course grade boundaries

22 Pupillage Authorised Education and Training Organisations (AETOs) should be aware when recruiting pupils that we no longer prescribe grade boundaries for the new vocational Bar courses that commenced in 2020. The following information has been written to assist those involved in pupillage recruitment in understanding how to interpret the results that your applicants share with you.

The old system of grade boundaries

23 On the old Bar Professional Training Course (BPTC), we prescribed grade boundaries so that passing candidates could be consistently described as having a pass that was classified as Outstanding (85-100%), Very Competent (70-84%) or Competent (60-69%). The classification depended not just on marks obtained, but whether the candidate passed particular elements on their first attempt.

What changed in 2020

24 As part of our review of Bar training, we removed the system of classifications for the new vocational Bar training courses that commenced in 2020. The Professional Statement describes the threshold for competence and that is now the only threshold that we prescribe; we consider that competence has either been demonstrated or it has not. We no longer prescribe the number of attempts available for each element of Bar training other than to say that we permit unlimited attempts over a period of 5 years, although individual providers of Bar training may have different regulations prescribing the number of resits for their own academic awards.

25 You can read more about our current requirements in the Curriculum and Assessment Strategy . More information about the assurance mechanisms that are in place for Centralised Assessments and assessments that are set and marked by the AETOs is available on our website .

What information your pupillage applicants may show you

26 Exam results are uploaded to students' Bar Training Record on MyBar. Students can provide an access code to their chambers or employer to view the results. You will be able to see a copy of their Bar Training Record, ie a breakdown of each subject and the mark obtained (where a mark is awarded - some elements are simply pass/fail), as well as an overall "competent" rating. All the results that are necessary in order to be Called are displayed consistently, wherever a student has undertaken their Bar training. No other classification is provided.

27 The institutions that deliver the vocational Bar training courses also offer their own academic awards, such as an LLM, of which the Bar course forms a part. **As the BSB does not regulate these academic awards, it does not prescribe how institutions describe their own classifications and grade boundaries. Pupillage AETOs should be aware that the way academic awards are described will vary between different institutions.**

28 These awards are subject to the respective institutions' own academic regulations and validation processes and are governed by other regulations, particularly those of the Office for Students , and they are subject to oversight by the Quality Assurance Agency . Each have their own regulations for their academic awards. Applicants will therefore also have an academic transcript from their university that describes their academic award in terms appropriate to their particular institution.

4D: Written agreements

This section sets out the requirement to have a written agreement in place upon commencement of pupillage. In addition, certain information must be provided when an offer of pupillage is made.

1 From 1 May 2020, it has been a mandatory requirement for written agreements to be in place between AETOs and pupils. Written agreements must be signed by the AETO and pupil upon commencement of pupillage. This is a condition of AETO authorisation.

2 The offer of a pupillage and its acceptance by the person to whom it is made will give rise to a legally binding contract for education and training (Edmonds v Lawson 2000 [QB 501] (CA)).

3 Offers of pupillage may be made by AETOs through the Bar Council's Pupillage Gateway if the AETO uses the Gateway to administer their recruitment process, or directly if not. No offers may be made before the date/time indicated in the mandatory timetable specified by us.

4 Offers of pupillage must also be made by AETOs to prospective pupils in writing. Upon acceptance of the offer, this must be signed by the AETO and prospective pupil. In addition, offers must incorporate the AETO's standard pupillage terms which must also be available to the prospective pupil on the AETO's website or on request. These requirements are conditions of AETO authorisation. Full details of what offers are required to state can be found below.

5 Where an AETO is not a legal entity, a pupillage agreement must either be between the pupil and an associated legal entity of the AETO (eg a service company incorporated by members of chambers) or between the pupil and a person/body of appropriate seniority at the AETO (eg a Head of Chambers /Management or Pupillage Committee). The intended means of entering into an agreement must be made clear at the stage of applying to become an AETO and approved by us as part of the authorisation process. As a condition of AETO authorisation, any change in the intended means of entering into an agreement must be notified to and approved by us in advance.

6 The outcomes which AETOs will be required to meet in their written agreements can be found below. The outcomes are split into three sections: the duties of the AETO, the duties of the pupil, and details of the pupillage (there is also an appendix which details the written policies which AETOs must provide pupils with copies of or otherwise make available). It will be for the AETO to draft the specific wording of terms, provided the following outcomes are met.

7 The Bar Council has provided a suggested template agreement .

8 In addition:

AETOs can to add further terms if they wish, provided they are not unfair, not unduly onerous and do not unlawfully discriminate;

Written agreements must reflect any relevant legislation, such as the obligations of both the AETO and the pupil under the General Data Protection Regulation and the Data Protection Act 2018;

If the pupillage is at the self-employed Bar, then the written agreement should not create an employment relationship between the pupil and the AETO, nor be a contract for services or of apprenticeship; and

If the pupillage is at the employed Bar, then the written agreement should not affect the employed status of the pupil, or the obligations of either the AETO or the pupil in relation to employment and related law.

9 In the event of a breach of a written agreement, we could take appropriate action on the basis that either BSB Handbook requirements or conditions of AETO authorisation have been breached.

Agreement outcomes: duties of the AETO

General terms

The pupillage is conducted in a manner which is fair and equitable, including the fair distribution of training opportunities to the pupil (Rule C110.3.i of the BSB Handbook):

Pupil supervisors are appropriately trained and registered with the BSB by the AETO (Authorisation Framework and Bar Qualification Manual Part 4B);

The pupil is covered by insurance (either that of the AETO or a pupil supervisor) for all legal services supplied to the public (Rules C76-77 of the BSB Handbook). If the pupil is covered by the insurance of a pupil supervisor, and there is more than one pupil supervisor at any one time, there must be clarity as to which pupil supervisor's insurance covers the pupil;

The AETO and pupil supervisors promptly provide the pupil with all necessary assistance in complying with their regulatory obligations eg registering their pupillage with the BSB, applying for any necessary waivers and obtaining a provisional practising certificate (Bar Qualification Manual Part 4H);

Throughout the pupillage, the BSB is promptly notified of any material changes to the pupillage eg change in the date of commencement or expected completion, or change of pupil supervisor (Authorisation Framework);

Where a pupil ceases to be a pupil at the AETO for whatever reason, to provide the pupil on request with copies of their training records which apply to the period of pupillage completed at the AETO (Bar Qualification Manual Part 4J); and

The pupil is provided with copies of, or made aware of how to access, the written policies set out in the appendix below (Authorisation Framework).

Training programme

The AETO and pupil supervisors provide the pupil with a written description of the training programme which enables the pupil to meet the competences in the BSB's Professional Statement and is included as a Schedule to the agreement (Authorisation Framework). In particular, the written description of the training programme must provide details of:

What training the pupil will undertake in the non-practising and practising periods (Authorisation Framework);

The supervision arrangements that the pupil can normally expect in the non-practising and practising periods (Authorisation Framework);

How frequently appraisals/performance reviews will be conducted (Authorisation Framework);

The compulsory advocacy course, which the pupil must complete prior to starting the practising period (and, when mandated, the compulsory negotiation course) (Curriculum and Assessment Strategy);

(From the academic year 2021/22) the compulsory professional ethics examination which the pupil must pass prior to completing pupillage. The training programme must state whether the AETO will pay for second or subsequent resits (the examination and first resit will be funded from the practising certificate fee. Subsequent resits will be charged to the AETO or pupil), and the course of action to be taken if the pupil has not passed the examination/compulsory courses before the pupillage is due to be completed (Curriculum and Assessment Strategy);

Where a pupil will be doing a period of pupillage at another AETO, details of the other AETO, the length of the period of pupillage at the other AETO, what training the pupil will undertake, how the pupil will be supervised and assessed and arrangements for the pupil supervisor to certify that the period of pupillage at the other AETO has been satisfactorily completed (Authorisation Framework);

The course of action to be taken if, for an extended period of time, the pupil takes sickness or other absence from training or there is no appropriate pupil supervisor, and there is a risk the competences in the BSB's Professional Statement will not be met (including notifying the BSB so that special provision can be made where necessary).The rationale for this term is to ensure that pupils who need to take sickness or special absence from training are treated fairly in relation to completion of pupillage. In deciding whether an extension to pupillage is required, the key focus for AETOs should not be to look at the number of days or weeks a pupil has been absent from training, but whether the pupil has met the competences set out in the BSB's Professional Statement by their date of completion. (Bar Qualification Manual Part 4H);

How assessment against the competences in the BSB's Professional Statement will be conducted at the end of the non-practising period (Curriculum and Assessment Strategy and Authorisation Framework); and

How final assessment against the competences in the BSB's Professional Statement will be conducted at the end of the practising period (Curriculum and Assessment Strategy and Authorisation Framework).

Assessments and certification of completion

The course of action to be taken if the pupil does not pass a) an assessment against the competences in the BSB's Professional Statement at the end of the non-practising period, or b) a final assessment against the competences in the BSB's Professional Statement at the end of the practising period must be set out in writing.

Pupil supervisors give the required notification to the BSB on satisfactory completion of a final assessment against the competences in the BSB's Professional Statement (Bar Qualification Manual Part 4J).

Pupillage funding

The Pupillage Funding Rules (Rules C113-118 of the BSB Handbook) are complied with. In particular, the agreement must:

Provide details of the minimum amount to be paid each month, whether this will be paid in advance or in arrears, when/how this payment will be made and who in the AETO is responsible for ensuring that this is done;

Provide details of the AETO's policy on reimbursing expenses for travel and compulsory courses;

If the AETO is a chambers, provide that either the AETO/self-employed barristers in chambers will pay the pupil for anything which because of its value warrants payment in addition to their pupillage award, or that the pupil is receiving a pupillage award or remuneration in lieu of payment for any individual item (Rule C116 of the BSB Handbook);

Provide that the agreed funding arrangements do not apply where a pupil (i) is doing a period of pupillage at another AETO, or (ii) ceases to be a pupil at the AETO for whatever reason; and

State who is responsible for any tax/National Insurance/VAT payments.

Agreement terms: duties of the pupil

Pupils must ensure that:

Prior to starting the non-practising period, they provide clear documentary evidence to their AETO that they have satisfactorily completed academic and vocational training components, are a member of an Inn, have obtained immigration visas (where relevant) and registered their pupillage with the BSB (Authorisation Framework);

Throughout pupillage, they keep adequate training records (particularly to assist their final assessment against the competences in the BSB's Professional Statement) (Authorisation Framework);

Throughout pupillage, any necessary waivers from the BSB Handbook have been granted by the BSB, and that the BSB is promptly notified of any material changes to the pupillage eg change in the date of commencement or expected completion, or change of pupil supervisor (Authorisation Framework);

During the non-practising period, they do not provide legal services as a barrister. The exception is doing a noting brief (taking notes in a trial) with the permission of their pupil supervisor, Head of Chambers or Head of Legal Practice (Rule S11 of the BSB Handbook);

Prior to starting the practising period, they have registered with the Information Commissioner's Office (if the pupil is at a chambers; a pupil at a chambers will be required to register with the Information Commissioner's Office (ICO) if they process personal data on behalf of their clients. A fee must be paid to the ICO to register. A pupil at another organisation – for example, a law firm – will not be required to register with the ICO, as the organisation will be responsible for processing personal data and already registered with the ICO. Please refer to the ICO's website here for further information), been called to the Bar (pupils will normally have been called to the Bar before commencing the non-practising period of pupillage - Bar Qualification Manual Part 4H) and obtained a provisional practising certificate from the BSB; and

During the practising period, they do not provide legal services as a barrister without the permission of their pupil supervisor, Head of Chambers or Head of Legal Practice (Rule S19 of the BSB Handbook).

Agreement terms: details of the pupillage

The agreement must state:

The required notice period for the pupil to withdraw from the pupillage prior to the pupil starting the non-practising period;

Any conditions which must be fulfilled prior to the pupil starting the non-practising period eg required achievement in vocational training;

The date of commencement, length of the non-practising and practising periods and the date of expected completin (Authorisation Framework and Bar Qualification Manual Part 4H);

Which pupil supervisor will supervise the pupil at the commencement of the non-practising period (Bar Qualification Manual Part 4B and 4H), and contact details for the pupil supervisor and others in the AETO with responsibility for pupillage. This information must be provided to the pupil prior to commencement of pupillage;

The minimum hours which may be required of a pupil in relation to their education and training, and whether a pupil may be expected to do additional hours in relation to their education and training; for example, this would cover a typical day for a pupil and any expectation of weekend or evening commitments; and

The required notice period for the AETO or the pupil to withdraw during pupillage. If the AETO withdraws during pupillage, or no longer wishes to be authorised to take pupils, or is no longer authorised to take pupils, the AETO must promptly notify the BSB and use their best endeavours to identify another AETO where the pupil(s) can complete their training (Authorisation Framework and Bar Qualification Manual Part 4H).

Appendix

The written policies which AETOs must provide pupils with copies of or otherwise make available are as follows:

A **written absence from training policy** which (i) states as a minimum that pupils are entitled to four weeks' absence from training per annum ie 20 days in addition to Bank Holidays and (ii) includes provisions on sickness and other absence from training (Bar Qualification Manual Part 4H);

A **written 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);

A **written 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;

A **written 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;

A **written disciplinary policy** which states (i) the conditions under which the AETO 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 the AETO and (iv) whether the AETO may seek repayment from a pupil in the case of misconduct (in accordance with Rule C115 of the BSB Handbook). This written policy must set out what the AETO regards as disciplinary action and misconduct for the purposes of the policy eg breaches of the AETO's policies or rules, breaches of the written agreement for pupillage and/or BSB disciplinary findings; and

A **written recruitment policy** which provides details of any recruitment process for tenancy or employment following the completion of pupillage, including any additional period of training, assessment or probation. This written policy should clearly set out the process which pupils should expect to follow if they wish to apply for tenancy or employed position at the AETO once pupillage has ended. The AETO is under no obligation to offer a tenancy or employed position; however, a written policy will ensure pupils have a clear understanding of what their likely options will be once the pupillage is complete. (Authorisation Framework).

Offers

Offers must state:

That the AETO and pupil supervisors will promptly provide the pupil with all necessary assistance in complying with their regulatory obligations eg registering their pupillage with the BSB, applying for any necessary waivers, etc. (outcome 4 above);

Pupillage funding arrangements (outcome 11);

That pupils must provide, prior to starting the non-practising period, clear documentary evidence to the AETO that they have satisfactorily completed academic and vocational training components, are a member of an Inn, have obtained immigration visas (where relevant) and registered their pupillage with the BSB (outcome 12);

The notice period for the pupil to withdraw prior to the starting the non-practising period (outcome 18);

Any conditions which must be fulfilled prior to the pupil starting the non-practising period eg required achievement in vocational training (outcome 19); and

The date of commencement, length of the non-practising and practising periods and the date of expected completion (outcome 20).

4E: Pupillage funding

All pupillages of self-employed barristers, chambers and BSB entities must be funded in accordance with the Pupillage Funding Rules in the BSB Handbook. The responsibility to fund pupils lies with the AETO. The purpose of these rules is to ensure that pupils receive a regular, minimum income throughout pupillage and it supports equality of opportunity.

Other types of AETOs must abide by the National Living Wage legislation.

Minimum pupillage funding requirements

1 All pupils must be paid no less than a minimum amount, specified by us.

2 The minimum pupillage award is set annually, having regard to the Living Wage Foundation's hourly rate recommendations, which are announced in November each year. The annual increase applies from January each year to all pupils, regardless of when they started pupillage. Monthly payments to pupils must be adjusted accordingly.

3 The rate we have set is as follows:

For the period 1 January 2026 to 31 December 2026

£25,863 for 12-month pupillages in London

£23,504 for 12-month pupillages outside London

For the period 1 January 2027 to 31 December 2027

£26,999 for 12-month pupillages in London

£24,640 for 12-month pupillages outside London

4 The London rate applies to all pupillages that are based in boroughs in the Greater London area as defined in the London Directory . This will normally be the address of the AETO where the pupil is based. Where the AETO has more than one office, AETOs should set out in writing to any pupil being offered pupillage, at the time an offer is made, where the pupillage is based and whether or not the London rate applies.

5 Minimum monthly payments to pupils are mandatory (ie the total divided by 12) but flexibility is permitted to allow upfront payments. In the practising period, AETOs must cover the difference between a pupil's earnings and the minimum monthly amount. The purpose of these rules is to ensure that pupils receive a regular, minimum income throughout pupillage.

6 You should ensure that you are familiar with the full rules, which also cover payment of expenses. The BSB Handbook sets out the specific requirements:

BSB Handbook

Rule C113 The members of a set of chambers or the BSB entity must pay to each non-practising pupil (as appropriate), by the end of each month of the non-practising period of their pupillage no less than:

the specified amount; and

such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:

travel for the purposes of their pupillage during that month; and

attendance during that month at courses which they are required to attend as part of their pupillage.

Rule C114 The members of a set of chambers, or the BSB entity, must pay to each practising pupil by the end of each month of the practising period of their pupillage no less than:

the specified amount; plus:

such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:

travel for the purposes of their pupillage during that month; and

attendance during that month at courses which they are required to attend as part of their pupillage; less

such amount, if any, as the pupil may receive during that month from their practice as a barrister; and less

such amounts, if any, as the pupil may have received during the preceding months of their practising pupillage from their practice as a barrister, save to the extent that the amount paid to the pupil in respect of any such month was less than the total of the sums provided for in sub-paragraphs Rule C114.2. a and b above.

Rule C115 The members of a set of chambers, or the BSB entity, may not seek or accept repayment from a chambers pupil or an entity pupil of any of the sums required to be paid under Rules C113 and C114 above, whether before or after they cease to be a chambers pupil or an entity pupil, save in the case of misconduct on their part.

Rule C116 If you are a self-employed barrister, you must pay any chambers pupil for any work done for you which because of its value to you warrants payment, unless the pupil is receiving an award or remuneration which is paid on terms that it is in lieu of payment for any individual item of work.

7 In the practising period of pupillage, the monthly minimum amount may be made up by payments from the AETO (in accordance with rules C113 and C114) or earnings received from practising as a pupil barrister, or a mixture of the two.

8 Rules C114.2(c) and (d) allow AETOs to recoup some or all of the payments made to pupils in their practising period of pupillage, from earnings the pupil receives over that minimum amount, up to the amount that they have funded. For example, if an AETO had to top-up the pupil's earnings by an amount of £500 to reach the monthly minimum, the AETO could recover that in a subsequent month, provided the pupil earns at least the monthly minimum amount.

9 AETOs should not, however, profit from any pupillage. In other words, they should not recoup more than they have paid to top up to the minimum funding level. Rules C113 to 115 combine, in effect, to prohibit an AETO from attempting to profit from pupillage.

10 AETOs may, of course, choose not to recoup such payments or choose to guarantee a higher level of income that the minimum that we specify.

11 AETOs are required to pay travel expenses for pupils travelling for the purposes of their pupillage, in addition to the minimum funding requirement. AETOs are not required to pay expenses for pupils for travel for the purposes of practice as a barrister, ie for work for which they will receive fees.

12 AETOs must make clear, in writing, the funding arrangements at the time an offer for pupillage is made so that there are no surprises. AETOs can do this by providing the prospective pupil with a copy of their pupillage policy. This is an area where lack of clarity leads to complaints by pupils to us.

Transferring lawyers

13 Transferring lawyers no longer have an automatic exemption from the pupillage funding rules. AETOs will have to apply for waivers in individual cases.

Waivers from pupillage funding requirements

14 Waivers from the funding requirements will only be granted in exceptional circumstances. Each case will be considered individually on its own merits. The responsibility to fund pupils lies with the AETO. The AETO must apply for a waiver from the pupillage funding requirements if it does not, or cannot, fund a particular pupil.

Pupillage Funding Waiver – Application Form

Pupillage Funding Waiver – Application Guidelines

15 Pupils themselves cannot enter into agreements to undertake unfunded pupillages, nor apply for waivers from the pupillage funding requirements.

Inns Awards

16 The Inns have some awards for the pupillage year. For information, contact each Inn of Court (see **Part 5A** of this Bar Qualification Manual).

17 In addition, The Council of the Inns of Court has a matched funding scheme for AETOs predominantly engaged in legally aided work to provide additional pupillages.

The Legal Education Foundation

18 The Justice First Fellowship Scheme supports students and pupils committed to public interest and social justice issues who want to pursue a career in social welfare law.

4F: Record keeping

This section includes information on requirements relating to record keeping during pupillage.

Authorisation Framework

As a condition of authorisation, AETOs must maintain the following data and records for at least 5 years and may be required to provide them to the BSB for supervision purposes or research:

Training records for pupils.

Training outcomes for pupils.

Training records for pupil supervisors.

Training records for recruitment panel members.

Recruitment records (advertisements, application process, selection criteria, assessor records).

Pupillage agreements.

Diversity data for pupils (this might compare applications, interviews offered, pupillage offers made, places taken up and progression to tenancy/employment) and the action that you have taken following review of data.

Complaints/grievances with the AETO's analysis and action taken.

Pupil feedback, analysis and action taken.

Policies related to pupillage.

AETOs may be asked to provide practical examples to illustrate how their policies and strategies have been implemented and the impact they have had.

4G: After pupillage

This section explains the information that we require Authorised Education and Training Organisations to make available to pupils and applicants for pupillage/work-based learning about what happens when they have completed their training.

Overview

1 The Authorisation Framework requires Authorised Education and Training Organisations (AETOs) to provide clear information that assists applicants for pupillage/work-based learning in assessing the affordability of their training, in relation to the prospects they will have when their training is complete.

Authorisation Framework

45.1 AETOs must communicate clear, accessible and meaningful information and data as to the likelihood of being retained post-qualification, and earnings potential.

2 Applicants and pupils should be given information about the process and timing for applying for tenancy/employment; the retention rate or other destination post-qualification; earnings potential when fully qualified and support given to pupils to enable them to find alternative work if they are unsuccessful in their tenancy/employment application.

4H: Responsibilities of pupils

This section includes information on pupils' responsibilities for registering their pupillage, other practice requirements, and complaints against pupils.

Index for this section:

1) Pupils' responsibilities for registering pupillage

2) Other practice requirements for pupils

3) Complaints against pupils

4) Summary of the responsibilities of pupils.

1. Pupils' responsibilities for registering pupillage

This section is of special interest to pupils, who are responsible for registering their pupillage with us on the relevant forms.

Registering pupillage

1.1 Before starting any period of pupillage, as a pupil you must apply to us for registration of the pupillage by submitting an application on the form we have prescribed.

1.2 If you apply to us for registration of a pupillage after the pupillage has started, the pupillage will be treated as having started on the date the application is received, unless we permit otherwise.

Important guidance for pupils

You must register your pupillage with us on the appropriate registration form before pupillage commences. We will only approve an application for retrospective registration of pupillage where there are good reasons for failure to register on time. Otherwise, periods of pupillage undertaken prior to registration will not be recognised.

Registration forms should be submitted at least **two weeks** prior to commencement of pupillage, if possible. You must provide the name of your designated pupil supervisor(s) and the commencement date of your pupillage; it is therefore advisable that such arrangements are made in advance. Registration will be confirmed by us, via email.

Changes in pupillage

1.3 If any of the information provided in an application for registration of a pupillage changes before the pupillage has been completed, as a pupil you must promptly notify us in writing of the change using the prescribed form . The periods of time involved must be noted.

1.4 The declaration must be signed by the Head of Chambers or other person authorised by the Head of Chambers in the case of a pupillage in chambers. For a pupillage in employment, it should be signed by a person authorised by the employer.

1.5 There is no specified maximum amount of time that a supervisor may be absent or unavailable (eg overseas or ill) before an alternative supervisor must be appointed. However, it is the duty of the supervisor to ensure that we are contacted for advice when a material change occurs so that special provision can be made where necessary.

2. Other practice requirements for pupils

Pupils must understand their responsibilities to be insured, comply with the Data Protection Act and manage their personal tax obligations.

Insurance

BSB Handbook

Rule rC76 of the BSB Handbook requires barristers to:

.1 ensure that you have adequate insurance (taking into account the nature of your practice) which covers all the legal services you supply to the public; and

.2 if you are a BSB authorised person or a manager of a BSB authorised body, then in the event that the Bar Standards Board, by any notice it may from time to time issue under this Rule C76, stipulates a minimum level of insurance and/or minimum terms for the insurance which must be taken out by BSB authorised persons, you must ensure that you have or put in place within the time specified in such notice, insurance meeting such requirements as apply to you.

Rule C77 Where you are acting as a self-employed barrister, you must be a member of BMIF, unless:

.1 you are a pupil who is covered by your pupil supervisor's insurance; or

.2 you were called to the Bar under Rule Q98, in which case you must either be insured with BMIF or be covered by insurance against claims for professional negligence arising out of the supply of your services in England and Wales in such amount and on such terms as are currently required by the Bar Standards Board, and have delivered to the Bar Standards Board a copy of the current insurance policy, or the current certificate of insurance, issued by the insurer.

Rule C78 If you are a member of BMIF, you must:

.1 pay promptly the insurance premium required by BMIF; and

.2 supply promptly such information as BMIF may from time to time require pursuant to its rules.

2.1 As a pupil, you will be covered by your pupil supervisor's Bar Mutual Indemnity Fund (BMIF) insurance, or your employer's insurance, for work performed during pupillage.

2.2 Once pupillage ceases, as a pupil you must apply immediately to the BMIF for your own cover for legal services offered in self-employed practice. As a practising barrister, if you are entering into a so-called "third six" arrangement, you should also contact BMIF to agree your own insurance cover.

2.3 As an employed barrister, you should ensure that your employer has appropriate professional indemnity insurance in place for you.

2.4 The Government Legal Service does not have specific insurance because it bears its own risk.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018

Competence 4.5 in the Professional Statement is to "Maintain the confidentiality of clients' affairs, adopting secure technology where appropriate". This includes complying with relevant data protection requirements.

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

2.6 The Data Protection (Charges and Information) Regulations 2018 requires every organisation or sole trader who processes personal information to pay a data protection fee to the ICO , unless they are exempt.

2.7 Please refer to the Bar Council Guidance on GDPR, which provides support to barristers and chambers in meeting their data protection requirements.

Taxation

2.8 As a pupil, you should become familiar with the tax requirements, including VAT and National Insurance, for self-employed practice.

2.9 The Bar Council provides a taxation guide on its Ethics website.

3. Reporting a concern about a pupil

This section is relevant to anyone who wishes to report a concern about the conduct of a pupil, and to pupils who are facing an allegation against them.

Overview

BSB Handbook

We regulate barristers and BSB entities operating in England and Wales and are responsible for making sure that the high standards of the profession are maintained.

We will consider taking action where there is evidence that the BSB Handbook has been breached, under our Enforcement Regulations (Part 5 of the BSB Handbook) and our Enforcement Strategy .

3.1 Anyone who has a concern about the conduct of a pupil who has been Called to the Bar can make a report to us.

3.2 If they have been Called to the Bar, the pupil's Inn of Court plays no formal part in the disciplinary system, except via the **Council of the Inns of Court** (COIC) which arranges tribunals. An individual Inn would have a role in pronouncing any findings of a Disciplinary Tribunal.

3.3 A concern about a pupil who has not been Called to the Bar should be reported to the pupil's **Inn of Court** .

3.4 Information for pupils facing an investigation into a concern reported about them to the BSB is available on our website.

4. Summary of the responsibilities of pupils

This section is of particular importance to pupils to help ensure that they do not breach the BSB Handbook or break the law. It summarises the responsibilities of pupils during the various stages of pupillage, and after completion of pupillage, that are explained elsewhere in this Bar Qualification Manual.

Beginning pupillage

Pupils must:	Be a member of an Inn of Court normally before starting pupillage (see **Part 5A** of this Bar Qualification Manual).
	Register their pupillage with the BSB (see **Part 4H (1)** of this Bar Qualification Manual).

General requirements in pupillage

Barristers, including pupils, are required to adhere to the Core Duties and Conduct Rules, as set out in the BSB Handbook.

Pupils must:	Ensure that the required standards are met, maintaining appropriate training records (see **Part 4J** of this Bar Qualification Manual).
	Undertake compulsory courses that are required by the AETO and the BSB (see **Part 4J** of this Bar Qualification Manual).
	Behave at all times in accordance with professional ethics and conduct as stated in the BSB Handbook .
	Preserve the confidentiality of every client's affairs in accordance with the BSB Handbook .
	Notify the BSB of any material changes in pupillage arrangements, eg change in pupil supervisor, change in start or end dates of pupillage.

In the non-practising period of pupillage

Pupils must:	Not exercise any reserved legal activities, including rights of audience. A noting brief may be undertaken with permission of the pupil supervisor or Head of Chambers.
	Ensure their pupil supervisor signs the form declaring satisfactory completion of the non-practising period, submit it promptly to the BSB and apply for a Provisional Practising Certificate (see **Part 4K** of this Bar Qualification Manual).

In the practising period of pupillage

Pupils must:	Exercise rights of audience only with permission of their pupil supervisor or Head of Chambers or equivalent, having obtained a Provisional Practising Certificate from the BSB (see **Part 4H (2)** of this Bar Qualification Manual).
	Register with the Information Commissioner (see **Part 4H (2)** of this Bar Qualification Manual).

Ensure compliance with taxation requirements. If relevant, register as self-employed with HMRC upon commencing the practising period of pupillage.

At the end of the practising period of pupillage

Pupils must:

Ensure their pupil supervisor signs the form declaring satisfactory completion of the practising period, submit it promptly to the BSB and apply for a full Practising Certificate. A Provisional Practising Certificate is only valid for 30 days after pupillage (see **Part 4H (2)** of this Bar Qualification Manual).

An AETO may support a pupil in the process of obtaining an annual Practising Certificate, but it is the responsibility of the pupil to ensure that they have a valid Practising Certificate when holding themselves out as a barrister and undertaking reserved legal activities.

Apply to the BMIF for their own insurance cover for legal services offered in self-employed practice (see **Part 4H (2)** of this Bar Qualification Manual).

Notify the BSB of changes in status (eg self-employed, employed or not in practice) and contact details (see **Part 4K** of this Bar Qualification Manual).

4I: The role of the circuits and Specialist Bar Associations (SBAs)

This section includes information on the role of the Circuits and the Specialist Bar Associations (SBAs) in the work-based learning component of Bar training (pupillage).

The Circuits

1 Practising barristers work from chambers and other organisations in one of the six Circuits (Northern , North Eastern , Wales and Chester , Midlands , South Eastern , Western) into which the administration and organisation of the court system of England and Wales is divided.

2 In some locations, the Circuits share or replace some of the services of the **Inns of Court** (see **Part 5** of this Bar Qualification Manual) including services in relation to pupillage training and other educational and social opportunities.

The Specialist Bar Associations (SBAs)

3 A number of Specialist Bar Associations (“SBAs”) have been formed to provide support, training and representation for their members. Many SBAs provide guidance on training for pupils who are doing their training in specific areas of law.

4 We no longer require pupils to complete specialist checklists from the SBAs and for this reason they will no longer be specified as part of the Bar Qualification Manual. However, AETOs may find it useful to continue to use the specialist checklists that are available from relevant SBAs, or work with their SBAs to update them. For example, specialist checklists might be used to support pupils to develop competences in the Professional Statement , such as 1.3 – “ Have knowledge and understanding of the law and procedure relevant to their area(s) of practice ”.

4J: Assessment of pupils and compulsory courses

This section includes information on the assessment of pupils throughout the work-based learning component (pupillage), secondments, and the compulsory courses to be completed during pupillage.

1. Using the Professional Statement to assess the competence of pupils

This section should be understood by AETOs, pupil supervisors and pupils. It covers the competences and standards that the BSB requires pupils to achieve and how they are assessed.

AETOs are required to assess pupils in line with the threshold standard and competences specified in the **Professional Statement** .

1.1 The Professional Statement describes the knowledge skills and attributes that all barristers should have on “day one” of practice. The components of Bar training are designed to ensure that prospective barristers meet the threshold standards in the Professional Statement. It helps prospective barristers to understand the standards they need to meet, and it helps AETOs to understand what the outcomes of Bar training must be.

1.2 AETOs must assess their pupils in line with the threshold standard and competences specified in the Professional Statement. This is a change to the previous requirement to complete the pupillage checklists.

1.3 AETOs must develop their own training plan and records in place of the old checklists, to provide evidence to us that their pupils have met the competences, have successfully completed each period of pupillage, and are eligible to apply to us for a Provisional Practising Certificate and a Full Practising Certificate. We do not prescribe templates for training records.

1.4 Since September 2017, it has been a requirement for vocational training providers to ensure that their students understand how their learning relates to the Professional Statement, so pupils will be familiar with it.

Guidance on implementing the Professional Statement

1.5 The Professional Statement was rolled out with a group of early adopters for the 2017 and 2018 intakes of pupils in order to learn and share lessons before implementation to the Bar as a whole. The pilot group included 8 chambers and 4 organisations from the employed Bar (not otherwise regulated by us). They provided a good cross-section of the Bar in terms of size, location and practice area.

1.6 The feedback from the early adopters about transitioning from the checklists to the Professional Statement was consistently very positive.

Feedback from the early adopters group about transitioning to the Professional Statement

They found that they did not have to make significant changes to the content of their training programme; they felt that an AETO providing a high quality of training will already be addressing the range of competences covered by the Professional Statement. However, they found that they were more robust in documenting the training programme and providing transparency about how each competency is covered in the training programme, how it is assessed and how feedback is given to pupils.

AETOs found that the Professional Statement better reflects the training they were already delivering because it provides a more rounded framework of the competences needed to become a barrister.

AETOs in the employed Bar found good alignment with competence frameworks already in use in their own organisation.

In contrast, the checklists (previously mandated) focus on tasks to be completed and not on the competence of pupils. Some felt that the checklists are overly-long, providing a list of everything that might be seen in a particular area of practice, rather than focusing on what is important for a pupil and a newly qualified junior barrister. The documentation referred to in some checklists is out of date.

Using the Professional Statement competences was a trigger to develop more robust and transparent documentation of the assessment of pupils.

Some of the competences relating to expected behaviours provide a useful framework to tackle difficult conversations about development needs that were not addressed by the checklists.

Pupils bring with them different levels of experience and different strengths. Our flexible approach allows pupil supervisors to focus time on areas for development, rather than ticking off a list of activities to be completed. This is particularly useful where we have authorised reduced pupillages, based on prior experience.

Use of the Professional Statement helped to create a more balanced relationship between pupil and pupil supervisor. Whereas the onus before was on the pupil to tick off items on the checklists, AETOs found that it put a much clearer onus on the pupil supervisor (to actively assess competency), and the pupil (to reflect on their own development).

It helps pupils to get used to self-reflection, consistent with the CPD requirements, and QC and judicial appointments processes.

1.7 They also welcomed flexibility to develop their own documentation to suit their circumstances. However, they felt that guidance in the following areas would assist others. The feedback from the participants has helped to inform the guidance below for AETOs, pupil supervisors and pupils.

Training programme

1.8 Before pupillages start, AETOs should plan ahead to consider how their training programme will enable pupils to meet the competences to the threshold standard in the Professional Statement and how their pupil supervisors will assess competences.

1.9 The early adopters found that they did not have to make significant changes to the content of their training programme; they felt that an AETO providing a high quality of training will already be addressing the range of competences covered by the Professional Statement. However, they found that they were more robust in documenting the training programme and providing transparency about how each competency is covered in the training programme, and how it is assessed.

Case study

An AETO maps each competence in the Professional Statement to identify:

the learning opportunities that are relevant, for example:

Sitting with the pupil supervisor

Interactions with the clerks

Interactions with solicitors

Observation in Court

In-house training course

Practising drafting

Completing work for the pupil supervisor and other barristers in the AETO

Practising as a pupil

Secondment

how they are assessed, for example:

oral and written feedback (solicitors, clients, clerks, pupil supervisors, other barristers)

assessment of in-house advocacy exercises attendance at internal training

1.10 This process can help to identify where it may be difficult to support a pupil in meeting certain competences, eg where pupils are not on their feet in the practising period, due to the complexity of practice area.

Competences that need to be met in order to apply for a Provisional Practising Certificate (PPC)

1.11 We have not previously specified, in relation to the checklists, what threshold pupils need to have met in order to apply for a Provisional Practising Certificate, other than to specify which of the compulsory courses during pupillage needs to be completed during the non-practising period of pupillage.

1.12 The competences that need to be met to the threshold standard during each component of Bar training, including those that need to be met to the threshold standard before you can apply for a Provisional Practising Certificate, are now set out in the Curriculum and Assessment Strategy .

Ensure that all pupil supervisors are familiar with the Professional Statement

1.13 Where an AETO has a number of pupil supervisors, the AETO must ensure that they are all familiar with the training programme and the Professional Statement before their pupils start. This could be achieved by:

Holding a briefing session

Preparing a briefing pack for supervisors

Ensure that pupils understand how they will be assessed and when

1.14 Some pupils in the pilot were uncertain how they knew when they had done enough to meet the threshold standard. Your pupil supervisor should discuss the training plan with you as early as possible and agree how they are going to measure whether the competences are being met and what methods will be used to assess them, so that you are clear what is expected of you and how your supervisor is expecting you to demonstrate the competences.

Case study: formal review meetings

An AETO requires its pupil supervisors to hold formal appraisal meetings with their pupils every three months. A template is used to document progress in each of the four areas covered by the Professional Statement (barristers' distinctive characteristics; personal values and standards; working with others and management of practice) and areas to focus on before the next review. The formal process reflects the discussions that are held, and the feedback given, on an ongoing basis during the quarter.

The record is reviewed by the Head of Pupillage, who is also available to meet pupils in the event of problems.

This approach:

provides transparency about whether the pupil is on track to meet the threshold standard in order to apply for a Provisional Practising Certificate or complete pupillage;

provides structure to focus on development needs and the plan to address them on a timely basis;

provides consistency between pupil supervisors;

alerts the Head of Pupillage to any problems;

enables effective handover between seat supervisors.

Self-reflection by pupils

1.15 The early adopters found that pupillage diaries continue to provide a useful record of training but wanted to ensure that it provided a clear link to the competences in the Professional Statement. Some pupils felt that they were spending too much time cross-referencing each case to the competences in the Professional Statement and wanted clearer guidance about the level of detail that their supervisors needed. On discussion, it was felt that an appropriate balance needed to be struck to enable pupils to self-reflect on their progress effectively.

Case study: encouraging self-reflection by pupils

An AETO devised a pro-forma pupillage diary that includes a column for self-reflection on the learning from the case and the key competences that were engaged.

Feedback from pupils and pupil supervisors

1.16 The larger early adopters in the pilot brought together their pupils and pupil supervisors, to discuss their experience of using the Professional Statement. This was helpful in reflecting on the first year of implementation, what worked well and what lessons were learnt.

Ensuring consistency of assessment

1.17 AETOs need to ensure that all those involved in assessing pupils take a consistent approach to assessment of the competences in the Professional Statement. This particularly applies to the following circumstances:

Where you have more than one pupil supervisor over the course of your pupillage.

Good quality record keeping will ensure that supervisors take a consistent approach to monitoring progress in meeting the required competences.

Where you will be completing work for other barristers or others in the AETO.

Structured feedback in relation to competences in the Professional Statement (perhaps focussing on those identified for development) provides a consistent and transparent framework for feedback.

Where you will be undertaking a secondment outside of the organisation as part of your pupillage (see Section 2, below).

Specialist Bar Association checklists

1.18 We no longer mandate the use of the checklists for pupillage and they are no longer maintained on our website. However, opinions amongst the pilot group varied about their continuing value. Some of the early adopters found that the specialist checklists provided a useful reference point when planning the training programme and working with the clerks' room to ensure that pupils were exposed to an appropriate range of work. Others thought that the checklists were too out of date and attempted to cover every possible type of document or procedure that a barrister might encounter, at the expense of focussing on those most often encountered at that stage of a barrister's career.

1.19 It is for AETOs to decide with their Specialist Bar Associations (SBAs) whether there continues to be a demand for the checklists. A list of SBAs is available on the Bar Council website.

Monitoring, evaluation of progress and feedback

1.20 Monitoring, evaluation of progress, and regular feedback during pupillage are crucial. This enables you to understand your progress and what difficulties, if any, you face in successfully completing pupillage and tenancy selection. The form that this takes is a matter for the AETO and pupil supervisors to define.

1.21 The Authorisation Framework places specific requirements on AETOs in relation to evaluation, assessment and appraisal.

Authorisation Framework

Indicator 46.9. All AETOs must provide evidence of a variety of fair and objective evaluation, assessment and appraisal methods that support the development and demonstration of the Professional Statement Competences and are appropriately timed.

Indicator 46.11. All AETOs must provide evidence of the promotion of self-reflection that fosters the profession's approach to Continuing Professional Development from an early stage

1.22 Giving constructive feedback and conducting an effective appraisal requires pupil supervisors to develop the necessary skills and experience. AETOs should consider how they ensure that their pupil supervisors are equipped to do this, and pupil supervisors should reflect on this when planning their CPD for the year.

1.23 Formal appraisals, scheduled periodically, in addition to regular feedback and informal monitoring of progress, help to ensure that appropriate progress is made and that you understand the progress you are making and the areas for development. They give you the opportunity to address areas for development during the remaining period of your pupillage. Your pupil supervisor should ensure that they have regular meetings with you throughout the year to discuss progress and follow up any action that is agreed.

1.24 The appraisal process should provide a structured means of reviewing your performance, providing objective feedback, identifying strengths and areas for development, and setting objectives to develop skills and competences. Appropriate documentation and forms should be developed by the AETO.

1.25 It is also an opportunity for you to provide feedback on your progress, the work you have done and the way you are being supervised. To enable the appraisal to be productive, both you and your supervisor should take time to reflect before the appraisal takes place. You may be encouraged to do this by completing an appraisal preparation form.

1.26 It is important that you begin a habit of self-reflection on your own progress that should continue throughout practice, with a view to shaping your Continuing Professional Development (CPD) . During the first three full years as a practising barrister, you must comply with the CPD rules within the New Practitioners Programme (NPP). Once you have practised for more than three full years, you must comply with the CPD rules within the Established Practitioners Programme (EPP).

1.27 People other than your pupil supervisor may also contribute to the evaluation of your performance, eg clerks, solicitors, members of the judiciary or clients. AETOs should establish appropriate mechanisms to do so, with transparent assessment criteria that are based on the competences in the Professional Statement.

1.28 Some AETOs develop their own structured written and oral assessment exercises. Again, these should reflect the competences in the Professional Statement

1.29 The Head of Pupillage, or equivalent, should monitor the appraisals so that the AETO is aware of the progress of all the pupils and can identify where there may be emerging issues.

Remedial work and extension of pupillage

1.30 Where it is not considered that the defined standards and competences have been met, your pupil supervisor must not sign you off as having completed the non-practising or practising period of pupillage. This should not come as a surprise to you. A transparent, effective and documented appraisal process should identify problems at an early stage, and you should be clear what action is required to address them. The Head of Pupillage, or equivalent, should be kept informed.

1.31 Where you are not signed off by your supervisor, opportunities may be provided for additional or remedial work to enable you to attain the required level of competency, but there is no obligation for this to be provided by your AETO.

1.32 If you are not signed off, we should be informed by emailing pupillageadministration@barstandardsboard.org.uk .

Plagiarism and cheating

BSB Handbook

Core Duty 3 requires that you (including pupils) must behave with honesty and integrity.

Rule C8 says that you must not do anything which could reasonably be seen by the public to undermine your honesty, integrity and independence.

Rule C65.7 says that you must report promptly to the BSB if you have committed serious misconduct.

Rule C66 says that other barristers, if they have reasonable grounds to believe that there has been serous misconduct by a barrister, must report it to the BSB.

1.33 Plagiarism or cheating (eg plagiarism of another pupil's work, submitted for an assessment) must be properly reported and investigated. If you have been Called to the Bar, acts of plagiarism and/or cheating must be reported to the BSB by you or somebody else in the AETO. If you have not yet been Called to the Bar, acts of plagiarism and/or cheating must be reported to your Inn and may be a reason for disciplinary action by the Inn.

Transferring pupillage

1.34 If the need arises for you to transfer from one AETO to another during any stage of your pupillage, it is likely that the new AETO will need to apply for a waiver of the pupillage advertising requirements. If the funding for the remainder of the pupillage is not to be provided by the new AETO, the new AETO will also need to apply for a waiver of the pupillage funding requirements.

Pupillage Funding and/or Advertising Requirements – Application Form

Pupillage Funding and/or Advertising Requirements – Application Guidelines

1.35 The former AETO must make available copies of their training records to date to you and the new AETO. The pupil supervisor at the new AETO will need to be able to access these records in order to ascertain what skills and experience you have gained so far, allowing them to plan the remainder of your pupillage accordingly.

2. Secondments and training delivered by another organisation

This section should be understood by AETOs who intend to second their pupils to another organisation for part of their pupillage. AETOs must ensure that appropriate governance arrangements are in place and that we have been informed.

Authorisation Framework

Indicator 47.1 requires AETOs to provide evidence (where applicable) for the governance arrangements reflecting their responsibility for any components of training delivered in collaboration or association with other organisations

2.1 We encourage flexibility in the delivery of pupillage, in order to ensure that pupils can get the range of experience that is necessary to demonstrate the requirements of the Professional Statement. Secondments may be arranged to help you meet specific competences for which your AETO cannot provide the necessary experience or to give a broad range of experience that may assist the development of your chosen field of practice.

2.2 All secondment arrangements should be reported to us for authorisation. Recurring arrangements should be approved through the AETO authorisation process. One-off secondments should be reported to the Authorisations Team by emailing pupillageadministration@barstandardsboard.org.uk to consider whether this constitutes a variation in the terms of authorisation as an AETO.

Governance arrangements

2.3 When you are seconded, as a pupil, the AETO will ultimately be responsible for your training while on secondment. AETOs should consider and document respective responsibilities in an agreement with the host organisation. Considerations include:

what the objectives of the secondment are and specifically what training will be delivered to meet those objectives;

what arrangements are in place to monitor the quality of training received by pupils whilst on secondment or where training is delivered by another organisation;

opportunities for pupils to provide the AETO with feedback about the standard of training;

how pupils will be assessed while on secondment, particularly in relation to the competences in the Professional Statement, and how that will be communicated to the pupil and the AETO;

funding arrangements;

insurance arrangements; and

what clients of the host organisation will be told about the pupil's status.

Conflicts of interest

2.4 If there is any risk of conflicts of interest between the AETO and the host organisation (for example secondments between chambers and the Crown Prosecution Service), the agreement should ensure that:

Whilst seconded, the pupil barrister owes all relevant duties to the host organisation and the client;

Responsibility for assessing performance during the secondment lies solely with the host supervisor;

Information that the host organisation has that might create a conflict of interest within the originating AETO is not shared; and

Whilst seconded, the pupil barrister will not be able to access the originating AETO's digital systems or confidential information.

2.5 Such arrangements are intended to mitigate the risk (or the perception) that you, as a seconded pupil, might act otherwise than in accordance with your regulatory obligations – in particular that you act independently and in your clients' best interests. The existence of such secondments, appropriately arranged, will not be viewed by us as a breach of any BSB Handbook requirements. However, you should ensure that you comply with Handbook rules in the normal way in relation to each client.

2.6 We must consider any complaint, if one were made, on a case by case basis; we take a risk-based approach, taking into account the level of harm caused and the extent to which a pupil has taken all reasonable steps to ensure compliance with the BSB Handbook. If we were to receive a report that a secondment constitutes a breach of Core Duty 5 , we would not consider the existence of a secondment alone to be a breach of the core duty. We would only seek to take enforcement action if we were satisfied that there had been a substantive breach of some other rule or core duty (for example, if the pupil barrister had acted in

circumstances where there had been a breach of rules regarding conflicts, acting in the client's best interests or acting independently). We believe it is possible for such risks to be overcome by ensuring appropriate protocols are in place and ensuring that the instructing solicitor is satisfied that the arrangements are in the client's best interests.

3. Compulsory courses and assessments during pupillage

During pupillage, all pupils must attend certain compulsory courses and pass certain assessments to build on training received during the vocational component and to supplement work-based learning in an AETO during pupillage, so that pupils can meet the Competences in the Professional Statement .

The compulsory courses and assessments during the pupillage component are changing. This section summarises the current requirements and when the new requirements will take effect, as set out in the **Curriculum and Assessment Strategy** . Pupils must ensure that they sign up for courses and assessments that they are required to take.

Summary of requirements and changes

3.1 The Curriculum and Assessment Strategy sets out information relating to all three components of training to be a barrister. It includes a mapping document which outlines which competences in the Professional Statement should be covered at each stage of a prospective barrister's training journey. All AETOs must adhere to the relevant parts of the Curriculum and Assessment Strategy for the components they deliver.

Recent and future changes

Following a transition period, passing the Professional Ethics assessment during pupillage is now a requirement for **all** pupils unless they have a specific exemption authorised by the BSB. Further information about the exam, including when and how to register and how to prepare for it, is available on our **website** .

For pupillages starting from 1 September 2024, pupils must attend an advocacy course delivered by a provider approved by the BSB. This course must be successfully completed in order to complete the non-practising period of pupillage. Details of the course can be found in the **Curriculum and Assessment Strategy .**

A new course in negotiation skills will be introduced, the requirements for which are currently in development. More information about the negotiation skills course will be confirmed in due course. The requirement will not come in before September 2025.

Advocacy

3.2 A fundamental objective of pupillage is that the pupil should develop and practise the skills necessary to be an effective advocate. Pupils must attend a course which provides training on core aspects of advocacy.

3.3 The advocacy course must be satisfactorily completed in the non-practising period of pupillage. If the course is not satisfactorily completed, the non-practising period of pupillage can be extended. The final decision on whether a pupil has satisfactorily demonstrated the required competences to the appropriate level to apply for a Provisional Practising Certificate lies with the pupil supervisor.

3.4 For pupillages starting from 1 September 2024, pupils must undertake a pupillage advocacy course delivered by a trainer approved for delivery of the course. A list of approved providers will be provided here in due course.

3.5 Potential providers of the advocacy course must apply to the BSB for approval using the Advocacy Course Provider Application form . Annex 1 to this form sets out the requirements for delivery of the course and the information expected for the application form. This includes how potential providers will allow students to achieve the outcomes for the course as outlined in the Curriculum and Assessment Strategy .

Guidance

Pupils must be given adequate time to prepare for compulsory advocacy training. Concerns have been raised in the past about the preparation time made available for pupils. It is recommended that pupils are given at least a day for preparation.

Professional Ethics

3.10 Professional Ethics will be assessed via an open book examination during pupillage that is centrally set and marked by us.

3.11 As a candidate, you must have been in pupillage for a minimum period of three months to sit the assessment in Professional Ethics, to ensure you have the benefit of context from your experience. It will not be a mandatory requirement to attend a course in order to prepare for the exam but it will be open to anyone to provide a course.

3.12 You will have three opportunities per year to sit the centralised Professional Ethics assessment.

3.13 AETOs will not be able to sign off the practising period of pupillage unless the examination has been passed.

3.14 More details about the arrangements for sitting the exam are available on our website .

Negotiation Skills

3.15 Competences 1.7 of the Professional Statement relates to negotiation. This course and assessment, together with the negotiation training and practice that occurs during pupillage, will be designed to enable pupils to meet competence 1.7 – " Negotiate effectively " to the threshold standard in order to complete the non-practising period of pupillage, at which point they can apply for their Provisional Practising Certificate.

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

3.17 More information about the course and assessment, including who will provide it, will be available in due course. For the present, as the course is not yet available, it remains the responsibility of the pupil supervisor to determine whether the requirements of the Professional Statement relating to Negotiation Skills have been met.

Extension of training in the event that a pupil fails to pass required assessments

3.18 If you fail to satisfactorily complete a compulsory course or to pass an exam, it will be for the AETO to decide whether your funded pupillage will be extended. This must be set out in a written agreement at the commencement of pupillage (see **Part 4D** of this Bar Qualification Manual).

Additional requirements set by AETOs

3.19 Some AETOs provide additional compulsory training courses as part of their training programme for their pupils. The provision of supplementary in-house training is not required by us. It is for the AETO to decide how to enable pupils to meet and demonstrate the competences in the Professional Statement to the threshold standard.

Public Access Training - Good Practice

3.20 Pupils who intend to provide public access once qualified should have this supported during their pupillage. Some AETOs fund their pupils to attend public access training so that they can apply for accreditation for public access work promptly upon full qualification.

4K: Authorisation to practise

This section includes information on: when the term 'barrister' can be used; completion of the two periods of pupillage; and authorisation to practise during each period.

Index for this section:

1. When can the term "barrister" be used?

2. The non-practising period of pupillage

3. The practising period of pupillage

1. When can the term "barrister" be used?

This section explains the important distinction between **unregistered barristers** and **practising barristers** .

Unregistered barristers

1.1 You may become, and remain, an unregistered barrister without undertaking pupillage. The **Qualification Rules** allow you to be Called to the Bar after completing the vocational component of training, without having commenced pupillage. As an unregistered barrister, you can provide any legal services that are not reserved legal activities. However, there are some important rules in the BSB Handbook which you need to follow in doing so.

1.2 Further guidance about unregistered barristers is available on our website.

Practising barristers

BSB Handbook

Rule s6 in the BSB Handbook determines that you must not carry on any reserved legal activity unless you are entitled to do so under the Legal Services Act.

Under the **Legal Services Act** certain legal services are reserved to those who are authorised to provide them. For barristers, only those who have practising certificates are authorised persons. Such services are known as 'reserved legal activities' which are as follows:

the exercise of a right of audience;

the conduct of litigation;

reserved instrument activities;

probate activities; notarial activities;

the administration of oaths.

A person who intends to practise as a barrister is required to train as a pupil for a period of not less than twelve months and complete such further training as may be required by the BSB.

Rule s8 provides that if you are an individual and do not have a practising certificate, you may not practise as a barrister and you are not authorised by the BSB to carry on any reserved legal activity. It is a criminal offence to carry out a reserved legal activity without being authorised to do so.

Rule s9 defines practising as a barrister as including holding yourself out as a barrister while providing legal services. The restriction on 'holding out' prevents barristers who do not have a practising certificate but who are supplying or offering to supply legal services from using the title 'barrister' or otherwise conveying the impression that they are practising as barristers.

1.3 You will be practising as a barrister if either you hold yourself out as a barrister or exercise a right that you have by reason of being a barrister, in connection with the supply of legal services.

1.4 A practising certificate is required to practise as a barrister. To become qualified to take up a practising certificate, and so become a practising barrister, you must complete (or be exempted from) pupillage and satisfy such further requirements as are set out in the BSB Handbook .

2. The non-practising period of pupillage

This section should be understood by both pupils and pupil supervisors. It is crucial for both to understand:

what pupils are permitted to do during the non-practising period; and

the processes that must be followed to ensure that the completion of this period of pupillage is properly notified to the BSB and that Authorisation to Practise is obtained for the practising period that follows.

It is a breach of the BSB Handbook to practise as a barrister without a practising certificate. It is also a criminal offence to undertake any reserved legal activities when not authorised to do so.

Accepting instructions in the non-practising period of pupillage

2.1 As a pupil in the non-practising period, you will not hold a practising certificate. Therefore, you may not accept client instructions or supply legal services as a practising barrister. However, you may, in addition to your normal training, draft a noting brief, provided that you have the permission of your pupil supervisor or (in their absence) the Head of Chambers or equivalent, in line with Rule C116 of the BSB Handbook . As a pupil undertaking a noting brief, you may describe yourself as a pupil barrister in this instance.

Undertaking work outside of pupillage in the non-practising period of pupillage

2.2 As a pupil in the non-practising period, you may provide unreserved legal services in any other capacity. You may provide pro bono advice or undertake voluntary work for organisations such as Justice , Liberty , the Free Representation Unit , Citizens Advice or in Law Centres . However, in this instance, you should not describe yourself as a barrister or a pupil barrister and should follow the rules and guidance for unregistered barristers, as set out above.

2.3 As a pupil, you may take part time work with the permission of your pupil supervisor, provided it does not materially interfere with your training. Such experience may usefully form part of your training programme, enabling you to meet the competences in the Professional Statement that may otherwise be difficult to achieve in your AETO.

Completion of the non-practising period of pupillage and applying for the Provisional Practising Certificate

2.4 It is a breach of the BSB Handbook to practise as a barrister without a practising certificate. It is also a criminal offence to undertake any reserved legal activities when not authorised to do so (in accordance with the **Legal Services Act 2007**). For these reasons, practising pupils are issued with Provisional Practising Certificates.

BSB Handbook

Rule Q4 To obtain a provisional practising certificate a barrister must:

.1 have successfully completed a period of pupillage satisfactory to the BSB

What pupil supervisors must do at the conclusion of the non-practising period of pupillage

2.5 At the successful conclusion of the non-practising period of pupillage, your pupil supervisor must complete the Non-practising period completion form . Your pupil supervisor must not confirm that requirements have been met if you have not reached the required standards.

2.6 If your pupil supervisor is unavailable to sign the form, the Head of Pupillage or the Head of Chambers, or equivalent, may sign the form confirming completion, provided that they provide reasons why your pupil supervisor was unable to sign and are satisfied the requirements have been met.

2.7 It is your responsibility to submit the form to us.

What pupils must do at the conclusion of the non-practising period of pupillage

2.8 You should submit the completed form promptly by email to pupillageadministration@barstandardsboard.org.uk .

2.9 There is likely to be a short delay between completion of the non-practising period and when you will be able to exercise a right of audience as part of the practising period of your pupillage. In order to reduce the delay, you are urged to submit the form to us, signed by your pupil supervisor, as soon as possible on successful completion of your non-practising period.

2.10 If your pupil supervisor is prepared to sign the form in advance, we will accept the signed form one week in advance . The form will still need to indicate the full dates of the non-practising period.

2.11 The relevant compulsory course(s) must be satisfactorily completed by the end of the non-practising period of pupillage - see **Part 4J** of this Bar Qualification Manual. If these courses have not been completed during this period, the non-practising period of pupillage will need to be extended accordingly.

What we do at the conclusion of the non-practising period of pupillage

2.12 If we are satisfied that you have satisfactorily completed the non-practising period and registered a practising period of pupillage, we will issue a Provisional Practising Certificate electronically. This allows you to practise in the practising period of pupillage.

2.13 We no longer issue a Provisional Qualification Certificate for the practising period of pupillage.

3. The practising period of pupillage

This section should be understood by both pupils and pupil supervisors. It is crucial for both to understand:

what pupils are permitted to do during the practising period; and

the processes that must be followed to ensure that the completion of this period of pupillage is properly notified to the BSB and that Authorisation to Practise is obtained for the practising period that follows.

It is a breach of the BSB Handbook to practise as a barrister without a practising certificate. It is also a criminal offence to undertake any reserved legal activities when not authorised to do so. Pupils regularly fail to apply for practising certificates on time and this leads to disciplinary action, which is not a good start to a professional career.

Accepting instructions in the practising period of pupillage

3.1 As a pupil barrister in the practising period of pupillage, you may accept client instructions once you hold a valid Provisional Practising Certificate.

Undertaking work outside of pupillage in the practising period of pupillage

3.2 As a pupil in the practising period, you may provide unreserved legal services in any other capacity. You may provide pro bono advice or undertake voluntary work for organisations such as Justice , Liberty , the Free Representation Unit , Citizens Advice or in Law Centres . However, in this instance, you should not describe yourself as a barrister or a pupil barrister and should follow the rules and guidance for unregistered barristers, as set out above.

3.3 You may take part time work with the permission of your pupil supervisor, provided it does not materially interfere with your training.

3.4 Such experience may usefully form part of your training programme, enabling you to meet the competences in the Professional Statement that may otherwise be difficult to achieve in your AETO.

Legal Advice Centres

3.5 In the practising period of pupillage, you may supply legal services at a designated Legal Advice Centre on a voluntary basis, provided you do not receive any fee or reward for your services and you do not have any financial interest.

BSB Handbook

Rule S41 You may supply legal services at a Legal Advice Centre on a voluntary or part time basis and, if you do so, you will be treated for the purposes of this Handbook as if you were employed by the Legal Advice Centre.

Rule S42 If you supply legal services at a Legal Advice Centre to clients of a Legal Advice Centre in accordance with Rule S41:

.1 you must not in any circumstances receive either directly or indirectly any fee or reward for the supply of any legal services to any client of the Legal Advice Centre other than a salary paid by the Legal Advice Centre;

.2 you must ensure that any fees in respect of legal services supplied by you to any client of the Legal Advice Centre accrue and are paid to the Legal Advice Centre, or to the Access to Justice Foundation or other such charity as prescribed by order made by the Lord Chancellor under s.194(8) of the Legal Services Act 2007; and

.3 you must not have any financial interest in the Legal Advice Centre.

Registering Youth Court advocacy work in the practising period of pupillage

3.6 If, as pupil in the practising period of pupillage, you intend to accept instructions in Youth Courts, you must register this activity with us. All barristers, including pupil barristers, must declare that they have the specialist skills, knowledge and attributes necessary to work effectively with young people, as set out in the Youth proceedings competences and guidance .

BSB Handbook

rS59.6 of the BSB Handbook says that barristers and practising pupils working in the Youth Court must declare that they do so.

The BSB may refuse to issue a practising certificate if a barrister has not made the declarations required by the BSB in relation to Youth Court work.

3.7 This registration forms part of the process for pupils when registering for a Provisional Practising Certificate. You can also register later in pupillage if your circumstances change and you undertake Youth Court work when you did not expect to. To do so, you can email pupillageadministration@barstandardsboard.org.uk .

3.8 The introduction of these requirements followed our Youth Proceedings Advocacy Review in 2015. This Review found that standards of advocacy in the Youth Court were variable and as a result the interests of some of the most vulnerable people within the criminal justice system were not being adequately represented.

3.9 If you are going to be doing work in the Youth Courts, your AETO will need to ensure that you understand the competences and guidance and build this into pupillage training.

3.10 It is important to remember that by declaring yourself as intending to do the work, you are declaring that you meet the requirements set out within the competences. This does not mean that you are competent to undertake any case in the Youth Court, simply that you meet the competences as they apply to the cases in which you are likely to be instructed.

Completion of the practising period of pupillage and applying for a Practising Certificate

BSB Handbook

rQ5 To obtain a full practising certificate a barrister must:

.1 have successfully completed a further period of pupillage satisfactory to the BSB;

.2 pay such fee or fees as may be prescribed.

What pupil supervisors must do at the conclusion of the practising period of pupillage

3.11 At the successful conclusion of the practising period of pupillage, your pupil supervisor must complete the Practising period completion form to confirm that you have met the competences in the Professional Statement . Your pupil supervisor must not confirm that requirements have been met if you have not reached the required standards.

3.12 If your pupil supervisor is unavailable to sign the form, the Head of Pupillage or the Head of Chambers, or equivalent, may sign the form confirming completion, provided that they provide reasons why your pupil supervisor was unable to sign and are satisfied the requirements have been met.

3.13 It is your responsibility to submit the form to us.

What pupils must do at the conclusion of the practising period of pupillage

3.14 The relevant compulsory courses and assessments must be satisfactorily completed by the end of the practising period of pupillage - see **Part 4J** of this Bar Qualification Manual. If these courses and assessments have not been completed during this period, the practising period of pupillage will need to be extended accordingly.

3.15 You should submit the completed form promptly by email to pupillageadministration@barstandardsboard.org.uk .

3.16 Pupil training records should be kept by both you and your AETO for a minimum of five years, as these may be required for Supervision by us.

3.17 If we are satisfied that you have satisfactorily completed the practising period, we will confirm eligibility for a full Practising Certificate. You may apply for a full Practising Certificate in order to continue practising.

3.18 A Provisional Practising Certificate is valid for **30 days** after the end date of your pupillage to give you time to apply for a full Practising Certificate.

3.19 Please refer to the appropriate guidance on our website if you are commencing self-employed or employed practice. If you are commencing practice after pupillage, you will need to make an application for a Practising Certificate through MyBar . If you have not yet set up your MyBar account, you will need to complete the First Time Login process. Please see the First Time Login Guide for details.

3.20 If you are not commencing practice following pupillage, you must email the Records Office (records@barcouncil.org.uk) advising them the date that you ceased practising following the completion of your pupillage.

4L: Exemptions and waivers (pupillage/work-based learning)

This section includes information on exemptions and waivers that may be granted from part (or all) of the work-based learning component of Bar training (pupillage).

Overview

1 The rules regarding exemption from any of the individual components of Bar training are set out in the BSB Handbook at **Rules Q7-Q12** .

2 In addition, **Rules Q13** to **Q28** cover exemptions relating to:

Qualified Foreign Lawyers (QFLs)

Qualified European Lawyers (QELs)

Registered European Lawyers (RELs)

Transferring Solicitors

Teachers of the law of England and Wales

Individuals who have been granted rights of audience by another Approved Regulator.

3 The types of exemptions available and the application processes are explained in **Parts 7B** and **7C** of this Bar Qualification Manual.

Other variations and reductions in pupillage

Pupillage Reduction

Application for a reduction in the total duration of pupillage based on experience gained outside the usual pupillage structure.

Application Form

Application Guidelines

Pupillage Reduction (Barrister also qualified as a Solicitor)

Application for a reduction in the total duration of pupillage by an individual who has both been Called to the Bar and enrolled as a solicitor.

Application Form

Application Guidelines

Pupillage Dispensation

Application for dispensation from the normal pupillage requirements (including acceptance of breaks in pupillage and commencement more than five years after completion of the vocational component of Bar training).

Application Form

Application Guidelines

Retrospective Registration

Application for permission to have a relevant period of pupillage treated as having commenced on a date other than the date of receipt of the registration form.

Application Form

Application Guidelines

4 In deciding whether to grant an exemption from part (or all) of any component of training, we will determine whether your relevant knowledge and experience make it unnecessary for you to complete further training. We will have regard to the competences in the Professional Statement and when they are assessed, as set out in the Curriculum and Assessment Strategy .

4M: Support and advice for pupils

This section includes information on support and advice for pupils who are facing difficulties (including bullying and harassment) and examples of good practice for AETOs to implement.

We are aware that it can be very difficult for pupils to blow the whistle when things go wrong. They are in a very vulnerable position because of the competition for pupillages and do not want to jeopardise their chances of completing theirs. Many are going through pupillage as the only pupil in the AETO, which can be isolating. We know that some pupils face difficulties with behaviour of barristers and others in the AETO, quality of their training, fair distribution of work, bullying and harassment. AETOs, pupillage committees and pupil supervisors must ensure that pupils are able to raise any concerns without fear of retribution.

Before pupillage starts

1 Pupils are often recruited a long time before the start date of the pupillage. Our Supervision team has observed that, where the communication between the pupil and AETO breaks down, lack of communication during this period can be an important factor. In particular, lack of timely information about the start date of the pupillage can create significant stress for pupils who are in employment and depend on the salary that it brings. It can also create logistical problems for pupils who are relocating and need to give notice on current accommodation and find somewhere new to live.

Induction

2 A structured induction process, with supporting information (key organisational policies and procedures) helps pupils to settle in to the AETO quickly and build effective working relationships. It should be designed to introduce pupils to key people in the organisation, explain the way that the organisation operates, the type of work that it does, how the training is organised and how pupils are assessed.

3 As a pupil, you should discuss in advance with your supervisor what is expected from you, whether you are in the AETO, in a conference, in court or carrying out legal research.

Understanding how chambers function

4 The way that chambers are administered varies according to size, area of practice and the extent to which information technology is used. In smaller chambers, members carry out administrative functions themselves. As a pupil, you should learn as much as possible about chambers administration, both to build effective working relationships during pupillage and to provide insight into life as a tenant.

5 It is particularly important that as a pupil you understand the role and function of barristers' clerks. A clerk usually maintains diaries of work, liaises with courts, solicitors and other chambers, negotiates and recovers fees and promotes barristers.

6 Many clerks are members of the Institute of Barristers' Clerks and have a variety of qualifications and experience. The most senior clerks will have significant responsibilities, including a strategic role in the management and development of chambers as a whole. Some chambers have practice managers or chief executives, who take on a strategic role in the management and development of chambers. Many of these are members of the Legal Practice Managers Association .

7 In the non-practising period, as a pupil, you should aim to develop a good working relationship with the clerks in preparation for when you are working on your own account. The clerks may also be able to let you know if other members of chambers, particularly the junior tenants, are appearing in any cases that your pupil supervisor thinks would be useful for you to attend. The clerks should be kept informed of pupils' movements if they need to leave chambers and be provided with contact numbers in case they need to get in touch with pupils outside office hours. As a pupil, you must also let the clerks, as well as your supervisor, know if you are not able to come into chambers for any reason.

8 During the practising period, as a pupil, you will need to establish whether you are required to pay clerks' fees. Chambers vary in their requirements, but pupils must be clearly informed whether or not clerks' fees are payable and, if so, on what basis, before they receive any instructions on their own account. You may also be required to contribute towards photocopying and other administrative costs, but you should not be asked to pay any rent.

9 The Equality and Diversity Rules of the Code of Conduct require that the allocation of unassigned work is monitored and that pupils are given fair and equal access to the opportunities available in chambers.

10 It is vital during this period of pupillage that, as a pupil, you keep clerks informed of your whereabouts and also warn them of any commitments that may affect your availability.

Understanding the organisation in the Employed Bar

11 The way AETOs in the employed bar operate will vary enormously, according to size, organisation structure and area of practice. As a pupil, you should learn as much as possible about the organisation, both to build effective working relationships during pupillage and to provide insight into life as an employee after pupillage.

Good practice

It can be helpful for pupils at the employed Bar to have a period of secondment to a chambers where they can learn how chambers operate. Appropriate arrangements should be agreed in advance, as set out in **Part 4J** of this Bar Qualification Manual.

Gaining adequate experience during pupillage

12 The purpose of pupillage is to provide work-based training in legal work under supervision, as set out in the Curriculum and Assessment Strategy , in order to demonstrate (as a minimum) the competences to the threshold standard in the Professional Statement. The imposition of unskilled work on pupils is inappropriate (eg excessive photocopying, running shopping errands). Requiring pupils to carry out work as a paralegal where there is insufficient focus on meeting the competences in the Professional Statement undermines the purpose of pupillage.

The role of the pupil supervisor during the practising period of pupillage

13 Although pupils will do work of their own during the practising period, this is still part of pupillage training.

14 Before doing a case of your own, as a pupil, you should consult your pupil supervisor for advice and guidance and your pupil supervisor should provide an opportunity for discussion afterwards. Supervisors should make time available to observe their pupils' performance in court. This will assist both supervisor and pupil to identify strengths and weaknesses in their competences.

15 When not undertaking your own work, as a pupil, you will be expected to attend court or conferences with your pupil supervisor and continue to assist with their paperwork as part of training.

Advocacy competences

16 If you are undertaking pupillage in an AETO with limited opportunities to take on advocacy work of your own, the AETO should ensure that the pupillage training programme is designed to enable you to meet the relevant competences in the Professional Statement . AETOs should be clear how sufficient practical experience of advocacy can be otherwise obtained, eg through a placement at a chambers or other organisation, or undertaking pro bono work.

Appraisal and feedback

17 Appraisal and feedback mechanisms (see **Part 4J** of this Bar Qualification Manual) should be a two-way process that provide you with the opportunity to flag any difficulties or concerns with your progress, your work, the supervision you are getting or relationships with others in the AETO. They should provide the opportunity for you and your pupil supervisor to work together to address them.

Policies and sources of help and information within AETOs

18 While the pupil supervisor should provide appropriate advice, support and guidance, and do all that they can to ensure that, as a pupil, you feel comfortable to reflect openly about your progress or any issues that are worrying you, the reality is that, for a range of reasons, you may not always feel comfortable doing so. This may be because you are worried that it could jeopardise your supervisor signing off your pupillage, or it may be that you have concerns about the quality of your training.

19 AETOs should establish policies and processes that enable you, as a pupil, to approach others in the event that you feel unable to deal with problems by raising them with your supervisor. This might include:

Providing routine opportunities to speak to nominated officers such as the Head of Pupillage, the Head of Chambers, the Equality and Diversity Officer, the Human Resources department or others in the AETO.

Enabling you to provide feedback about your training to the AETO in a safe environment.

Mentoring or buddy arrangements with a recently qualified barrister with whom you may feel more comfortable discussing your day-to-day concerns.

Organisation-wide acceptable behaviour policies that extend to social events.

Grievances and harassment

20 The BSB requires AETOs to have a number of key policies and processes in place to ensure transparency and fair treatment of pupils, and to provide mechanisms to resolve problems promptly. The policies and procedures should be provided to you with the written agreement (see **Part 4D** of this Bar Qualification Manual) and explained to you at the beginning of your pupillage. The grievance procedure should set out clearly what needs to be done in order to invoke the procedure and how the procedure operates. The method of final appeal should be identified in the grievance procedure. The overarching aim should be to resolve grievances both fairly and on a timely basis, through discussion, at the point at which they occur.

Authorisation Framework

Indicator 46.8 requires all AETOs to have in place grievance policies and procedures.

BSB Handbook

Rule C110j says that chambers and BSB entities must have a written anti-harassment policy which, as a minimum:

i states that harassment will not be tolerated or condoned and that managers, employees, members of chambers, pupils and others temporarily in your chambers or BSB authorised body such as mini-pupils have a right to complain if it occurs;

ii sets out how the policy will be communicated;

iii sets out the procedure for dealing with complaints of harassment.

Rule C110m says that chambers or BSB entity must have a reasonable adjustments policy aimed at supporting its workforce (including pupils).

Guidance C151 says that these rules are supplemented by the BSB's Supporting Information on the BSB Handbook Equality Rules ("the Supporting Information"):

This webpage describe the legal and regulatory requirements relating to equality and diversity and provide guidance on how they should be applied in chambers and BSB authorised bodies.

Guidance C151 says that the Supporting Information is also relevant to all pupil supervisors and AETOs. These will be expected to show how they comply with the Supporting Information as a condition of authorisation.

Changing pupil supervisor

21 It is important that, if a pupil/supervisor relationship is not working well, the AETO recognises this and puts alternative arrangements in place.

Moving to another AETO

22 An AETO should do all that they can to enable you to complete your pupillage at that AETO. However, there are circumstances when the relationship between you, as a pupil, and the AETO breaks down irretrievably or an AETO closes unexpectedly or is otherwise unable to complete your pupillage.

23 If the relationship between you, as a pupil, and the AETO breaks down to the extent that you decide to leave, both you and the AETO should contact our Supervision team by email to supervision@barstandardsboard.org.uk . The Supervision team will, in most cases, carry out a review of the standards of training at the AETO.

24 If the AETO closes unexpectedly, the AETO should contact our Supervision team by email to supervision@barstandardsboard.org.uk . In these circumstances, we expect that the AETO will do all it can to find another AETO where their pupil(s) can complete their training. If pupils have any concerns, they can also contact the Supervision team.

25 Our Authorisations Team will usually support pupils who want (as a last resort) or need (due to AETO closure) to move to another AETO to complete their pupillage, by agreeing a waiver (for the AETO taking on the pupil) from the requirement to advertise the pupillage.

26 Pupils and AETOs should report the change in circumstances to us by email to pupillageadministration@barstandardsboard.org.uk .

Working hours, holidays, and sick leave

27 The European Working Time Directive applies to pupils at the employed Bar. It has not been established that it applies to the self-employed Bar, but it may be taken as a guide to good practice, at least in relation to holidays (eg pupils should normally be entitled to a minimum of four weeks' leave per annum, ie 20 working days not including Bank Holidays).

28 It is for the AETO and your pupil supervisor to determine the impact of longer periods of leave (for example due to illness or bereavement) on your training programme and whether the period of pupillage should be extended to enable you to meet the competences in the Professional Statement.

29 If your pupillage is to be extended, the AETO must notify us of the new date that you will be completing pupillage by completing the Notification of material change in pupillage form .

30 Where your pupillage is extended, your pupil supervisor must set clear and measurable objectives as to what is expected of you during the extended period.

31 As a pupil, you must apply to us for dispensation if you need to take a substantial break from pupillage and extending the pupillage would not be appropriate in the circumstances.

32 Maternity/paternity leave arrangements should follow the AETO's parental leave policy and individual parental leave arrangements should be discussed with the AETO.

Other sources of help for pupils

33 We expect all AETOs to have grievance procedures in place for their pupils so that problems can be resolved quickly and fairly in-house. But we recognise that pupils are in a vulnerable position and there are occasions when you, as a pupil, may prefer to discuss your concerns with someone who is unconnected with your AETO. If problems are so serious that they cannot be resolved internally, the following sources of help and advice are available:

Pupils' Helpline at the Bar Council

The Pupils' Helpline provides confidential advice and support to pupils. The Bar Council has established a panel of advisers to offer pupils a confidential and objective advice service. All of the advisers are barristers of at least five years' call who have received training from the Bar Council. Contact can be made, anonymously if wished, by email or telephone.

The Bar Council Equality & Diversity Helpline

The Bar Council offers a confidential equality and diversity helpline to all pupils and members of the Bar about any equality and diversity, parental leave or bullying and harassment issue.

The Inns of Court

As a pupil, you can also approach the Education Officer in your Inn of Court.

LawCare Helpline

LawCare is a free and completely confidential advisory service to help lawyers, their immediate families and their staff to deal with the health issues and related emotional difficulties that can result from a stressful career in the law.

LawCare offer the opportunity for you to discuss problems which are interfering with, or have the potential to interfere with, your work performance and/or your family life and to seek help in resolving these problems.

Contact LawCare on 0800 279 6888.

Wellbeing at the Bar Website

The Bar's Wellbeing website offers advice, guidance and a range of contacts on a range of specific issues relating to mental health and wellbeing at the Bar, including support for students and pupils.

The BSB

Where internal discussion and mediation is not successful, you can report your concern to us.

a. Pupils who want to report a concern about their training to us should use the online reporting form . However, we recognise pupils do not always feel comfortable doing this and prefer to speak to someone first. If so, they can call us . Either way, the report will be taken by a member of the Contact and Assessment Team who will talk through the concern and explain what will happen next.

b. In most cases, the report will be referred to our Supervision Team, but if the concern involves serious harassment or bullying, it is likely to be referred to our Investigations and Enforcement Team (I&E). If that happens, you will have a named person in the I&E Team who will keep you informed about what is happening and when. It is likely that a referral will be made to our Supervision Team at the same time, so that a review of policies and processes in the AETO and the suitability of the AETO to continue to take pupils can proceed, as appropriate, alongside or after any enforcement action. The two teams communicate with each other when this happens so that respective roles and responsibilities are clear.

c. In most cases, pupils' concerns are referred to the Supervision Team. We take all concerns very seriously and will always follow up with you to get more information and to decide what steps to take and when. We might speak with you over the phone, via video conference or meet you in person. This will depend on the nature of the report, where you are based and what would be most convenient for you. The first reason for contacting you is to discuss in more detail what you have reported, for us to gain a more thorough understanding of the issues. The second is to ascertain your current position in the AETO and whether you have any concerns about us contacting the AETO.

d. If, exceptionally, you are transferring your pupillage to another AETO, we will usually wait until that has happened before contacting the original AETO because we recognise that this can be a very stressful time. We will always try to ensure that the timing of any action best suits you, as a pupil. For example, depending on the circumstances, we can agree to delay taking any steps until you have concluded your pupillage, although this will depend, too, on our assessment of risk.

e. You may wish to remain anonymous but, given the number of pupils that most AETOs take, it is very likely that the AETO will guess who has contacted us. Our approach is usually to focus on the key issues rather than the individuals when we speak to the AETO, with the aim of ensuring that a high standard of training is available for future pupils or robust policies are put in place.