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C. WORK-BASED LEARNING COMPONENT (PUPILLAGE)

C2. Responsibilities of Authorised Education and Training Organisations (AETOs)

This section includes information on pupil supervisors, fair recruitment, equality and diversity, pupillage funding, record keeping, and information to be provided to pupils after pupillage.

1. Pupil Supervisors

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

Registered pupil supervisors

- 1.1 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 with the BSB when the pupillage is registered (or notified promptly if there is a change in circumstances).
- 1.2 Although pupillage is arranged as two distinct periods for the purposes of regulation by the BSB (non-practising and practising periods – see **Part 2C (C1)** of the [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, including how the consistency of supervision and the quality of training is maintained, and how effective handover between supervisors is ensured.
- 1.3 Supervisors that have responsibility for signing off a period of pupillage must be registered and trained, as set out here. Where more than one supervisor has such responsibility during a pupillage, each must register as a supervisor with the BSB either when the pupillage is first registered or subsequently.
- 1.4 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 registered pupil supervisor is structured and the AETO must be able to demonstrate to the BSB how a high standard of supervision is maintained.

- 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 registered. It is the responsibility of the AETO to ensure that the BSB is contacted when a material change occurs and alternative arrangements are made where necessary. See **Part 2C (C3)** of the [Bar Qualification Manual](#) for requirements to notify the BSB of changes in pupillage arrangements.

Training of pupil supervisors

- 1.6 Pupil supervisors must receive appropriate training before they are registered with the BSB as a pupil supervisor.
- 1.7 Supervisor training is open to any provider and can be delivered in-house. Providers are not accredited by the BSB.

Suitability to act as a pupil supervisor

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

Changes that will take effect from 1 April 2019

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 Training Manual.*

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

Eligibility to become a pupil supervisor

- 1.9 The BSB no longer prescribes the eligibility criteria for pupil supervisors except that a pupil supervisor must normally be a practising barrister. If alternative supervision is proposed (eg. for a period of external training – see **Part 2C (C7)** of the [Bar Qualification Manual](#)), the AETO needs to set this out in application to the BSB.
- 1.10 It is for the AETO to determine the suitability of an individual to act as a pupil supervisor and to ensure that they have received (and continue to receive) appropriate training that meets the outcomes specified by the BSB. 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 the BSB 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.
- 1.11 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.
- 1.12 AETOs are required to demonstrate (through the authorisation process under the [Authorisation Framework](#) and through ongoing supervision by the BSB) how they ensure high standards in their pupil supervisors.

Registration of pupil supervisors

- 1.13 The AETO "registers" its pupil supervisors with the BSB when each pupillage is registered..

Ratio of pupils to pupil supervisor

- 1.14 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.
- 1.15 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 the BSB.

Case study: encouraging self-reflection by pupils

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.

Future requirements...

From 1 September 2019

Role of the pupil supervisor

- While the role of the pupil supervisor remains essentially unchanged, we have amended the wording that was previously in the BSB Handbook to reflect the requirement to implement the [Professional Statement](#) in pupillage training and to reflect the new [Curriculum and Assessment Strategy](#). The role of the pupil supervisor 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.

Training

- The AETO must ensure that pupil supervisors have received (and continue to receive) appropriate training. 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 the BSB.
- Refresher training is mandatory for all pupil supervisors, and is required every five years, or after three years for someone who has not supervised any pupils in the intervening time. A transitional timetable to achieve this will be published before September, following consultation with the Inns and Circuits.
- The BSB does not prescribe who can deliver training, but the AETO must ensure that the training meets the outcomes that are prescribed by the BSB. The BSB will be meeting with the Inns, Circuits and other training providers, and the outcomes will be published before September.

2. 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, the BSB 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

- 2.1 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.
- 2.2 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.
- 2.3 [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.
- 2.4 Positive action in recruitment is permitted in certain circumstances under [Section 159](#) of the Act specifically in relation to pupillage and tenancy recruitment.
- 2.5 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.
- 2.6 As service providers, AETOs are covered by [Part 3 \(3\)](#) of the Act.

BSB Handbook

- 2.7 The BSB 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.

Advertising

- 2.8 All AETOs should recruit pupils through a fair and transparent process. All vacancies for pupillage (including assessed mini pupillages) must continue to be advertised on the [Pupillage Gateway](#) to ensure equality of opportunity.
- 2.9 Waivers from advertising requirements will only be granted in exceptional circumstances. Each case will be considered on its own merits.
- [Pupillage Advertising Waiver – Application Form](#)
 - [Pupillage Advertising Waiver – Application Guidelines](#)
- 2.10 AETOs can continue to choose to use the Pupillage Gateway to administer the application process, according to the Gateway timetable. Alternatively, applications can be made directly to AETOs.

Selection

- 2.11 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.
- 2.12 In addition, the BSB Handbook sets out requirements in relation to recruitment and selection processes, which apply to pupillage:

BSB Handbook

Rule rC110 d, which applies to self-employed barristers, chambers and BSB entities, says that recruitment and selection processes must use objective and fair criteria.

- 2.13 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.
- 2.14 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.

<https://5essexcourt.co.uk/join-us/pupillage>

Individual feedback to unsuccessful candidates

The BSB’s 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.

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

- *except in unforeseen and exceptional circumstances, the person with lead responsibility for any selection panel and at least one member of any selection panel (who may be the same person) has received recent and appropriate training in fair recruitment and selection processes;*
- *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:*

- Fair and effective selection & avoiding unconscious bias*
- Attraction and advertising*
- Application processes*
- Shortlisting skills*
- Interviewing skills*
- Assessment and making a selection decision*
- Monitoring and evaluation*

Guidance C143: *Training may be undertaken in any of the following ways:*

- a) Classroom sessions
- b) Online sessions
- c) Private study of relevant materials such as the Bar Council's [Fair Recruitment Guide](#)
- d) 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.*

- 2.15 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. This is because reading the Fair Recruitment Guide is an insufficient substitute for the interactive discussions that take place during such training.
- 2.16 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.

Changes that take effect from 1 April 2019

Advertising requirements

- 2.17 The advertising requirements were previously specified in the BSB Handbook. The requirement to advertise now 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.

- 2.18 All vacancies for pupillage must continue to be advertised on the [Pupillage Gateway](#) to ensure equality of opportunity.

Information provided to applicants

- 2.19 The content of advertisements was previously specified in the BSB Handbook. 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.*

- 2.20 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.*

- 2.21 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: <https://www.barcouncil.org.uk/supporting-the-bar/csr/>

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.*

- 2.22 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 the BSB and 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 the BSB, where relevant.
 - Any other requirements that the AETO has specified as a condition.

Changes that the BSB is currently consulting on

Written agreements

- 2.23 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 training¹.
- 2.24 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. In the case of Pupillage Gateway applications, no offers may be made before the date/time specified by the Gateway timetable.
- 2.25 The BSB is currently consulting stakeholders on whether the BSB should mandate the use of written pupillage agreements. If you have not received a copy of the consultation and wish to provide your views, please contact the [Professional Standards Team](#).

Mandating the recruitment timetable

- 2.26 AETOs can choose to use the [Pupillage Gateway](#) to administer the application process, according to the Gateway timetable. Alternatively, applications can be made directly to AETOs. The BSB is currently consulting stakeholders on whether the BSB should mandate the timetable for recruitment for all AETOs. If you have not received a copy of the consultation and wish to provide your views, please contact the [Professional Standards Team](#).

¹ *Edmonds v Lawson* 2000 [QB 501] (CA)

3. Pupillage funding

All pupillages of self-employed barristers, chambers and BSB authorised bodies 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

- 3.1 All pupils must be paid no less than a minimum amount, specified by the BSB. The minimum amount is currently £12,000 per annum, which is £1,000 per month plus expenses as set out in the rules. It can be paid in advance.
- 3.2 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:

1. the specified amount; and
2. such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:
 3. travel for the purposes of their pupillage during that month; and
 4. 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:

1. the specified amount; plus:
2. such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:
 - a. travel for the purposes of their pupillage during that month; and
 - b. attendance during that month at courses which they are required to attend as part of their pupillage; less
 - c. such amount, if any, as the pupil may receive during that month from their practice as a barrister; and less
 - d. 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 subparagraphs 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.*

- 3.3 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. Rules C114.2(c) and (d) entitle 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. AETOs may choose not to recoup such payments.
- 3.4 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.
- 3.5 Rules C113 to 115 combine in effect to prohibit an AETO from attempting to profit from pupillage.
- 3.6 AETOs should set out in writing the funding practice that they employ to any pupil being offered pupillage at the time an offer is made. AETOs can do this by providing the prospective pupil with a copy of their pupillage policy.

The minimum amount

Future requirements...

From 1 September 2019

- From 1 September 2019, the minimum pupillage award will be set taking into account the [Living Wage Foundation's](#) calculations for an hourly rate.
- The rate we have set will be:
 - £18,436 per annum for pupillages in London
 - £15,728 per annum for pupillages outside London
- The London rate applies to all pupillages that are based in London boroughs in the Greater London area as defined here: <https://directory.londoncouncils.gov.uk/>. 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.
- The minimum award will be increased in future with effect from 1 January each year, the first such increase being in January 2020. Increases will be announced in November each year following publication of the Living Wage Foundation's calculations for the year ahead.

Waivers from pupillage funding requirements

[BSB Handbook](#)

Rule C117 says that **Rules C113 to C116** do not apply in certain circumstances, including in the case of pupils who are doing a period of pupillage in a set of chambers or in a BSB authorised body as part of a training programme offered by another organisation which is authorised by the BSB to take pupils. The funding rules may be waived in whole or in part by the BSB.

- 3.7 Waivers from 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 Rules if it does not or cannot fund a particular pupil.
- [Pupillage Funding Waiver – Application Form](#)
 - [Pupillage Funding Waiver – Application Guidelines](#)
- 3.8 Pupils themselves cannot enter into agreements to undertake unfunded pupillages, nor apply for waivers from the Pupillage Funding Rules.
- 3.9 One situation that might be accepted as exceptional circumstances to justify a waiver from the funding requirements is where an international student wishes to undertake pupillage in England and Wales in order to practise in their home jurisdiction. Each application on this basis will be considered on its own merits.

Changes that take effect from 1 April 2019

- 3.10 Pupils who were granted exemption from the vocational component of training (e.g. transferring lawyers) are no longer automatically exempt from the pupillage funding rules.

Inns Awards

- 3.11 The Inns have some awards for the pupillage year. For information, contact each Inn of Court (see **Part 3A** of the [Bar Qualification Manual](#)).
- 3.12 In addition, The Council of the Inns of Court has a [matched funding scheme](#) for AETOs to provide additional pupillages in AETOs predominantly engaged in legally aided work.

The Legal Education Foundation

- 3.13 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.

4. Record keeping

Changes that take effect from 1 April 2019

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.

5. After pupillage

*This section explains the information that the BSB requires **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

- 5.1 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.*

- 5.2 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.