

REGULATORY ASSURANCE DEPARTMENT

**AUTHORISATIONS TEAM**

**CRITERIA AND GUIDELINES FOR APPLICATIONS RELATING TO PUPILLAGE/WORK-BASED LEARNING**

These Notes are divided into two sections:

**A. Guidance Notes – General Procedure for applications and appeals**

**B. Criteria for applications**

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| ***Nature of Application*** | ***Brief Summary*** |
| 1. **Reductions in pupillage/work-based learning** | Applications for reductions in pupillage/work-based learning (including possible exemption from pupillage/work-based learning) based on experience gained outside the usual pupillage/work-based learning structure |
| 1. **Breaks in and late commencement of pupillage/work-based learning** | Applications for permission:   * To commence pupillage/work-based learning more than five years after completing the Vocational Component * To take a break of more than two weeks in the non-practising period of pupillage/work-based learning * To commence the practising six months of pupillage/work-based learning more than 12 months after completion of the non-practising six months * To split the practising period of pupillage/work-based learning so that it would end more than nine months after it started |
| 1. **Retrospective Registration of Pupillage/work-based learning** | Applications for permission to have a relevant period of pupillage/work-based learning treated as having commenced other than on the date of receipt of the application for registration |
| 1. **Undertaking a period of pupillage/work-based learning other than in a Member State** | Applications for permission to undertake a period of pupillage/work-based learning other than in a Member State of the European Union |

**A. Guidance Notes – General Procedure for applications and appeals**

1. **General**
   1. In these Notes, the Bar Standards Board and its staff are referred to as the “the BSB”. The BSB Handbook is referred to as “the Handbook”. The Bar Qualification Rules, which constitute Section 4B of the Handbook, are referred to as “BQR”.
   2. These Notes set out the criteria and guidelines which the BSB applies in considering applications and should be read carefully and in conjunction with the Handbook.
2. **How applications are dealt with**
   1. Applications must be made on the current designated application, available from the BSB’s website, and accompanied by the relevant application fee.
   2. Applications may either be submitted as hard-copies by post or as scanned copies by email. All applications must contain a hand-written signature.
   3. The application fees for each type of application are listed on the BSB website. The preferred method of payment is bank transfer (BACS), the details for which are:

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| Bank Name: | Royal Bank of Scotland |
| Branch Name: | Childs, Fleet Street |
| Sort Code: | 15-80-00 |
| Account No: | 62428522 |
| Account Name/Alias: | General Council of the Bar |
| Currency: | GBP |
| Bank Identifier Code (BIC): | RBOSGB2L |
| International Bank Account No (IBAN): | GB60RBOS15800062428522 |

When paying by BACS, you must ensure that the BSB receives the full amount in Sterling: i.e. **you must pay all charges of your bank and agents charges, including those of the BSB**. This may include a handling charge levied by RBS if the issuing bank does not pay all bank charges.

* Please put a reference of **“AUTH”** against your name on the transaction to help identify the payment.
* Please provide proof of payment/a copy of your payment receipt with your application.
* If someone else is paying the fee on your behalf, please confirm the name of the person making the payment and any reference quoted

If you are unable to pay by BACS, you may submit payment by cheque (made payable to the ‘Bar Standards Board’) or by credit/debit card. Please call the Authorisations Team on 020 7611 1444 to make a card payment.

Details of the Fee Waiver Policy are available on the BSB website.

* 1. All applications contain a declaration that the applicant has read, understood and complied with these Criteria and Guidelines.
  2. Applications are considered and determined under the powers of the Bar Standards Board. The Bar Standards Board has delegated to BSB staff the ability to take decisions within the criteria and guidelines set out in this document.
  3. An applicant must ensure that all supporting evidence is sent with the application form. Where original certificates or certified copies are required, these must be sent in hard-copy or emailed directly to the BSB by the awarding institution.
* Any hard-copy documents will be scanned upon receipt. To facilitate this process, please ensure that documents supplied with an application are not stapled or submitted in individual plastic wallets.
* If an applicant requires their original documents to be returned, they must provide a pre-paid envelope for this purpose. If the documents are to be returned by courier, it is the applicant’s responsibility to arrange for the courier and pay any necessary charges.
  1. An application will not be treated as “complete” until the application form, required supporting documentation and application fee have been received. The BSB may request further information or documentation be supplied in support of an application, but applicants should note that it is the primary responsibility of the applicant to provide all relevant information and supporting evidence.
* Applicants should exercise judgement when selecting supporting evidence and ensure that only documentation that is relevant to the criteria set out in this document is supplied.
* It is usually **not** appropriate to supply examples of work with an application. Any applicant who does supply such examples should ensure that documents that refer to third parties (e.g. clients) are suitably redacted so as to ensure anonymity. Any application that is supported by unredacted material will be returned to the applicant.
  1. The BSB normally deals with all applications within eight weeks of receipt and notifies applicants of its decision within 10 days of a decision.
  2. The BSB will treat all applications and any supporting documentation provided in the strictest confidence.
  3. All enquiries about applications whether proposed or pending should be addressed to the BSB.

1. **Reviews and Appeals**
   1. Any applicant who is dissatisfied with a decision may request a review of that decision.
   2. Any request for a review must be made on the designated application form and accompanied by the relevant application fee within **one month** of notification of the relevant decision and must be accompanied by the appropriate application fee. All requests will be acknowledged in writing within seven days of receipt.
   3. Review Panels deal with reviews of decisions as if the application was being dealt with afresh, applying the guidelines set out in these Notes. A Review Panel shall be entitled to have such regard to the original decision, and to uphold, vary or take into account such decision, as in its absolute discretion it feels appropriate.
   4. Applications for review are normally determined within 10 weeks of receipt. Should it not be possible to deal with a review within this timescale, the applicant will be notified.
   5. All enquiries about reviews whether proposed or pending should be addressed to the BSB.
   6. Where a Review Panel has determined a review of a decision, there is no procedure under the BQR for a further review. A Review Panel may review its own decisions under section B10 of the BQR but is not obliged to carry out such a further review. Any person dissatisfied with a determination of a Review Panel is advised to take independent legal or other appropriate advice.
   7. Rule Q39 provides that where the BQR provide for a review by the BSB of a decision, no appeal may be made to the High Court unless such a review has taken place.
   8. Rule Q40 provides that subject to Rule Q39, a person or organisation who is adversely affected by a decision of the BSB may appeal to the High Court, in accordance with the Civil Procedure Rules.

**Online Resources**

BSB website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

Applications forms and guidance notes:

<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/bar-training-requirements/forms-and-guidelines/applications-authorisations,-exemptions,-waivers-and-reviews/>

**Contact details**

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**B. Criteria for applications**

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|  | **Reductions in Pupillage/work-based learning** |
| **Introduction** | |
| * 1. Rule Q79 permits the BSB to grant exemptions from all or part of the Professional Component of training. | |
| * 1. Rule Q80 provides that in exercising any discretion whether to grant such an exemption the BSB will determine whether the relevant knowledge and experience of the applicant make it unnecessary for the applicant to undertake such training. | |
| **Rules** | |
| * 1. The relevant rules governing applications to the BSB for reductions in pupillage/work-based learning are contained in sections B1, B5 and B7. | |
| **Guidelines** | |
| * 1. Pupillage/work-based learning means a period of professional training under Section B5 of the Bar Qualification Rules. | |
| * 1. A person will complete the Professional Component of training by:      1. Satisfactorily completing 12 months of pupillage/work-based learning and such further or other training or assessment as may be required by the BSB; and      2. Being issued with a Full Qualification Certificate | |
| * 1. Pupillage/work-based learning usually comprises non-practising and practising periods of pupillage/work-based learning. The training given in the non-practising period of pupillage/work-based learning and, in particular, the structure of the training which is provided, and experience gained in the non-practising period, is important, so will not readily be reduced. | |
| * 1. An applicant may seek a reduction in pupillage/work-based learning for any previous experience gained outside a pupillage/work-based learning. | |
| 1.8 In exercising any discretion whether to grant such an exemption we will review and determine whether the relevant knowledge and experience of the applicant outside of a pupillage/work-based learning clearly make it unnecessary for the applicant to undertake some or all of such training. In coming to this determination, we will also have regard to the BSB’s Professional Statement, which describes the knowledge, skills and attributes that all barristers will have on ‘day one’ of practice. | |
| 1.9 Where we are satisfied that an applicant has reached the Threshold Standard described for each of the competencies in the Professional Statement, we will grant a full exemption from pupillage/work-based learning. Otherwise, we will consider granting a reduction in the amount of pupillage/work-based learning to be undertaken. We will look at all the circumstances, in particular the applicant’s duration of experience, variety of experience, the level of supervision and assessment, amount and quality of legal work, advocacy achievements and jurisdiction. | |
| 1.10 The applicant should address these points in the application form and set out any other matters or circumstances the applicant considers relevant clearly and succinctly in the form. | |
| 1.11 Where a period of training/experience is so similar to the training/experience that would be obtained during a standard period of pupillage/work-based learning that it can be deemed to be equivalent, a reduction will be granted equal to the length of that training/experience. | |
| 1.12 Where an applicant does not meet the requirements for a full exemption from pupillage/work-based learning and the training/experience relied upon is not accepted as fully equivalent to pupillage/work-based learning, we might still grant a reduction in pupillage/work-based learning on the basis of lengthy experience. At present our outline approach is that the preliminary starting point for a reduction in pupillage/work-based learning on this basis is:   * About 1-3 years relevant experience leads to a reduction of about two months, usually in the practising period of pupillage/work-based learning. * About 4-5 years relevant experience leads to consideration of a three-month reduction, usually in the practising period of pupillage/work-based learning; * More than five years’ relevant experience leads to consideration of a greater range of reduction of about 2-3 months reduction to both non-practising pupillage/work-based learning and practising pupillage/work-based learning. * More than 10 years’ relevant experience could lead to further or other reductions and we will set out its summary reasons for the reduction, if any, that it determines appropriate.   In each case, the following factors will be taken into account:   * whether the experience was undertaken in England and Wales or in another jurisdiction * whether the experience was undertaken as a qualified lawyer or in some other capacity * the length of the experience and whether it was undertaken on a full- or part-time basis * the nature of supervision of the work carried out and the level of autonomy of the individual * the extent to which the applicant is able to demonstrate the competencies of the BSB’s Professional Statement * the nature, range and quality of work undertaken * the amount of advocacy experienced and the context of this advocacy * references supplied by employers and/or supervisors | |
| 1.13 The BSB will have to be persuaded that the relevant knowledge, abilities and experience of the applicant clearly make it unnecessary for the applicant to undertake the whole of pupillage/work-based learning. | |
| 1.14 Any exemption from the whole or part of pupillage/work-based learning may be granted unconditionally or subject to conditions, such as:  (a) a requirement that the applicant undertake other or further training specified by the BSB;  (b ) supervision, review and reporting of the applicant during the whole or part of the pupillage/work-based learning required by the BSB.  1.15 These conditions are not exhaustive. We might impose other condition(s) that we consider necessary. | |
| 1.16 A reduction in pupillage/work-based learning does not usually also include any exemption from the compulsory pupillage/work-based learning courses (pupillage/work-based learning advocacy course and practice management course). Such exemptions will only be granted where an applicant can demonstrate that they have satisfied all requirements of the relevant course through alternative means. | |

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|  | **Breaks in and late commencement of pupillage/work-based learning** |
| **Introduction** | |
| * 1. The relevant provisions of the BQR are as follows:      1. The non-practising period of pupillage/work-based learning must be undertaken in a continuous period of six months: rQ34.      2. The practising period of pupillage/work-based learning must commence within 12 months after completion of the non-practising period and be completed within an overall period of nine months: rQ35.      3. Time away from chambers or place of employment due to a period of sickness or holiday permitted by the pupillage/work-based learning guidelines (maximum of five days sickness and 10 days holiday in any six-month period) does not prevent a period of pupillage/work-based learning being continuous.      4. A person may not commence the Professional Component more than five years after completing the Vocational Component: rQ32.      5. The BSB has the power to approve an application to vary these requirements and/or to impose conditions: see rQ34, rQ35, rQ32. | |
| **Rules** | |
| * 1. The relevant rules governing applications to the BSB in relation to breaks in and late commencement of pupillage/work-based learning are contained in section B5 and B7. | |
| **Guidelines** | |
| * 1. An application may be made to the BSB to vary these requirements. The applicant should set out in the application form the reasons of what variation is sought and why variation is sought. | |
| * 1. When asked to grant a dispensation from a requirement, we will consider the purpose behind any requirement and, in particular, what risk it is intended to mitigate. We will only grant the requested dispensation where the applicant can demonstrate satisfaction of that purpose through alternative means. | |
| **Approval to commence pupillage/work-based learning more than five years after completion of the Vocational Component** | |
| * 1. The purpose of the “5-year rule” is to mitigate the risk that the legal knowledge and skills of those undertaking pupillage/work-based learning might be out of date. Those seeking a dispensation from the “5-year rule” will therefore need to demonstrate that they have kept their legal knowledge and skills up to date through legal study and/or work experience.   2. Applicants should set out the reasons for the delay, how far over the five years their start will be, what work or experience has been gained, whether a pupillage/work-based learning has been secured and what extension is sought.   3. Approval will normally be given in cases where:  1. The applicant can demonstrate that they have kept their legal skills and knowledge up to date; and 2. Either there is a good reason for the delay or the applicant has secured a pupillage/work-based learning to commence within 12 months of their application.    1. Most extensions granted will be for 1-2 years.    2. It will be very rare for an applicant to be permitted to commence pupillage/work-based learning more than 10 years after completion of the Vocational Component, given the difficulty of demonstrating that one has kept legal knowledge and skills up-to-date over such a long period of time. | |
| **Applications for approval for a break or potential break in pupillage/work-based learning** | |
| * 1. The purpose of the rules governing the timing of pupillage/work-based learning is to ensure that the knowledge and skills gained during pupillage/work-based learning are obtained as part of a consolidated period of training.   2. For an application for a break or potential break in pupillage/work-based learning, an applicant must set out:      1. The reasons for the break or potential break in pupillage/work-based learning, and      2. The reasons for and circumstances of the particular application, and      3. Any relevant information as to the effect that the break is likely to have on the pupillage/work-based learning as a whole.   3. Approval will normally be given where there is a good reason for the break (eg illness or maternity leave) and/or it is clear that approval will not have an adverse impact on the pupillage/work-based learning as a whole. | |
| * 1. We will take into account all the circumstances of the particular application. An applicant must ensure that all supporting evidence (for example, medical evidence) is sent with the Application Form. We will treat all applications and any supporting documentation provided in confidence. | |

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|  | **Retrospective Registration of Pupillage/Work-based learning** |
| **Introduction** | |
| * 1. Rules Q62-65 provide that before commencing any periods of pupillage/work-based learning a person must apply to the BSB for registration of the pupillage/work-based learning; that the pupillage/work-based learning will be registered if the BSB is satisfied that the application has been duly completed and that the pupillage/work-based learning complies with the BQR; and that if an application for registration of a pupillage/work-based learning is made after the pupillage/work-based learning has commenced, the pupillage/work-based learning will be treated as having commenced on the date of receipt of the application, unless the BSB permits otherwise. | |
| * 1. If a pupil fails to register the pupillage/work-based learning until after the pupillage/work-based learning has started, any period of training prior to the date of registration will not count as “pupillage/work-based learning”. | |
| * 1. Before commencing any periods of pupillage/work-based learning a person must submit a registration form to the BSB. | |
| * 1. The pupillage/work-based learning will be registered if the BSB is satisfied that the pupillage/work-based learning complies with the BQR. | |
| * 1. If an application for registration of a pupillage/work-based learning is made after the pupillage/work-based learning has commenced, the pupillage/work-based learning will usually be treated as having commenced on the date of receipt of the application. | |
| * 1. An application for retrospective registration of the pupillage/work-based learning may be made to the BSB for permission to have the relevant period pupillage/work-based learning treated as having commenced other than on the date of receipt of the application. | |
| **Rules** | |
| * 1. The relevant rules governing applications to the BSB for retrospective registration of pupillage/work-based learning are contained in sections B5 and B7. | |
| **Guidelines** | |
| * 1. Applications for retrospective registration must:  1. be made no more than three months since the applicant started the period of training, and 2. Provide good reasons for the failure to register on time, including any exceptional circumstances which led to the failure to register the pupillage/work-based learning at the outset and an explanation for any delay in applying, and 3. Be supported by the applicant’s chambers/approved pupillage/work-based learning training organisation which shall confirm that the applicant has been in a continuous period of training. | |
| * 1. Where an application for retrospective registration is approved, the pupillage/work-based learning registration form will be forwarded to the Pupillage/work-based learning Records Section for processing in the normal way. | |

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|  | **Rule Q35: Undertaking a period of pupillage/work-based learning other than in a Member State of the European Union** |
| **Introduction** | |
| * 1. The BSB has the power to permit a period of pupillage/work-based learning to be undertaken other than in a Member State: Rule Q35.2. | |
| **Rules** | |
| * 1. The relevant rules governing applications to the BSB for a period of pupillage/work-based learning other than in a Member State are contained in sections B5 and B7. | |
| **Guidelines** | |
| * 1. Where the pupillage/work-based learning is to be undertaken with a registered pupil supervisor and in an authorised pupillage/work-based learning training organisation, the application will usually be approved, provided that undertaking the pupillage/work-based learning overseas will not prevent the pupil from reaching the Threshold Statement of the BSB’s Professional Statement. | |