**

**Application to become**

**an Authorised Education and Training Organisation**

**Pupillage/work-based learning component**

**Introduction**

You should read this in conjunction with the following:

1. [The Authorisation Framework](https://www.barstandardsboard.org.uk/training-qualification/information-for-aetos/the-auhthorisation-framework.html)
2. [The Professional Statement, Threshold Standard and Competences](https://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html)
3. [The BSB Handbook](https://www.barstandardsboard.org.uk/for-barristers/bsb-handbook-and-code-guidance/the-bsb-handbook.html)
4. [The Curriculum and Assessment Strategy](https://www.barstandardsboard.org.uk/training-qualification/information-for-aetos/curriculum-and-assessment-strategy.html)
5. [The Bar Qualification Manual](https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual.html)

The BSB has undertaken a thorough review of the way in which barristers train and qualify in England and Wales. We have consulted extensively with the profession, students, and education providers. We have done this to develop an **accessible**, more **affordable,** and **flexible** training system that will continue to attract the brightest talent to the Bar and develop it in such a way as to sustain the **high standards** rightly expected of barristers. The Authorisation Framework is therefore structured around these four principles, and our authorisation decision will reflect the extent to which you have addressed the four principles. We are looking for more than just written policies; we are looking how those principles are applied in the Authorised Education and Training Organisation (AETO) and the impact they have.

**How to complete this application**

There are 4 sections to this application that you must complete:

Contents

[Section 1: Contact details 2](#_Toc17870654)

[Section 2: Conditions of authorisation 3](#_Toc17870655)

[Section 3: Application for authorisation of specific arrangements 5](#_Toc17870656)

[Section 4: Compliance with indicators 9](#_Toc17870657)

In section 1 we require you to provide contact information for the purposes of this application.

In section 2 you must confirm certain specific conditions of authorisation. These are explained in section 2.

In section 3 you can apply for specific authorisation for certain arrangements. These are explained in section 3.

In section 4 you are required to show that you meet the “mandatory” criteria of the Authorisation Framework. In addition, where the provision of evidence is not mandated by this framework we have adopted a “comply or explain” approach, whereby we expect prospective AETOs to provide evidence about the indicator in question. This is explained in section 4.

You can read more information on our [website](https://www.barstandardsboard.org.uk/training-qualification/information-for-aetos.html).

If you have any questions about your application, please email the team at: authorisations@barstandardsboard.org.uk

We will be pleased to help you.

# Section 1: Contact details

|  |  |
| --- | --- |
| **Name of AETO** |  |
| **Address of AETO** |  |
| **Will the pupils be located at the same address? If not, provide details.** |  |
| **Contact for the purpose of this application:** | Name: Position: Email: Phone: |
| **Has the AETO previously trained pupils?** | Yes [ ] No [ ]  |
| How many pupillages do you anticipate offering annually?*(We recognise that exact numbers may fluctuate from year to year)* |  |

# Section 2: Conditions of authorisation

In addition to meeting the mandatory criteria in section 4, the following are conditions of authorisation and you must confirm here that the AETO will meet these requirements. Rule Q33.3 of the Bar Qualification Rules says that the BSB may vary, suspend or withdraw authorisation of an AETO if the AETO fails to comply with conditions imposed upon its authorisation.

|  |  |
| --- | --- |
| **Advertising pupillages**I confirm that all vacancies for pupillage/work-based learning will be advertised on a website specified by the Bar Standards Board in the Bar Qualification Manual (currently the [Pupillage Gateway](https://www.pupillagegateway.com/)). This includes assessed mini pupillages that form part of the selection criteria[[1]](#footnote-1). | Yes (*cannot proceed without checking the box*)[ ]  |
| **Pupil supervisors**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:*Refresher training will be mandatory for all pupil supervisors, and will be required every five years, or after three years for someone who has not supervised any pupils in the intervening time. The BSB will prescribe outcomes for pupil supervisor training. More information about the transitionary arrangements will be published shortly.* | Yes (*cannot proceed without checking the box*)[ ]  |
| **Written agreements with pupils**I confirm that written agreements will be provided to all pupils and contain terms specified by the Bar Standards Board in the Bar Training Manual.[[2]](#footnote-2) | Yes (*cannot proceed without checking the box*)[ ]  |
| **Material change**I confirm that**,** once authorised, the AETO will inform the BSB of material change by emailing authorisations@barstandardsboard.org.uk Material change includes, but is not limited to:* Any material changes to policies or processes that have been described in this application for authorisation.
* Significant increase or decrease in the number of pupillages offered, proportionate to the AETO (see section 1).
* A decision by the AETO to cease training pupils.
* Closure or merger of the AETO.
* Inability, for any reason, of the AETO to complete training a pupil that has been offered or has commenced.
* Significant change in pupillage agreement terms.
* Change in pupil supervision arrangements previously authorised (Employed Bar – see section 3).
* Change in duration of the training programme previously authorised (see section 3).
* Change in timing for applying for the Provisional Practising Certificate previously authorised (see section 3).
* A material change in the form of collaboration with other organisations for the delivery of pupillage (see section 4).
* Any other matter that has been specified as a condition of authorisation.
* Any other matter that significantly impacts pupillages provided by the AETO.
 | Yes (*cannot proceed without checking the box*)[ ]  |

**Data and records that you must keep**

You must maintain the following data and records for at least 5 years, which you may be required to provide 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 your analysis and action taken.
* Pupil feedback, analysis and action taken.
* Policies related to pupillage.

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

# Section 3: Application for authorisation of specific arrangements

Do you wish to apply for authorisation of one of the following?

1. **Application for authorisation for a new form of training programme**

The Authorisation Framework (see sections 11-12) allows the BSB to consider applications from prospective ATEOs who wish to deliver a component, or a combination of components from one of four approved pathways. If you are applying to provide a new form of training programme that has not previously been available, within one of the four approved pathways, you must apply for authorisation here.

Do you wish to make an application for authorisation for a new form of training programme?

|  |
| --- |
| No (skip the rest of this question)  |[ ]
| Yes (continue with application)If you have answered “yes” to this question, you should contact authorisation@barstandardsboard.org.ukto discuss your application before proceeding. |[ ]

1. **Application for authorisation for a training programme that is longer than 12 months**

The normal duration of pupillage and other forms of work-based learning is 12 months (or part time-equivalent). If you wish to provide a longer training programme, up to but not more than 24 months, you must apply for authorisation here. You do not need to apply for authorisation for part-time training that is equivalent to a 12-month programme.

Tool tip

The term “third six pupillage” is not a regulatory one. The BSB does not regulate so-called “third six pupillages”. Such arrangements are used for various reasons, including the following:

1. As a period of probationary tenancy, to help a chambers decide whether an applicant for tenancy will be accepted for membership of chambers.
2. As a period during which additional training is required, perhaps reflecting the area of law in which the organisation or chambers specialises. You may need a barrister to acquire some of the specialist skills relevant to your area of law, by way of Continuing Professional Development (CPD).
3. To provide sufficient time to enable a pupil to meet the Threshold Standard and Competences in the Professional Statement.

In the examples set out in paragraphs 1 and 2, the subject is not a “pupil” in a regulatory sense; they have already completed their pupillage satisfactorily and have been granted a full qualification certificate and a full practising certificate. The BSB discourages the use of the term “third six pupil” in these cases; these are probationary arrangements between the barrister and the chambers/organisation and should be set out in a written agreement[[3]](#footnote-3) between the relevant parties from the outset. It is appropriate to do so at the beginning of pupillage if such a probationary or training period is required at the end of the pupillage component of training, before a tenancy decision is made.

The key criterion for determining whether an AETO should apply for authorisation to offer a pupillage that is longer than 12 months, or a non-practising period of training that is longer than 6 months, is the point at which the training programme is designed to enable a pupil to meet the Threshold Standard and Competences in the Professional Statement, and therefore apply for a provisional practising certificate or a full qualification certificate and full practising certificate. The Bar Qualification Rules provide this flexibility, recognising that there may be some areas of practice where it may take longer to meet the Competences. For example:

* where advocacy experience comes later, due to the complexity of the work;
* where pupils go on secondment elsewhere to acquire some of the competences; a longer period of pupillage/worked-based learning allows more flexibility for building that into the training programme.

Key factors to consider when deciding whether the arrangements that you intend to have constitute a probationary period or part of the pupillage/work-based training programme will therefore include:

* Whether there is a regulatory training programme in place that is based on enabling the pupil to meet the Threshold Standard and Competences in the Professional Statement.
* What the decision-making criteria are at the end of the extended period.
* What the funding arrangements are.
* What the supervision arrangements are.

If you are not sure whether to apply to have your extended training programme recognised as part of the pupillage/work-based training programme, you can contact us to discuss your scenario by email to authorisations@barstandardsboard.org.uk

Do you wish to make an application for authorisation for a training programme that is longer than 12 months?

|  |
| --- |
| No (skip the rest of this question)  |[ ]
| Yes (continue with application) |[ ]

If you have answered “yes” to this question, you must provide;

* a description of the training programme, how it will be structured and how it will enable pupils to meet the Competences in the Professional Statement; and
* the reason for proposing an extended duration of pupillage.

You must, with reference to one or more of the four principles of flexibility, accessibility, affordability and high standards, set out the need that you have identified and how your proposal seeks to address that need.

1. **Application for authorisation to vary the point at which pupils apply for their Provisional Practising Certificate**

The normal duration of the non-practising period of pupillage or work-based learning is six months for full-time, 12-month pupillages, at which point a pupil can apply for a Provisional Practising Certificate. An AETO may exceptionally apply for authorisation of a variation to this norm for its training programme. If you wish to do so, you must apply for authorisation here.

[Link to/see tool tip for 2]

Do you wish to make an application for authorisation to vary the point at which pupils apply for their Provisional Practising Certificate?

|  |
| --- |
| No (skip the rest of this question)  |[ ]
| Yes (continue with application) |[ ]

If you have answered “yes” to this question, you must provide;

* a description of the training programme, how it will be structured and how it will enable pupils to meet the Competences in the Professional Statement; and
* the reason for proposing an extended duration of pupillage.

You must, with reference to one or more of the four principles of flexibility, accessibility, affordability and high standards, set out the need that you have identified and how your proposal seeks to address that need.

1. **Application for authorisation to vary the arrangements in place for supervising pupils (Employed Bar)**

Pupil supervisors can supervise up to two pupils at the same time (one practising and one non-practising). You do not need to apply for authorisation to do so. Greater flexibility in the structure of pupillage supervision for the employed Bar will be considered for authorisation. If you are providing pupillage at the employed Bar and wish to have a different arrangement for supervising pupils, you must apply for authorisation here.

Tool tip

For more information about the role of pupil supervisors, refer to the Bar Training Manual.

*Case study example*

A large organisation with approximately 1,500 lawyers trains both barristers and solicitors. They have nine pupils under the supervision of three experienced pupil supervisors who are senior barristers, each overseeing the training of 3 pupils.

“Seat supervisors” are in place to support pupils to get specialist training in specific areas of law that their supervisor is not an expert in. The seat supervisors are trained in-house on management skills and on the regulatory aspects of the Bar and are overseen by the three pupil supervisors. The pupil supervisor takes a close interest in how the pupil is getting on and discusses progress with them and their seat supervisor.

There are advantages to all involved:

* The pupils get the benefit of the subject specialists, which helps in gaining case management experience and other core skills. At the same time, pupils also 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 enables feedback to be captured and discussed at Steering Group level. The Training Principal gets better assurance about quality and consistency of training. It is more efficient liaising with three and not nine pupil supervisors, for briefing, feedback meetings and collaboration generally.
* There is greater efficiency for the individual pupil supervisor; having three pupils means heightened familiarity with the regulatory framework as well as the AETO’s training regime.

The AETO likes this flexibility and considers 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 at the threshold standard on day one of practice, subject to demonstrating this to the BSB through the Authorisation and Supervision process. They think that this structure, for them, leads to a better experience and training for each pupil.

Are you in the employed Bar? If so, do you wish to make an application for authorisation to vary the arrangements in place for supervising pupils?

|  |
| --- |
| No (skip the rest of this question)  |[ ]
| Yes (continue with application) |[ ]

If you have answered “yes” to this question, you must provide a description of:

* the supervision arrangements; and
* the governance arrangements (ie. organisational oversight) that will ensure high standards of supervision are maintained.

You should explain how the arrangements are appropriate in the context of the scale of the organisation, and its infrastructure to support pupillage training.

# Section 4: Compliance with indicators

In order to show that you meet the standards in the Authorisation Framework, relating to the principles of **flexibility, accessibility**, **affordability,** and **high standards**, you must provide clear evidence that you will meet the **“mandatory” criteria**. We set out below, against the indicators, the matters that you need to explain, and examples of the types of evidence that could be provided.

You must also explain which of the **“comply or explain” criteria** you comply with and how. Where the provision of evidence is not mandated by this framework we have adopted a “*comply or explain*” approach, whereby we expect prospective AETOs to provide evidence about the indicator in question. However, if the AETO feels that the requirement is one that is not appropriate for them or one that they cannot meet, they should provide an explanation as to why this is the case, reflecting the need to ensure that all four key principles are addressed in their submission. How the indicators apply will depend on the type of AETO seeking authorisation and which component(s) and/or pathway(s) it intends to provide. If you do not comply with these criteria, you must, as a minimum, demonstrate that you have carefully considered how you could contribute to the relevant principle of flexibility, accessibility, affordability or high standards.

Your application will be assessed based on the guidance provided under each indicator.

**Providing supporting information**

If you submit supporting documents, you must refer to them in your application by reference to specific sections/paragraphs, or you can paste relevant text into the box in the appropriate section of the application. The supporting documents should be numbered sequentially and should include publication dates. You do not need to provide a document twice.

We may contact you to provide further information or explanation.

|  |
| --- |
| **Flexibility - Strategic approach to the planning and delivery of the component - mandatory criteria 31.1** |
| RequirementYou must explain your strategy (plan) to satisfy the principle of Flexibility in your pupillage/work-based training programme and the resources, policies and processes that support this. Tool tipWhat we mean by flexibility is defined in section 26 of the Authorisation Framework as follows. We expect each AETO to provide a degree of flexibility in proportion to the scale and nature of its activities in order to contribute to this principle: FLEXIBILITY26. In our interpretation of flexibility for the purposes of this Authorisation Framework we will comply with the LSB statutory guidance which states: Providers of education and training have the flexibility to determine how to deliver training, education and experience which meets the outcomes required”. Flexibility under the Authorisation Framework, therefore, has two aspects: (a) flexibility for pupils and students; and (b) flexibility for AETOs.26.1.Flexibility for pupils and students means flexible education and training, i.e. “Flexible learning is about offering students choice in how, what, when and where they learn; the pace, place and mode of delivery”. We encourage “….innovation in how education and training is delivered” and want to support the opening up of new pathways to qualification that provide pupils and students with more choice about modes, location, timing, and sequencing of study.Guidance You should be able to demonstrate that you have considered the principle and how you apply it, by addressing the following:1. An evaluation of any barriers to flexibility in the way that you deliver your training programme, and if and how you have/intend to overcome them.
2. If and how you offer applicants choice in how, what, when and where they train. Examples of flexibility might include offering:
* Part-time pupillages/work-based learning.
* Flexibility about where training takes place.
* Flexibility about when training takes place.
1. Resources, policies and processes that you have to support flexibility.
2. How you will evaluate your success in satisfying the principle of Flexibility.

Evidence in support could include:* Short extracts from any policies or strategic plans that show where you have considered this principle (eg equality policy, pupillage policy, flexible working policy, training plans or strategic plans that address flexible training).
* Short extracts from pupillage/management committee minutes that show where you have considered this principle.
* Short extracts from information provided in your advertisements for pupillage or other information provided to prospective pupils.
 |
| Response |
| **Flexibility – technology – comply or explain criteria 32.1** |
| Question What technology do you use and how do you use it to support flexibility in your pupillage/work-based training programme? If no technology is used, you must explain why.Evidence in support could include a short description of the following:* How pupils access the AETO’s IT network from offsite.
* Resources provided to pupils such as laptops and security software.
* Access to online resources such as library or other reference facilities.
 |
| Response |
| **Flexibility – taking into account pupils’ personal circumstances - mandatory criteria 35.1** |
| RequirementYou must explain how you take into account individual pupils’ personal circumstances in support of a diverse legal profession.GuidancePersonal circumstances might relate to the nine protected characteristics set out in the Equalities Act 2010 (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) or other factors such as caring responsibilities or social mobility.You should be able to demonstrate how you apply your strategy to satisfy the principle of Flexibility by describing what processes you have in place to identify pupils who need flexibility and what flexibility they need. Tool tipsRelevant research and statistics about diversity at the Bar can be found here:<https://www.barstandardsboard.org.uk/news-publications/research-and-statistics.html>The Equality Act 2010 can be found here: <https://www.legislation.gov.uk/ukpga/2010/15/section/4> *Case study examples**Student with a disability*At a pupillage fair, a student was looking for a chambers that was willing to support a flexible period of training that took into account her medical needs. These needs meant that she was unable to commit to a full-time 12-month pupillage because she needed to take time out for periodic, scheduled medical appointments.*Pupil with caring responsibilities*A chambers recognised that a pupil with small children needed to juggle childcare and their training. At the pupil’s request, clerks ensured that, during their practising period of training, they were allocated work closest to their home, wherever possible, to minimise travel time. Evidence in support could include:* A short extract from or explanation of your induction process and information provided.
* Examples where flexibility has been provided in the past to meet individual needs of pupils (or others in the organisation, where the organisation has not trained pupils before).
 |
| Response |
| **Flexibility - design of the training programme - comply or explain criteria 36.1** |
| QuestionDo you incorporate flexibility into your training programme to enable pupils to develop the Competences in the Professional Statement that might not otherwise be acquired?Examples might include:* Training with different pupil supervisors or others in your AETO.
* Secondments or other forms of work-based learning outside the AETO.
* Other forms of collaboration with other AETOs or other organisations.
 |
| Response |

|  |
| --- |
| **Accessibility - Commitment to equality and diversity at organisational level - mandatory criteria 37.1** |
| RequirementYou must demonstrate your commitment at an organisational level to increasing equality and diversity at the Bar, so that the best candidates are able to access training to become barristers, so that the Bar as a whole better reflects the communities it serves. Guidance This question is about how you demonstrate organisational leadership to increasing equality and diversity at the Bar, so that the best candidates are able to access training to become barristers. In your answer, you must address the following:* how you facilitate a shared understanding within the AETO of your commitment to accessibility;
* how those in a leadership role ensure that active steps are taken to improve accessibility;
* how those in a leadership role ensure compliance with obligations arising under relevant legislation and regulatory requirements, including the Equality Act 2010 and the BSB Handbook.

Tool tipsThe Equality Act 2010 can be found here: <https://www.legislation.gov.uk/ukpga/2010/15/contents> The Equality and Diversity Rules can be found in section D1.2 of the BSB Handbook here: <https://www.barstandardsboard.org.uk/for-barristers/bsb-handbook-and-code-guidance/the-bsb-handbook.html> Guidance on the Handbook rules can be found here: <https://www.barstandardsboard.org.uk/for-barristers/compliance-with-your-obligations/equality-and-diversity-rules.html> Evidence in support could include:* A description of the role played by people such as the Head of Pupillage and the Head of Chambers, or equivalent, in bringing to life your strategy.
* A description of how your governance arrangements provide the necessary oversight to enable the commitment of those in leadership roles to have an impact in practice.
 |
| Response |
| **Accessibility - Strategy for enabling pupils to achieve the best outcomes they are capable of - mandatory criteria 37.2** |
| RequirementYou must describe your strategy or plan for making your pupillage/work-based training programme accessible, enabling pupils to achieve the best outcomes they are capable of, and the resources, policies and processes that support this.Tool tipWhat we mean by accessibility is defined in section 27 of the Authorisation Framework as follows: ACCESSIBILITY27. We are committed to ensuring that access to training for the Bar is open to all on an equal basis. One of our stated aims is “Improving 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”. We need to ensure that AETOs are able to meet their obligations to pupils and students as enshrined in the Equality Act 2010 and the requirements set in the Equality Rules in the BSB Handbook. Accessibility, therefore, is a broad concept encompassing all aspects of the training for the Bar. This includes the ways in which AETOs undertake recruitment, admission and selection, and support the retention, progression and attainment of pupils and students.27.2. The Authorisation Framework seeks to ensure that AETOs will:* provide wide and fair access to training pathways;
* remove barriers to entry for those who are currently under-represented within the Bar;
* support pupils and students to complete their education and training and to achieve the best outcome that they are capable of;
* support pupils and students to progress into the profession, the workplace or further study.

GuidanceIn this section you should address the following:1. An evaluation of any barriers to accessibility in the way that you deliver your training programme, and if and how you have/intend to overcome them, as set out in your plan.
2. Resources, policies and processes that you have to implement your plan (to the extent not covered elsewhere in this section).
3. How you will evaluate your success in satisfying the principle of Accessibility.

Evidence in support could include:* A short extract from your strategic plan for pupillage.
* A short extract from your Equality Action Plan.
* How you have used diversity data to inform your Equality Action Plan.
 |
| Response |
| **Accessibility – open and fair recruitment - mandatory criteria 37.3** |
| Requirement:You must explain the policies and procedures that you have that demonstrate a commitment to open and fair recruitment. GuidanceIn your response you must address (where relevant) what policies and procedures you have in place that address the equality and diversity rules in the BSB Handbook, where they relate to fair recruitment (rules C110-112), how you ensure compliance with your policies, and how you assess the impact of them. You must address how you ensure open and fair recruitment, including:1. An evaluation of any barriers to accessibility that could be caused by your pupillage recruitment process and the criteria that you use, and if and how you have/intend to overcome them.
2. How you identify and seek to eliminate bias in aspects such as socio-economic background and protected characteristics at each stage of the application process (advertisement, process and criteria for selection for interview, interview process and criteria).
3. What information, guidance and advice you provide to potential applicants who are currently under-represented in pupillage/work-based training and how you provide that information.
4. What training you provide to/require of people involved in recruitment of pupils (barristers and support staff).
5. What information you provide to potential applicants to help them understand your recruitment process and selection criteria, and how you ensure that the information is clear and accessible.

Tool tipA condition of authorisation is that all advertisements for pupillage/work-based learning must be advertised on a platform specified by the BSB in the Bar Qualification Manual.Evidence in support could include:* A description of the training undertaken by recruitment panel members.
* A description of your selection process and criteria, and an explanation of how these support accessibility.
* A description of information given to applicants at interview.
* Feedback given to unsuccessful applicants.
* Diversity data and a summary of your action plan.
 |
| Response |
| **Accessibility - information for prospective pupils enabling them to navigate their own route to qualification - mandatory criteria 37.4** |
| RequirementYou must explain what information you provide to potential applicants to indicate which component of training is being provided, which pathway it applies to and what Professional Statement Competences they will have achieved on completion of their training. Tool tipThe Competences in the Professional Statement that must be achieved in each component of training is set out in the Curriculum and Assessment Strategy.GuidanceAs there are four possible pathways to qualification, prospective barristers need clear and accessible information that enables them to navigate their own route to qualification. In your response you must explain what information you provide, and when and where you provide it.Evidence in support could include a short summary of information:* on your website
* disseminated at outreach activities
* given to applicants at interview
* provided as part of an agreement for pupillage
* given to pupils at induction
 |
| Response |
| **Accessibility - forms of assessment and appraisal that are accessible to all - mandatory criteria 37.5** |
| RequirementYou must explain the policies and procedures for assessment and appraisal of pupils that you have in place to ensure that all pupils can complete their training and achieve the best outcome they are capable of.GuidanceIn your response you must address (where relevant to this question) what policies and procedures you have in place that address the equality and diversity rules in the BSB Handbook (rules C110-112), how you ensure compliance with your policies, and how you assess the impact of them. You must address:1. How you ensure that your training programme is equally accessible to all, through design or compliance with the reasonable adjustment duty as set out in the Equality Act 2010, and provides a consistent opportunity for pupils to develop the Competences in the Professional Statement.
2. How your approach to providing assessment, appraisal, feedback, support and mentoring ensures that every pupil has an equal opportunity to monitor their own progress, develop and demonstrate the Competences in the Professional Statement, and complete their Bar training.

Evidence in support could include:* A description of the information given to pupils.
* A description of your formal feedback/appraisal processes including method, timing, content and parties involved.
* Examples of how you have applied your equality and diversity policies in this context eg. on reasonable adjustments.
 |
| Response |
| **Accessibility - learning environment - mandatory criteria 37.6** |
| RequirementYou must explain how you ensure that the environment in which pupils train is supportive, safe and accessible for every pupil, promoting dignity, courtesy and respect.GuidanceThis question is about both the physical set-up and the culture of the AETO, and how you promote a positive and accessible learning environment that supports equality and diversity. You should consider the physical environment in the AETO or offsite and how you communicate, including through your IT channels and in social settings.Evidence in support could include:* A description of your policies and examples of how they have been implemented eg. acceptable behaviour, dignity at work, harassment and bullying, reasonable adjustments, wellbeing, use of social media.
* A description of information given to pupils during induction.
* A description of support mechanisms in place for pupils.
* A description of the role your Equality and Diversity Officer plays in pupillage.
 |
| Response |
| **Accessibility – engagement with the wider community - comply or explain 38.1** |
| QuestionDo you engage with the wider community to encourage those who are currently under-represented at the Bar to consider it as a career?GuidanceWe 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 good practice that AETOs currently 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.
* Mini pupillages are advertised so as to reach under-represented groups.
* Joint working through the Specialist Bar Associations.
* Joint working with the Inns, eg providing practice with applications and interview techniques.

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/> Evidence in support could include:* Examples of information, guidance and advice provided.
* A description of engagement activities.
* Case studies.
* A short extract from strategic plans.
 |
| Response |
| **Accessibility - progression from pupillage/work-based learning - mandatory criteria 40.1** |
| RequirementYou must explain how you ensure that pupils understand the application of your policies and procedures about progression from pupillage/work-based learning into practice or employment and the support available.GuidanceYou must explain what information you provide to pupils, and when, about:1. criteria and the process for progression to tenancy or employment in the AETO;
2. support that you provide to enable pupils to continue their career elsewhere, if relevant;
3. where relevant, how you ensure compliance with the equality and diversity rules in the BSB Handbook (rules C110-112) relating to fair and objective criteria for recruitment for tenancy/employment and equality monitoring.

Evidence in support could include:* A short summary of the policy and process for recruitment of tenants/employed barristers and those not taken on as tenants/employed barristers, and how this information is provided to potential pupils and pupils.
* A short summary of the information provided in your induction process.
* A short extract of the information that you provide in your written agreement with pupils.
 |
| Response |

|  |
| --- |
| **Affordability - professional development/employability - mandatory criteria 41.1** |
| RequirementYou must explain how you seek to enhance the employability or practice development opportunities of your pupils through training and preparation for practice. GuidanceYou must explain how you ensure that your training programme provides a consistent opportunity for all pupils to develop their professional practice including, where relevant, how you ensure compliance with the equality and diversity rules in the BSB Handbook (rules C110-112) relating to fair access to work.Evidence in support could include:* A short extract from relevant policies that describes fair access to work during the practising period.
* A description of how pupils are supported to build their practice.
 |
| Response |
| **Affordability – financial support - comply or explain criteria 42.1** |
| QuestionDo you provide any additional financial support (not mandated by the BSB rules), which enhances the affordability of training?GuidanceWe recognise that the support AETOs provide 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 chambers/entity/organisation does not currently offer any additional financial support, we expect to you give serious consideration to what you might be able to do. Examples of support that AETOs offer include:* Compulsory courses during pupillage and associated expenses are paid for by the AETO.
* Pupillage award in excess of the minimum specified by the BSB.
* Pupillage award is paid in advance.
* Pupils provided with laptops and other equipment.
* Travel cards provided to avoid the need to reclaim travel expenses.
 |
| Response |
| **Affordability – joint training – comply or explain criteria 42.2** |
| QuestionDo you provide training that may meet the requirements of other legal and non-legal professions, where pupils and other trainees learn and work alongside others?Guidance We expect that this question will not apply to most applicants and a simple response of “not applicable” will be sufficient. This question may apply to AETOs that train both barristers and solicitors. For example, do you map your training programme to the Solicitors Regulatory Authority requirements (or others) which could assist those applying for recognition of prior learning and experience in order to qualify as a solicitor or another professional?Evidence in support could include:* Short extract from your training policy or strategy.
* A description of where joint training is provided.
* Information provided to prospective trainees.
 |
| Response |
| **Affordability - information provided - mandatory criteria 45.1** |
| RequirementYou must explain what information you give to prospective pupils to enable them to assess the affordability of pupillage/work-based learning and the prospects after qualification.GuidanceYou must address (where relevant) what information you provide in your advertisement on the Pupillage Gateway, on your website and other media or information provided to applicants about:* your pupillage funding policy
* expenses that the AETO will or will not fund
* earnings potential during the practising period of pupillage
* policy in the event that the pupil fails to pass compulsory courses during pupillage
* process for applying for tenancy/employment
* success rates for qualifying
* retention rate or other destination post qualification
* earnings potential when fully qualified

Evidence in support could include:Information given to prospective pupils  |
| Response |
| **Affordability - minimum funding/wage - mandatory criteria 45.2** |
| RequirementYou must set out your pupillage funding arrangements, which must comply with the BSB minimum funding requirements, including what expenses are paid for (self-employed) or National Minimum Wage/National Living Wage rate (employed).Tool tipRefer to the BSB Handbook rules C113-118 for the pupillage funding rules that apply to self-employed barristers, chambers and BSB entities.Refer to the Bar Training Manual for the current rates that apply.For the National Minimum Wage and the National Living Wage, refer to <https://www.gov.uk/national-minimum-wage-rates>  |
| Response |

|  |
| --- |
| **High Standards - curriculum and assessment strategy - mandatory criteria 46.1**  |
| RequirementYou must demonstrate that your training programme adheres to the requirements set out in the Curriculum and Assessment Strategy.Tool tipRefer to the Curriculum and Assessment Strategy where the Competences are mapped to each component of training, including pupillage or work-based learning.GuidanceYou must demonstrate the following:1. How your training programme enables your pupils to meet the Competences in the Professional Statement to the Threshold Standard so that they have the knowledge, skills and attributes that all barristers should have:
* when they apply for their Provisional Practising Certificate; and
* when they complete their training and apply for the Full Qualification Certificate and Full Practising Certificate.
1. How the compulsory courses are incorporated into your training programme.

Evidence in support must include:Your pupillage training programme, setting out where and how each Competence in the Professional Statement is addressed.  |
| Response |
| **High Standards – assessment of the Competences in the Professional Statement - mandatory criteria 46.2** |
| RequirementYou must explain how you ensure that your policies and procedures relating to the assessment and appraisal of the Professional Statement Competences are consistently applied. GuidanceYou must address:1. how you ensure that the methods of assessment and appraisal that are used are fair and objective;
2. how you communicate your assessment and appraisal policies and procedures to pupils and pupil supervisors, and ensure that they are consistently applied to all pupils; and
3. how you ensure that adequate and accessible supervision and support are consistently available to all pupils.

Evidence in support could include:* A description of the governance arrangements for the oversight of pupillage assessment and appraisal.
* A short extract from your pupillage policy setting out the process for assessment and appraisal of pupils.
* A short extract from pupillage induction materials explaining how pupils will be assessed.
* A short extract from pupil supervisor briefing materials setting out how pupils must be assessed.
 |
| Response |
| **High Standards – quality assurance - mandatory criteria 46.3** |
| RequirementYou must explain what quality assurance policies and procedures are in place to ensure that pupils can develop and demonstrate the Competences as set out in the Professional Statement to the Threshold Standard.GuidanceYou must address the following in your response:1. Organisational arrangements for the oversight and quality assurance of pupillage.
2. How your training programme is designed.
3. How your training programme is reviewed and improved.
4. How implementation of the training programme is monitored.
5. How you ensure consistency in standards of pupil supervision.
6. Contingency plans that ensure continuity of training in the event of the non-availability of the pupil supervisor or the closure of the AETO.

Evidence could include:A short description of who provides oversight and quality assurance for pupillage training arrangements (eg. a Pupillage Committee/Management Committee/Designated Pupillage Training Principal) and the role that they play in assuring quality of training. |
| Response |
| **High Standards – sufficient resources – mandatory criteria 46.4** |
| RequirementYou must describe the resources (including people, premises, information and technology) that support the delivery of your pupillage/work-based training programme and explain how you think they are sufficient to ensure high standards of pupillage training.GuidanceTaking into account the scale and nature of the AETO, you must explain why you consider these to be sufficient 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 Curriculum and Assessment Strategy.If most members of chambers work remotely, you must provide your analysis of the risks that arise and how they are mitigated. |
| Response |
| **High Standards - recruitment policies - mandatory criteria 46.5** |
| RequirementYou must explain how your recruitment policies meet the requirements set out in sections 11-12 of the Authorisation Framework and, in your approach to recruitment, how you strike an appropriate balance between the likelihood of success for the applicant and the principles of High Standards and Accessibility.Tool tipSee our Review of Pupillage Advertising and Selection Criteria here: <https://www.barstandardsboard.org.uk/resources/review-of-pupillage-advertising-and-selection-criteria-pdf.html> GuidanceSection 11-12 of the Authorisation Framework sets out the requirements for pupillage/work-based learning:* 2.2 or equivalent degree required, either a law degree, or a non-law degree plus further graduate/post-graduate study and in both cases must cover the seven foundations of legal knowledge.
* Successful completion of the vocational component.
* Student is a member of an Inn and has been Called.
* Student has completed the required number of Qualifying Sessions.

Indicator 37.3 required you to explain your approach to fair recruitment in the context of the principle of Accessibility. This question focuses on how you strike an appropriate balance between the principles of Accessibility and High Standards.Evidence in support could include:An analysis of how your selection criteria relate to the minimum standards and reflect potential to meet the Professional Statement Competences. |
| Response |
| **High Standards - credential checking - mandatory criteria 46.6** |
| RequirementYou must describe your 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.Tool tipSee sections 11-12 of the Authorisation Framework.In accordance with the Curriculum and Assessment Strategy, a person may not start pupillage more than five years after completing the vocational component.GuidanceYou must describe how you exercise appropriate due diligence in relation to the following:* That academic and vocational training components have been satisfactorily completed within the 5 year limit.
* 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 you have specified as a condition.

Evidence in support could include:* A short extract from your Pupillage Policy on credential checks.
 |
| Response |
| **High Standards - misconduct - mandatory criteria 46.7** |
| RequirementYou must describe what policies and procedures are in place to deal with misconduct by pupils.Tool tipSee rules C65-69 in the BSB Handbook.GuidanceYou should address the mechanisms for reporting misconduct to the BSB, where appropriate.  |
| Response |
| **High Standards – appeals, complaints and grievances - mandatory criteria 46.8** |
| RequirementYou must describe what policies and processes you have in place in the event of the following:* A pupil wishes to appeal a failure to be signed off from the non-practising practising or practising period of pupillage.
* A pupil has a complaint or grievance about the training they have received or about an individual involved in their training.

GuidanceIn addition to your policies, you should describe:* how you facilitate a culture where pupils feel comfortable to report unfair working practices and/or behaviours without fear of recrimination; and
* how you ensure that your appeals, complaints and grievance handling processes and practices are accessible, clear and fair.

Evidence in support could include:* A short summary of your grievance policy and procedures.
* Case study examples of how internal grievances have been handled.
* A short extract from your induction material.
 |
| Response |
| **High Standards – assessment of the Competences in the Professional Statement - mandatory criteria 46.9** |
| RequirementYou must describe your assessment and appraisal policies and procedures relating to how the development and demonstration of the Competences in the Professional Statement are assessed. GuidanceYou must address the following:* The range of assessment methods that you use. Examples could include:
* Self-assessment by pupils.
* One-to-one review meetings with pupils.
* Feedback from other barristers, clerks and other staff, solicitors.
* Review of written drafting practice.
* Oral advocacy exercises.
* Observation during the practising period.
* When you use them.
* How this enables pupils to monitor their own progress, further the development of their learning and make them aware if they are at risk of failing to meet the Competences in the Professional Statement.
* How you ensure that supervision, feedback and appraisal are fair, timely and objective.

Evidence in support could include:An extract from your Pupillage Policy on assessment and appraisal. |
| Response |
| **High Standards - use of feedback from pupils - mandatory criteria 46.10** |
| RequirementYou must describe what mechanisms you have in place to enable pupils to give you feedback about their experience of training and how it is/will be used in order to shape your pupillage/work-based training programme.GuidanceThe following are examples of methods used by AETOs:* A questionnaire
* Meetings with the Head of Pupillage/the Pupillage Committee
* One-to-one meetings with the pupil supervisor.
* Access to persons other than the pupil supervisor, with whom concerns about training can be raised, eg. Head of Pupillage, a member of chambers staff, an assigned “buddy”.

Evidence in support could include:A short extract from your pupillage policy. |
| Response |
| **High Standards - self-reflection - mandatory criteria 46.11** |
| RequirementYou must explain how you encourage your pupils to reflect on their progress in meeting the Competences in the Professional Statement, and how this practice is harnessed as they become a New Practitioner post-qualification. Tool tipPromotion of self-reflection fosters the profession’s approach to Continuing Professional Development from an early stage.<https://www.barstandardsboard.org.uk/for-barristers/cpd.html> Guidance Consider when and how pupils are encouraged to identify their development needs in relation to the Competences in the Professional Statement and reflect on their progress. Examples might include:* Keeping a pupillage diary that promotes reflection on their learning experience and which Competency it relates to.
* One-to-one review meetings with pupil supervisors.
* How pupils seek feedback from other barristers, clerks and other staff, solicitors and others involved in their training.

Evidence in support could include:* A short extract from your Pupillage Policy section on assessment and appraisal.
* A short extract from your pupillage induction material.
 |
| Response |
| **High Standards – culture of high standards - mandatory criteria 46.12** |
| RequirementYou must describe how you encourage a culture of high standards of performance and professionalism by pupils. GuidanceYou could consider:1. how you set expectations of your pupils;
2. how they are integrated into the community of practice; and
3. how others in the AETO influence your pupils.

Evidence in support could include:* An extract from your pupillage induction material or your written agreement that sets expectations.
* Organisational policies such as:
* Acceptable behaviour.
* Use of social media.
* Equality and Diversity.
 |
| Response |
| **High Standards – collaboration with other organisations – comply or explain criteria 47.1** |
| QuestionDo any of the following apply?1. Pupils are seconded to other organisations to help them to meet the Competences in the Professional Statement;
2. training is delivered in association with another organisation; or
3. training is delivered by another organisation on your behalf.

[ ]  No (continue with the next question)[ ]  Yes (continue with this question)Describe the governance arrangements in place for any aspects of the training programme that are delivered in collaboration or association with other organisations.GuidanceAs the AETO, you will ultimately be responsible for their training while on secondment.Consider what arrangements you have in place to monitor the quality of training received by your pupils whilst on secondment or training delivered by another organisation. This might include a written agreement about the training to be delivered, how pupils will be assessed while on secondment, respective responsibilities and opportunities for pupils to provide you with feedback about the standard of training. Evidence in support could include:Written agreement. |
| Response |
| **High Standards - quality assurance - mandatory criteria 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.1. Describe your policies and procedures for appointing pupil supervisors that support the principle of High Standards.
2. Describe your policies and procedures for ensuring that your pupil supervisors receive appropriate training that meet the outcomes specified by the BSB[[4]](#footnote-4), and are resourced and competent to fulfil their role.
3. Describe the procedures that you have in place to ensure that pupil supervisors receive refresher training[[5]](#footnote-5) every 5 years (or every 3 years if they have not supervised a pupil in that time).
4. Describe the procedures that you have in place to ensure that pupils are provided with a written agreement [[6]](#footnote-6)that meets the outcomes specified by the BSB.
5. What procedures do you have in place to ensure that pupils apply for a Provisional Practising Certificate in order to provide reserved legal activities?
6. What procedures do you have in place to ensure that pupils apply for a Full Qualification Certificate and a Full Practising Certificate on satisfactory completion of pupillage?

Evidence in support could include:* Relevant extracts from your pupillage policy
 |
| Response |

1. We have been consulting on mandating the Pupillage Gateway timetable. The results of the consultation will be published shortly. [↑](#footnote-ref-1)
2. We have been consulting on the requirement to have written agreements. The results of the consultation will be published shortly. [↑](#footnote-ref-2)
3. We will be consulting on setting this as a mandatory requirement [↑](#footnote-ref-3)
4. Outcomes for pupil supervisor training are being developed and will be published shortly. [↑](#footnote-ref-4)
5. Transitionary arrangements to meet this requirement will be published shortly [↑](#footnote-ref-5)
6. This results of our consultation on this requirement will be published shortly [↑](#footnote-ref-6)