

# BAR STANDARDS BOARD

REGULATING BARRISTERS

## **Guidance for Authorised Education and Training Organisations (AETOs) and their pupils who wish to start pupillage in 2020 before completion of vocational training**

**May 2020**

Pupils will normally have been Called to the Bar before commencing the non-practising period of pupillage. In order to be Called to the Bar, a student must have completed the vocational training component and the required Qualifying Sessions.

The BSB has granted a waiver on a one-off basis to this year's cohort of students who were expecting to take their final BPTC or Bar Transfer Test (BTT) assessments this spring but were unable to because of changes to timetabled exams and assessments due to COVID-19.

The waiver allows these students to progress to the non-practising period of pupillage with the agreement of their AETO. The AETO must assess the risks of allowing individual pupils to commence pupillage under these circumstances, with reference to this guidance. The AETO and the pupil must provide to the BSB a written declaration that they have assessed and understand the risks of starting pupillage in this way. This should be sent by email to [ROD\\_contingency\\_planning@BarStandardsBoard.org.uk](mailto:ROD_contingency_planning@BarStandardsBoard.org.uk)

These pupils will not be permitted to use the title "Pupil Barrister", progress to the practising period of pupillage, or be eligible to apply for a provisional practising certificate, until they have successfully completed their vocational training and required Qualifying Sessions, and been Called to the Bar. Until Called, conduct remains a matter for the relevant Inn. This should all be addressed in the written pupillage agreement (which is now a mandatory requirement).

If a pupil fails to complete the BPTC satisfactorily, it will be for the AETO to determine whether they are willing to continue to fund the pupil through an extended non-practising period of pupillage. The AETO will need to consider, in line with our guidance, how long they are prepared to continue funding the pupil and extending the non-practising period, and address it in the written pupillage agreement.

We are encouraging pupillage providers to allow people to progress as planned to pupillage pending the release by the vocational providers of the BPTC and BTT results in early November. The types of risks that AETOs must consider, as a minimum, are set out below.

### ***Risks to the AETO***

- 1. Increased pupillage funding commitment if the pupillage has to be extended because the pupil fails to complete vocational training assessments having started pupillage.*

The AETO will need to consider how long they are prepared to continue funding the pupil and extending the non-practising period in this scenario and address it in a [written agreement](#) (this is, in any case, a requirement from 1 May 2020).

- 2. The risk to pupillage training if a pupil has any outstanding vocational component assessments, or has failed and has to resit elements of the vocational component, whilst at the same time meeting their commitments during the non-practising period of pupillage.*

AETOs and pupils will need to understand the timing of remaining vocational exams or assessments, Qualifying Sessions and the pupillage advocacy assessments to ensure that all are achievable and there is no clash of commitments.

They should review the pupillage training plan and consider how the study workload impacts the ability of the AETO to deliver the pupillage training programme in full. The AETO will need to consider the impact on the ability of the pupil to meet relevant competences in the [Professional Statement](#) as a result of less time available. For example, there may be less time for shadowing and gaining the benefits from seeing experienced practitioners engaging with clients and the Court.

- 3. Potential hiatus at the end of the non-practising period.*

If a pupil were to repeatedly fail assessments, there could be a long gap before they could commence the practising period of pupillage. This could disrupt the continuity of the training experience and make it difficult for the AETO to be confident in signing off the pupil to proceed to the practising period of pupillage. Clarity from the AETO at the outset will be needed for the AETO and pupil to understand what will happen if a pupil is unable to be Called and start the practising period of pupillage as planned.

4. *Knock-on effect of having to extend a pupillage.*

An AETO may not be able to take on another pupil at the usual time if it has to extend a pupillage for the above reasons, for example because of:

- the financial commitment;
- the capacity to train another pupil at the same time; or
- the capacity to take on, as tenants, more pupils qualifying at the same time.

5. *Loss of investment in time and money if the pupil fails to complete the vocational training assessments and cannot complete the pupillage.*

The AETO will need to consider what the risk is and if it is prepared to accept this risk.

***Risks to the pupil***

6. For those who do not pass the August assessments, there will be a reduced quality of pupillage training experience (as above) as well as workload stress.
7. If they fail, they may lose the chance to complete the pupillage where an AETO has decided to terminate the pupillage. This track record may make it harder to find another pupillage elsewhere.
8. Potential hiatus at the end of the non-practising period. If a pupil were to repeatedly fail assessments at that point there could be a long gap before they could commence the practising period of pupillage. This could disrupt the normal benefits from continuity of the training experience.