

SECTION 10 PUPILLAGE & TENANCY POLICY DOCUMENT

10.1 ORGANISATION OF PUPILLAGE

Chambers has a Pupillage Committee consisting of not less than 3 people. The Chair of the Pupillage Committee is a Silk in Chambers. The other members of the Committee, like all other Chambers' committees, are allocated by the Management Committee. At present the Chair of the Pupillage Committee is the Head of Chambers, Tim Amos QC; the other members of the Committee are at present Oliver Wise, Katie Cowton QC, Rosie Budden, Marina Faggionato, Amy Kisser, Andy Campbell, Janine McGuigan, Tom Haggie, Sophie Clayton, and Josh McEvoy. Josh McEvoy supervises the mini pupillage programme. The Pupillage Committee meets on a regular basis, not less than 4 times a year and reports to the Management Committee not less than twice a year. Pupillage is subject to the Chambers' Equal Opportunities and Diversity Policy and Quality Assurance Statement.

10.2 AIM OF PUPILLAGE

The aim of pupillage is to give each pupil top quality training for the profession of barrister and to enable them to become the best barrister they can be. We consider that this is done in the most effective way by providing pupils with experience of the whole range of Chambers' work, and by involving them in Chambers' everyday life. Every pupil will be considered for tenancy at the end of their 12-month pupillage and the aim of pupillage is to enable all candidates with the right underlying skill-set to reach their potential. Each 12-month pupil will have three successive pupil supervisors, changing every four months. No pupil will have more than one pupil supervisor at any one time. We find that this system allows pupils to have exposure to as many MoCs as possible, as well as ensuring that pupils see a broad spectrum of Chambers' work. In addition, each pupil is also assigned to a junior tenant for the year (their "junior contact", generally under 5 years' call). The intention is that the pupil will arrange with the junior contact, throughout the first six months, to see plenty of work of a similar type to that which the pupil will be doing during the second six months, and that the junior contact will make him/herself available to assist on an informal basis with any queries or concerns which the pupil may have. The junior contact thereby also performs an important pastoral function, supported by the formal pastoral network for any issues which require this level of intervention.

10.3 NUMBER AND TYPE OF PUPILLAGES AND PUBLISHING OF VACANCIES

We offer up to two 12 month funded pupillages each year. Very occasionally and in specific circumstances, we may also offer unfunded pupillages for six or twelve months, for example to overseas students. If this were to occur we would need to apply to the Bar Standards Board for a waiver in relation to funding the additional pupillage; this has no implications for the funding of our funded pupillages.

Each year the pupillage vacancies for the following year are advertised on / published through the Pupillage Gateway, as required by the Bar Standards Board.

For Chambers' work it is essential to have the ability to deal not only with complex financial disputes, often involving commercial issues and significant amounts of money, but also with child-related or other emotionally fraught and sensitive situations. We look for applicants with a strong academic record (save in exceptional circumstances we require a minimum 2:1 law or non-law degree) and good legal and analytical skills, and also those who can demonstrate an ability to communicate sensitively with a wide range of people at a critical time in their lives.

Within this field, we actively seek the widest possible spectrum of applications. Chambers believes that professional talent has no correlation to an individual's age, gender, ethnic background, sexual orientation, disability or other characteristic.

Chambers is a member of the Pupillage Gateway scheme and all pupillage applications are therefore dealt with in accordance with the Pupillage Gateway scheme rules (which are established by the Bar Council). Should a vacancy for a third six pupillage (exceptionally) arise, we would strive to advertise the vacancy, including through the Pupillage Gateway (if the

vacancy arises during the Pupillage Gateway season) or otherwise, on the Bar Council website, in the Inns of Court and in any other place decided upon by the Pupillage Committee. We would then hold a full selection process.

10.4 FUNDING AND PATTERN OF PUPILLAGE

10.4.1 FUNDING

Each pupil will receive a pupillage award of a minimum of £35,000 per year (paid monthly) plus their own earnings which they accrue largely in the second six months of pupillage. A pupil's earnings are taxable however they are not subject to any Chambers' expenses for the duration of their 12-month pupillage. We review the award each year and increase it as appropriate to ensure that we provide a suitable level of funding.

10.4.2 PATTERN OF PUPILLAGE

Our 12-month pupillages are divided broadly into three four-month parts (known as "rotations"), each with a different pupil supervisor. The intention is that all pupils will spend the vast majority of their pupillage doing family law work, but will also have an opportunity to see some general common law work if practicable. The junior contact will ensure that a pupil sees work at a more junior level than that of their pupil supervisor and will be a contact with whom the pupil can raise queries about Chambers or pupillage as appropriate. Pupils will be encouraged to take the initiative to make enquiries of all junior MoCs to see whether they have suitable work from time to time which the pupil might attend in order to broaden their experience.

Tenancy decisions generally take place in the July following commencement of pupillage. Unsuccessful candidates for tenancy will receive assistance from Chambers as set out in Section U below.

10.5 SELECTION OF CANDIDATES FOR PUPILLAGE

QEB is a member of the Pupillage Gateway, recruiting in line with the Pupillage Gateway timetable. On receipt of all of the applications, copies of all of the application forms through the Pupillage Gateway system (and of any applications which are unable to be made through the Pupillage Gateway system for specific reasons) are placed before three MoCs (generally chosen from present or past Pupillage Committee members and those involved or previously involved in mini-pupillage) in order to produce a shortlist of candidates for interview.

The Pupillage Committee has conducted an internal review of the equal opportunities practices relevant to pupil recruitment. It has concluded that anonymisation of pupillage applications can lead to a diminution, rather than an increase, in diversity of entrant. Chambers has therefore made the decision based on this data that applications should not be anonymised going forwards and that this practice should be kept under review. Chambers' settings with the Pupillage Gateway will be adjusted accordingly (previously the Pupillage Gateway automatically anonymised the applications sent to Chambers).

It is not necessary for a candidate for pupillage to have undertaken a mini-pupillage at QEB in order to be considered for pupillage interview. But for those candidates who have already spent time in Chambers as a mini-pupil, mini-pupillage reports are given to the shortlisters for consideration as part of the selection process.

Without consulting with each other, the shortlisters consider all of the application forms and select those who they consider should be interviewed. The following codes are used by all shortlisters in completing this process:

- Y: This person should be interviewed;
- Y? This person should probably be interviewed;
- N? This person should probably not be interviewed;
- N: This person should not be interviewed.

On receipt of the responses of the shortlisters, approximately the top 30 candidates are selected for first round interview. Approximately the top 10 candidates from the first round interview are invited to a second and final round interview.

Candidates who are selected for interview are informed by e-mail and are asked to telephone Chambers to arrange a time for such interview. Unsuccessful candidates are also informed by e-mail. In relation to candidates to whom interviews are offered we take up to a maximum of 3 references per candidate prior to interview. Referees are asked to complete a standard form reference (related strictly to our selection criteria) which is to be sent back to Chambers before the interview dates.

QEB considers interview training important for all interviewers (see 11.5 below). For our first-round interview we have an interview panel of three, usually comprising junior barristers who are usually all members of the Pupillage Committee. Each interview has a similar structure and lasts for approximately 15 minutes. About 10 minutes before the interview each candidate is provided with a problem question (the same for each candidate) about which we ask questions during the interview. These questions generally take approximately 5-7 minutes of the interview. Specifically, we do not assume the candidate has read law as a degree subject when preparing our problem. The rest of the interview aims to allow candidates to demonstrate the skills and qualities required of pupils (as detailed below) through evidence-based questions, and questions generally arising from the candidate's application form or recent legal events. Each candidate is given the opportunity to ask questions prior to the end of the interview.

Following the end of the first-round interviews the top (approximately 10) candidates are invited to second round interviews. Candidates who are selected for interview are informed by e-mail and are asked to telephone Chambers to arrange a time for such interview. Unsuccessful candidates are also informed by e-mail.

For our second-round interview we have an interview panel of four, usually comprising the head of chambers (currently Tim Amos QC), another silk and two junior barristers (the latter three of whom are usually all members of the Pupillage Committee). All interviewers are provided with the candidates' application forms and mini-pupillage reports where applicable and have access to references. References are only used after the interview process has been completed as a cross-check with the interview panel's decisions; they are not determinative. Each interview has a similar structure and lasts for approximately 30 minutes. About 20 minutes before the interview each candidate is provided with a legal problem (the same for each candidate) about which we ask questions during the interview. These questions generally take approximately 15 minutes of the interview. Specifically, we do not assume the candidate has read law as a degree subject when preparing our legal problem. The rest of the interview aims to allow candidates to demonstrate the skills and qualities required by pupils (as detailed below) through evidence-based questions, and questions generally arising from the candidate's application form. Each candidate is given the opportunity to ask questions prior to the end of the interview.

After each interview, and before the next interview commences, each interviewer completes an assessment form, marking the candidate on specific areas (self-presentation, intellectual qualities, temperament, interpersonal skills, motivation and additional factors / potential) and providing comments as appropriate. The form used is based on that recommended by MANTRA (a BSB approved supplier specialising in Management Training). No discussion of the candidate takes place prior to completion of the assessment form. After the form has been completed, marks are collated and a general discussion takes place including, in some instances, moderation of the collated marks to ensure consistency and genuine reflection of the interviewers' individual and collective appraisal of the candidate. At the end of each day of interviewing, a list of candidates in order of merit is compiled.

At the end of the second-round interviews a full list is compiled and the top (up to two) candidates are made offers. Approximately the next 6 are told that they are "near-misses" and may receive an offer if one of the candidates to whom an offer is made rejects their offer. The near-miss list is compiled in order of merit and offers are made starting with the candidate at the

top of this list. When all places have been filled, the remaining candidates are told that no more places are available.

All candidates are notified by e-mail of the results as soon as possible. No candidate is asked to accept an offer before any Pupillage Gateway deadline. Our offers will not be made before the Pupillage Gateway deadline.

Where there is a vacancy for pupillage, if an application is made which does not fall within the Pupillage Gateway scheme, it is considered by not less than two members of the Pupillage Committee who decide whether or not to invite the candidate to attend for interview by the Pupillage Committee. If an interview is offered, the procedure for the interview and the decision thereafter is as set out above.

10.6 QUALIFICATION AND TRAINING OF PUPIL SUPERVISORS

All pupil supervisors must be approved by and registered with their Inns and have undergone induction and / or refresher training organised by the Inns. All pupil supervisors are also monitored by the Pupillage Committee to ensure that they are providing an appropriate level of training for pupils.

10.7 ALLOCATION OF PUPIL SUPERVISORS TO PUPILS

The allocation of pupil supervisors is undertaken with a view to providing pupils with experience of as broad a range as possible of Chambers' work. As the main specialisation in Chambers is family law, the focus is on a combination of general family work and specialist family finance work. Individual supervisor allocation is made by the Pupillage Committee.

10.8 COMMENCEMENT OF PUPILLAGE

Pupillages commence on 14 September (or the first working day thereafter).

10.9 STRUCTURE OF PUPILLAGE & PRO BONO WORK

10.9.1 STRUCTURE OF PUPILLAGE

We try to ensure a degree of flexibility to pupillage in Chambers. Each pupil will be based in the room of his or her supervisor, with a desk or space where that pupil may store their belongings. The pupil supervisor directs the day-to-day running of the pupillage. The pupils are required to keep a diary summarising the work he or she undertakes each day.

Although it is ultimately up to pupils when they attend, in consultation with their supervisors, we advise that maximum benefit would be obtained from a day that begins at 8.45 am and ends around 6.15 pm, with a break for lunch in the middle of the day. We provide pupils with stationery.

Pupils are allowed to make and receive telephone calls, within reason. When appropriate, pupils are encouraged to go and see other work being undertaken by other MoCs (especially their junior contact), and/or undertake paperwork for other tenants, subject to the direction of individual pupil supervisors. Working pupils, of course, will usually have their day dictated by their own diaries. Chambers pays for pupils to undertake the "Practice Management/Advice to Counsel" if available through the Bar Standards Board (however it is no longer a requirement for pupils to undertake this course as of 2019). Each pupil is also required to undertake his or her Inn's advocacy training programme, for which Chambers will pay if the Inn requires payment from the pupil for this course. Religious observance during the working day is facilitated if required.

10.9.2 PRO BONO WORK

We encourage pupils to undertake pro bono work during pupillage, whether it be for FRU, the Advocate Unit, a law centre or other voluntary organisation. We will accommodate requirements to attend court, tribunals etc. and consider days spent doing such work to be a part of the pupillage (within reason).

10.10 CHECKLISTS & ASSESSMENT OF PUPILS

We use the Bar Standards Board Family Law Pupillage Checklist.

10.10.1 “IN-HOUSE” TRAINING AND ASSESSMENT OF PUPILS

Each pupil supervisor reviews their pupil’s work at the end of each month, providing oral feedback to the pupil and completing a monthly review form. This also provides a natural opportunity to review the pupil’s Bar Standards Board checklist and to discuss gaps in the work seen. At the end of the period of pupillage with the first pupil supervisor (around 3-4 months from the start of pupillage), at the end of the period of the pupillage with the second pupil supervisor (around 7-8 months from the start of pupillage), and prior to the tenancy decision in the Summer, each pupil supervisor is asked to prepare a short report on the progress of their pupil. The pupil’s feedback on this report is obtained, and the pupil is invited to respond in writing to the comments made. Any comments, suggestions or complaints made by the pupils are discussed within the Pupillage Committee, who consider any suggestions for improving the provision of training in Chambers.

In terms of assessments, we arrange an advocacy exercise/assessment for all pupils just before the end of the first six months of pupillage (the pupils being notified of the date well in advance). This exercise forms part of the pupil’s overall assessment, being an opportunity for assessment and feedback in both directions, and it also enables Chambers to certify to the Bar Council that the pupil is ready to do court work. Oral feedback is given on the pupil’s performance after the assessment. Feedback is also provided to MoCs for the tenancy meeting. In addition to the above:

1. Informal in-house advocacy training/assessment(s) is/are also organised (see section G and 10.3.3 below) by the pupil supervisors and junior contacts twice a year. Oral feedback on the pupil’s performance is given after the first advocacy training/assessment. Oral feedback is given, and a brief report is prepared and shown to the pupil, after the second advocacy training/assessment. The written report is also provided to MoCs for the tenancy meeting.
2. We also usually arrange an additional conference exercise/assessment. If so, brief reports are prepared giving feedback on the pupil’s performance and are shown to the pupil. These are also provided to MoCs for the tenancy meeting.
3. During the year, the pupils will also all be asked to complete two written assessments. These provide the pupils with an opportunity to demonstrate their legal skills and written ability to all MoCs. Brief reports are prepared giving feedback on the pupil’s performance and are shown to the pupil. These are also provided to MoCs for the tenancy meeting.
4. In assessing pupils, the Pupillage Committee is particularly concerned to establish whether progress is being made in the following areas:
 - a) Do they present professionally as a potential practising member of the Bar?
 - b) Are they able to analyse cases and reach sensible decisions as to advice, tactics and procedure?
 - c) Are they demonstrating an ability to research the law and apply it to a specific issue or problem?
 - d) Are their interpersonal skills within Chambers and with solicitors and clients satisfactory?
 - e) Do they remain motivated and committed to life at the Bar?
5. In addition to paying for pupils to attend the courses referred to in paragraph 10.1.9 above, because a number of former MoCs sit as High Court Judges, we can also arrange for our pupils to undertake a period of marshalling for a High Court Judge.

(A) SPECIFIC POINTS FOR WORKING PUPILS

1. No pupil will be sent to court with rights of audience until he or she has been appropriately certified by the Bar Standards Board and the clerks have a copy of this documentation.
2. Pupils are encouraged to discuss their own work with any member of Chambers but especially with their supervisor and junior contact.

3. The clerks are instructed to notify the Chair of the Pupillage Committee of any difficulties encountered by a pupil with court work.

(B) ALLOCATION OF WORK AND MONITORING OF ALLOCATION OF WORK DURING THE SECOND SIX MONTHS OF PUPILLAGE

- a) The clerks distribute work equally (on an alphabetical rota system) between the pupils as and when it becomes available subject to specific requests by solicitors.
- b) A pupil may raise, informally, with the Chair of the Pupillage Committee any concerns he or she has as to the fairness with which work is allocated. Such concerns will always be investigated, and an explanation of the situation given to the pupil by the Chair of the Pupillage Committee.

(C) MAINTAINING QUALITY OF WORK BY PUPILS

ANY ISSUES RAISED BY THE CLERKS AS TO THE QUALITY OF WORK ARE DISCUSSED IMMEDIATELY WITH THE PUPIL. WHERE APPROPRIATE, FURTHER ADVICE AND/OR TRAINING IS GIVEN TO THE PUPIL AS TO ENSURING THE MAINTENANCE OF GOOD QUALITY SERVICE TO CLIENTS.

IF THERE ARE SIGNIFICANT PROBLEMS OVER THE QUALITY OF WORK OR ISSUES IN RELATION TO THE PUPIL'S ABILITY TO CARRY IT OUT SATISFACTORILY, THE PUPIL MAY BE REQUIRED TO STOP ACCEPTING INSTRUCTIONS FOR WORK OUTSIDE OF CHAMBERS UNLESS AND UNTIL THE PUPILLAGE COMMITTEE IS SATISFIED THAT THE PUPIL IS ABLE TO PROVIDE A GOOD QUALITY SERVICE. FURTHER GUIDANCE WILL BE GIVEN TO THE PUPIL IF SUCH A SITUATION EMERGES. WHERE THE PUPIL IS UNHAPPY ABOUT THIS DECISION, HE OR SHE MAY INVOKE THE CHAMBERS' GRIEVANCE PROCEDURE FOR PUPILS (ANNEXE EE).

(D) PAYMENT FOR WORK

As with MoCs, the clerks negotiate fees with solicitors. All fees are collected by the clerks' room and pupils' fees are negotiated and "chased" in the same way as tenants' fees.

(E) CLERKS' FEES / CHAMBERS EXPENSES

PUPILS DO NOT PAY ANY FEES TO CLERKS OR EXPENSES TO CHAMBERS THROUGHOUT THE DURATION OF THEIR 12 MONTH PUPILLAGE.

(F) CONCLUSION OF PUPILLAGE: OBLIGATIONS

At the end of pupillage pupils are required to lodge with the Pupillage Committee:

- a) A copy of their Bar Standards Board checklist, signed by their supervisor(s); and
- b) Copies of their monthly review forms.

(G) DECISIONS AS TO TENANCY AND SQUATTING

- a) Traditionally, Chambers recruits based on merit and availability of work, unconstrained by quotas or physical space within Chambers.
- b) The decision whether to offer a tenancy to a pupil is taken by the Head of Chambers following a full meeting of the MoCs. Prior to the full tenancy meeting, the Head of Chambers, the Pupillage Committee, and the pupil supervisors meet with a view to agreeing a non-binding recommendation to make to the MoCs at the full tenancy meeting. Also prior to the full tenancy meeting, the pupil supervisors' written reports and reports on written assessments and advocacy assessments (the formal test prior to the second six, the second informal test with pupil supervisors and junior contacts; and the conference test) are also circulated to all MoCs.
- c) The Tenancy Selection procedure is set out at 10.11 DD below.
- d) Sometimes Chambers wishes to see more of a pupil before deciding. In those circumstances, the pupil concerned may be offered a further period of pupillage.

- e) If a pupil is not recruited as a tenant in Chambers, then he or she should leave on the last day of pupillage unless permission to remain in Chambers has been requested (from the Head of Chambers) and granted. In normal circumstances, permission for one month will be given. If appropriate, and exceptionally, further periods of up to three months may be granted upon application to the Head of Chambers.

(H) POST-DECISION ASSISTANCE

Where a pupil has not been recruited by Chambers, the Pupillage Committee will provide assistance by way of advice and any practical help which it can reasonably give to seek to ensure that every pupil is able to continue with a career as a practising barrister. As a result of QEB's reputation we have a good record of being able to help pupils find alternative Chambers.

(I) MATTERS NOT ADDRESSED BY THIS DOCUMENT

Any issues not covered by this document will be resolved by the Pupillage Committee.

(J) PUPIL SUPERVISORS' OBLIGATIONS

- a) Before pupils start in Chambers, their pupil supervisor will contact them to introduce themselves and make arrangements for their arrival. In the event that the pupil supervisor will not be in Chambers on the morning his/her pupil starts, he or she will arrange for a "relief" pupil supervisor for that day, in consultation with the Senior Clerk, and inform the pupil of the arrangements made.
- b) At the beginning of pupillage, pupil supervisors will actively discuss with the pupil what the pupil supervisor expects in terms of their working hours, daily duties, going to court, travel expenses etc., introduce the pupil to the clerks and other MoCs, explain where relevant research materials are (and at least initially assist them in where to start research projects), and ensure that the pupil has all necessary computer equipment to access the Chambers' diary. They will also encourage the pupil to offer feedback about pupillage, at the monthly review sessions or otherwise as and when points arise. Pupil supervisors will ensure during the first week that pupils are able to access a copy of the Bar Standards Board Professional Statement. The competencies set out in the statement will be discussed generally with the pupil at an early stage and, during the course of pupillage, encouragement will be given on a regular basis to fill it in and to discuss gaps. It is important that pupils understand that the statement needs to be filled in properly (dates, details of case etc.) and not completed just by ticking sections. The "Satisfactorily Completed" section needs to be filled in by pupil supervisors, initialled and dated. Throughout pupillage, pupil supervisors will keep checking that evidence is being gathered and recorded pursuant to the professional statement, discuss with pupils any gaps and suggest means of filling these (e.g. by attending court with other MoCs). At the end of the first six and second six months, pupil supervisors must ensure that the fully completed statement is given to the Pupillage Committee.
- c) Regular appraisal / feedback of pupils' work is essential. The monthly review form referred to at 10.10.2 (Annexe AA) will be completed at the end of each month. The form will be given to a member of the Pupillage Committee at the end of the period of pupillage.
- d) For those pupil supervisors who have pupils during their first six months, a Bare Essentials list of work is provided (10.10.3). All matters on this must be covered before the end of the first six, and those taking over pupils in January will check with them what has been covered and what is outstanding.
- e) Pupils are asked to keep a detailed diary of work done (partly to assist in completion of their checklist / monthly review forms). Pupil supervisors will encourage pupils to keep this diary from the very outset of pupillage and will check from time to time that such a diary is being completed.

- f) At the end of approximately the first 3½ months of pupillage, after approximately 3½ months of the second “rotation” of pupillage, and prior to the tenancy decision in the Summer, all pupil supervisors who have had pupils during the relevant period are asked to provide a short report on their pupil to the Pupillage Committee, in order that the pupil’s progress can be properly monitored. This report will be discussed with the pupil and their feedback obtained. A proforma report (Annexe CC) including a graded report is provided by the Pupillage Committee (Annexe DD).
- g) As the Head of Chambers has to certify that pupils are ready to go into court before they get their Provisional Practising Certificate, there will be an advocacy exercise for all pupils in late February / early March of each year. Pupil supervisors should ensure that their pupil knows of the date of this. They will be provided with details closer to the time. All pupils will be given a reasonable amount of time to prepare the problem. At the same time, the Head of Chambers will be asking for written reports from all current pupil supervisors on each pupil. At the end of the first six months and again at the end of the second six months a pupil supervisor is required to certify the satisfactory completion of that period of pupillage. Each pupil has a copy of the relevant forms in their pupillage file. The pupil supervisor must ensure that it is completed and must keep a copy.
- h) Pupil supervisors should encourage pupils to spend time in court with their junior contact and should actively liaise with the junior contact about the pupil regularly.
- i) Pupil supervisors should liaise with junior contacts to organise informal advocacy training for pupils at least once (and if possible, twice) during the pupillage year. Junior contacts will provide the pupil with a copy of a set of papers for a hearing which they are booked to do. The pupil will prepare the case and make submissions on it to the pupil supervisor and junior contact, receiving feedback as appropriate. The pupil will then, wherever possible, attend court with the junior contact to see the case in practice.
- j) Pupil supervisors will ensure that pupils arrange to complete the compulsory courses: Practice Management/Advice to Counsel; and the Inns of Court advocacy courses referred to above.
- k) Pupil supervisors should tell pupils of the date of the tenancy decision meeting as soon as it is fixed. Pupils should also be told that they can leave Chambers when the meeting starts and that they need not come into Chambers the next day if they do not wish to (subject to their own Court commitments). They may ask the clerks in advance to book a day of holiday into their diary for the day after the meeting so as to ensure they do not have Court commitments if they so choose. Pupils will be told in advance how/when the tenancy meeting decision will be notified to them, and if this is by telephone, pupil supervisors should ensure that the Senior Clerk has up-to-date phone numbers for each pupil. If a pupil is not taken on by Chambers, pupil supervisors assist and advise their pupil on future applications as appropriate and insofar as they are reasonably able to do so.

10.10.2 ANNEXE AA. QEB PUPILLAGE MONTHLY REVIEW FORM

Pupil

Pupil Supervisor

Junior contact

	End of 1 st month	End of 2 nd month	End of 3 rd month	End of 4 th month
Date of review				
Checklist checked/discussed on what date?				
Time spent with others in QEB?				

Liaison with junior contact?				
What court work seen?				
See High Court trial with QC?				
What (type of) conferences observed?				
Paperwork done				
(a) Asset Schedule / Net Effect				
(b) Chronology				
(c) Statement of Issues				
(d) Questionnaires				
(e) Affidavits				
(f) Pleadings				
(g) Opinions				
(h) Orders				
(i) Petitions/Answers/Replies				
Junior Work				
(a) CA directions*				
(b) CA first hearing dispute resolution*				
(c) CA final hearing*				
(d) CA fact-finding hearing				
(e) Non-mol/Occupation order*				
(f) Public Law*				
(g) Low value AR*				
(i) Possessions				
(j) Bankruptcy				
(k) Pro Bono work				
What cases discussed?				
Next month's "to do list"				
Last month's "to do list" done?				
Problems?				
Pupil's comments/feedback				
Signature of pupil and pupil supervisor				

10.10.3 ANNEXE BB. BARE ESSENTIALS TO COVER IN 1ST 6 MONTHS

(i) COURT

1. Attending hearing in Chambers
2. Attending hearing in open court.
3. Taking a note in court which is looked at by your pupil supervisor
4. Seeing a witness cross-examined.
5. Seeing an order negotiated and drafted.

(ii) PAPERWORK

1. Endorsing a brief

2. Drafting schedule of assets, chronology, questionnaire, schedule of issues and order.
3. Writing an opinion / giving written advice and discussing it with your supervisor
4. Drafting/considering Particulars of Claim/Defence.

(iii) GENERAL

1. Discussion with pupil supervisor about important matters of conduct and etiquette – not just issues which have arisen.
2. Demonstration of ability to look up law without being told where to look.
3. Grasp of Family Procedure Rules 2010 and President’s Practice Directions.
4. Grasp of where books are in Chambers.
5. Understanding of what happens and is expected to happen in clerks’ room communication with clerks, Chambers’ diary, and fee notes.
6. Knowledge of rules relating to costs.
7. Knowledge of procedure for, and requirement to seek, permission to appeal.
8. Has the checklist been kept up to date?
9. Has the monthly review been filled in?

10.10.4 ANNEXE CC. NARRATIVE REPORT ON PUPIL

This assessment requires assessments under each heading, setting out whether and if so how the pupil is exceeding, meeting or not meeting expectations in that area.

Specific examples, drawn from work done during the relevant period, must be included.

Name of Pupil:
Name of Pupil Supervisor:
Date:

A. Overall approach to work (an organised practice, commitment to hard work, ability to stay calm under pressure, initiative)
1. Summary
2. Example(s) of achievement(s)

B. Analysis (demonstrates sound factual and legal analysis, legal research skills, ability to apply sound judgment)
1. Summary
2. Example(s) of achievement(s)
3. Example(s) of area(s) for improvement

C. Presentation (expresses ideas clearly and persuasively, both orally and in writing)
1. Summary
2. Example(s) of achievement(s)
3. Example(s) of area(s) for improvement

D. Interaction and Communication (demonstrates a capacity to show understanding of others' need and problems, and interacts appropriately with others, including professional and lay clients)
1. Summary
2. Example(s) of achievement(s)
3. Example(s) of area(s) for improvement

E. Summary (including any further appropriate examples)	
Pupil's Comments: 	
Signed by Pupil Supervisor:	Date:
Signed by Pupil:	Date:

10.10.5 ANNEXE DD GRADED REPORT ON PUPIL

Name of Pupil:
Name of Pupil Supervisor:
Date:

Notes:

- The following report, which supplements your written report, is intended to give a graded indication of how your pupil supervisor perceives you to be performing in the designated categories (which are the same as the categories in your written report).
- The aim is to indicate the level of your performance on a scale which will enable you and your subsequent pupil supervisors to identify your areas of strength and those areas that require specific and focussed improvement.
- It is not appropriate to aggregate your grades in any way (and they will not be aggregated by your pupil supervisor or by Chambers); their value is in providing a guide to specific areas of strength and weakness.
- While there will be a degree of moderation between pupil supervisors, these grades are not intended to be rigorously comparable with other pupils.
- These grades will form a part of the overall assessment by Chambers of your application to become a tenant. They are not singularly determinative.
- The grades describe performance as follows and are applicable to the stage of pupillage at which they are given (i.e. you are *currently* considered to be exceeding expectations/satisfactory/etc.):

- 1 – Excellent
- 2 – Exceeding expectations
- 3 – Satisfactory
- 4 – Not performing well enough
- 5 – Cause for concern

A	Approach to work	Organised practice	
		Commitment to hard work	
		Initiative	
B	Analysis	Factual analysis	
		Legal analysis & research	
		Sound judgment	
C	Presentation	Oral presentation	
		Written presentation	
		Professionalism (personal presentation)	
D	Interaction/communication	Understanding needs/problems (empathy)	
		Interaction - solicitors	
		Interaction - lay clients	
E	Output	Calm under pressure	
		Speed of working	
		IT skills	

Signed [Supervisor]: on: [date]

Signed [Pupil]: on: [date]

10.11 TENANCY SELECTION PROCEDURE

- a) New tenants are crucial to the future of Chambers. Accordingly, Chambers regards the selection and recruitment of new tenants as a crucial part of its future development and long-term viability.
- b) Chambers encourages applications for tenancy both from pupils (paragraphs 10.10.1 below) and from established practitioners in other sets of Chambers (paragraphs

10.11.2 below). In doing so Chambers is naturally concerned properly to implement our Equal Opportunities and Diversity Policy and Quality Assurance Statement, and to reflect the Bar Council's / Bar Standards Board's guidelines.

10.11.1 APPLICATIONS BY PUPILS

- a) It is the general policy of Chambers to offer a tenancy only to pupils who have completed at least six months pupillage within Chambers. This policy will be departed from only in exceptional circumstances.
- b) The decision whether or not to offer a tenancy to a pupil is reached following a Chambers meeting ("the tenancy meeting") held once per year, usually in July (as set out in Section G above).
- c) Each pupil within Chambers will be deemed to be an applicant for tenancy unless otherwise stated by Chambers at the time of offer of pupillage or by the pupil in writing at any time prior to the tenancy meeting.
- d) It is the normal policy of Chambers to recruit those pupils as tenants who are adjudged to have attained a sufficiently high standard during their pupillage (see below). There is no fixed number of tenancies for which pupils compete.
- e) The overall considerations in tenancy selection are, inter alia:
 - i) whether the individual applicant will be a successful barrister within Chambers.
 - ii) the comparative ability of the applicants.
 - iii) The availability of work for new tenants both immediately and in the foreseeable future.
- f) The criteria which will be applied in assessing candidates for tenancy are inter alia as follows:
 - i) an analytical mind.
 - ii) an ability to express ideas clearly and persuasively, both orally and in writing.
 - iii) an ability to think under pressure.
 - iv) a commitment to hard work.
 - v) an ability to apply sound judgment in relation to instructions, litigation and proposed litigation.
 - vi) an organised approach to practice.
 - vii) a capacity to understand and show understanding of the needs and problems of those for whom and with whom they work.
- g) Pupils will be assessed based on their entire performance during pupillage.
- h) It will be the objective to ensure so far as practicable that the majority of MoCs have seen at least one example of each pupil's written work during the year. Account will also be taken of reports (oral and written) about work/assessments in which the pupil has participated during the year, any advocacy test in which the pupil has participated, any comments from solicitors for whom the pupil has worked and from judges with whom the pupil has marshalled.
- i) The procedure for the tenancy meeting is as set out at section G above under 10.10.1.
- j) Where a pupil is not invited to become a tenant, every reasonable effort will be made to assist that individual to find a further pupillage or tenancy elsewhere.

10.11.2 APPLICATIONS BY ESTABLISHED PRACTITIONERS

- a) Where a vacancy is positively identified within Chambers it will be openly advertised. The advertisement will state that Chambers implements an Equal Opportunities policy and procedures for fair selection.
- b) Applications for a tenancy, whether in response to advertisement of a vacancy or otherwise, should be made in writing to the Head of Chambers. All applications are confidential.
- c) Applications will be considered in the first instance by the Tenancy Committee as appointed by the Head of Chambers.

- d) The criteria applied to each application are, inter alia:
 - i) where the applicant has an already established practice, whether that practice will complement and enhance the quality of service which Chambers already offers.
 - ii) whether the practice which the applicant has (or may develop) will fill a need within Chambers.
 - iii) whether the individual applicant will be a successful barrister within Chambers
- e) Where the Tenancy Committee is of the opinion that the application merits further consideration it may invite the applicant for interview and/or recommend to Chambers that the application should receive wider consideration (including where appropriate an interview by Chambers as a whole). In such cases the final decision whether to offer a tenancy is taken by the Head of Chambers following a Chambers meeting. The decision is communicated to the applicant by the Head of Chambers.
- f) Whilst group applications will be considered on their own merits it should be made clear that each application will be looked at and treated as a separate application by each individual practitioner. Accordingly, individuals will be asked to indicate whether they would accept a tenancy if offered to them individually.

10.11.3 GRIEVANCE AND DISCIPLINARY ISSUES FOR PUPILS

- a) Pupillage at QEB should be an enjoyable, as well as an educative, process. The possibility remains, however, that differences of opinion, or even grievances, may arise between pupils and MoCs or the clerks, or vice versa, and that pupils may find these difficult to deal with satisfactorily.
- b) Chambers recognises that it is very difficult for pupils to raise issues that are troubling them and, further, that any pupil wishing to do so would be bound to feel in a very vulnerable position. It is also clear that, for any pupil, being involved in (the unlikely event of) disciplinary proceedings within Chambers is worrying.
- c) Our aim is to ensure that any such matters can be raised and dealt with quickly but properly and with a minimum of fuss. Of course, in the event of disciplinary matters against pupils, it may be that a full and detailed process cannot be avoided, but it is to be hoped that this would be very much a last resort.
- d) Generally, it is Chambers' position that a pupil can, at any time, ask for a full and formal disciplinary hearing (whether they are the complainant, or the person being complained about). Chambers, generally, would only seek a full hearing when the matter is incapable of any other resolution.
- e) Clearly, some matters will require a full and formal procedure. Allegations against pupils of dishonesty, harassment or other gross misconduct would be examples of this. Other matters, such as inappropriate behaviour or rudeness can be dealt with more informally.
- f) In general terms, the following procedures will be adopted.

10.11.4 GRIEVANCE PROCEDURE

- a) In the first instance if a pupil finds himself or herself in the situation of having a grievance or complaint, he/she should as a rule speak first to his or her own pupil supervisor. If for any reason this is not possible, or does not resolve the difficulty/grievance, the pupil should speak to the Head of Chambers at the first available opportunity.
- b) If the pupil prefers, he or she may ask for an informal discussion with the Chair or any member of the Pupillage Committee. This process is entirely informal but may be preferred by some pupils as a means of dealing, more discreetly, with a problem that may be capable of easy resolution.
- c) If the pupil chooses to speak to the Head of Chambers and, after speaking to the Head of Chambers, considers that the difficulty/grievance is still not resolved and should be taken further, the pupil may, within seven days after discussing the matter with the

Head of Chambers, request that a formal meeting be convened, as soon as reasonably practicable, in order to consider the matter. Such a request may be made orally but should, if possible, be in writing, to the Head of Chambers.

- d) The requested formal meeting will be chaired by the Head of Chambers unless the pupil requests otherwise at the time of the request for a formal meeting. In that event it will be chaired by a High Court Judge (current or retired) nominated by the Chambers Management Committee. The pupil may be accompanied at the meeting by a barrister of his/her choice, and the meeting will be attended by the Head of Chambers (whether he/she is chairing the meeting). Other attendance at the meeting will be at the discretion of the Chair after consultation with the pupil.

10.11.5 COMPLAINTS ABOUT PUPILS

- a) Where possible, any problem regarding a pupil and his or her conduct should be resolved by informal discussion with the pupil supervisor or, if appropriate, informal interview with the Chair of the Pupillage Committee (accompanied, if thought necessary, by another member or employee of Chambers). If, at any time, the pupil wishes to have the matter dealt with more formally, any informal discussion will cease, and the matter will be dealt with formally.
- b) Where there has been a complaint which is to be dealt with formally, the Pupillage Committee shall decide which of the following processes to use: (i) Minuted Interview; or (ii) Full Hearing.

10.11.6 MINUTED INTERVIEW

- a) This is suitable for all but the most serious of complaints. The pupil shall have an interview (with at least one member of the Pupillage Committee and one other member of Chambers) at which the nature of the complaint against the pupil will be outlined to him or her. He or she may make any notes he or she chooses (and may be accompanied by a fellow pupil, pupil supervisor or junior contact). If the pupil feels able to discuss the complaint there and then, this will take place; however, the pupil shall have an absolute right to time to prepare for the rest of the interview and, if requested, the interview will be adjourned for a reasonable time (in all the circumstances) for such preparation.
- b) During the interview (where the pupil can be accompanied as described above), the complaint having been set out (again, if there has been an interval) by the Chair of the Pupillage Committee, or by his or her nominee for the interview, the pupil will have an uninterrupted opportunity to explain his or her position. There may then be a discussion as to issues which arise and, at the end of the discussion, the pupil will be asked to leave the room whilst the interview panel discuss the position.
- c) When such discussion has concluded, the pupil will be asked to rejoin the interview and will be told the view of the panel. If, applying the balance of probabilities to any issue of fact, they uphold the complaint then they will advise the pupil as to future conduct and/or further training which should be undertaken. They have the power to prohibit further court work for a working pupil until such training is undertaken and the pupil is passed fit to take such work.
- d) Should the panel consider that the matter is more serious than first thought, they shall have the power to refer the matter to the full Pupillage Committee for formal hearing.
- e) If the pupil is unhappy with the decisions of the panel, then the pupil may refer the matter to the full Pupillage Committee for formal hearing in accordance with the provisions set out below under "Full Hearing".
- f) The "full" Pupillage Committee for these purposes shall not include the member who conducted the Minuted Interview.
- g) As suggested by the name, the interview and decision shall be minuted and copies provided to the pupil and to the Pupillage Committee.

10.11.7 FULL HEARING

- a) The aim of this hearing will be to decide whether, on a balance of probabilities, the complaint against the pupil is made out and, if so, the appropriate sanction (if any). A complaint includes any allegation that the pupil's fitness to be a pupil in Chambers may be impaired, whether by reason of conduct, competence, or health.
- b) For the purposes of the hearing, the Committee shall appoint one of its number to chair the proceedings. Within 14 days of the complaint or, in the case of a full hearing following a minuted interview, within 14 days of the reference of the complaint to the Committee, that person shall write to the pupil setting out the complaint. Any letters or statements made by any person shall be copied and given to the pupil.
- c) At the hearing, the pupil may be accompanied by a fellow pupil, pupil supervisor or junior contact. Although this hearing is formal, the feeling of there being an adversarial trial is to be avoided.
- d) The Chair of the hearing shall outline the complaint and refer to any material supportive of that complaint. If any person is required to attend to give live "evidence" by the Committee or by the pupil then such person(s) must be given 3 days' notice of the hearing. Such people may be questioned by the pupil and by the Committee.
- e) At the end of all the evidence, the pupil shall have an opportunity to make submissions. He or she will then be asked to withdraw whilst a decision is made as to whether the complaint is upheld.
- f) If the complaint is upheld, the pupil shall have an opportunity to make submissions in mitigation. The pupil will then withdraw whilst the Committee consider what, if anything, should be done.
- g) The Committee shall have the power to do whatever, in their opinion, is right to protect Chambers whilst attempting not to do permanent unnecessary damage to the career prospects of the pupil. In an extreme case the Committee is empowered to suspend the pupil and to refer the matter to the pupil's Inn or to the Bar Council.
- h) The pupil will be told of the decision as to sanction as soon as possible (although the Committee may adjourn this decision pending further investigation). The decision shall be confirmed in writing within 24 hours of its being communicated to the pupil.
- i) The pupil shall be entitled to appeal to the Chambers' Management Committee against any decision of the Pupillage Committee at or in relation to a full hearing. This should be done in writing within 7 days of the written decision and should set out: The decision appealed against; and the grounds for appealing this decision.
- j) The Management Committee shall re-hear the matter and either uphold the earlier decision, amend it or overrule it. Their decision shall be final.

SECTION 11 EQUAL OPPORTUNITIES POLICY

11.1 EQUAL OPPORTUNITY AND DIVERSITY POLICY

This policy is intended to ensure that employees understand their obligations and assist QEB in putting its commitment to equal opportunities and diversity into practice.

11.1.1 OUR AIM

We aim to treat everyone equally and to ensure that no job applicant, employee, worker, member, pupil, mini pupil or client/visitor or member of court staff is discriminated against on the grounds of a protected characteristic.

The following are protected characteristics:

- a) Age.
- b) Disability.
- c) Gender reassignment.
- d) Marriage and civil partnership.
- e) Pregnancy and maternity.
- f) Race (including colour, nationality, and ethnic or national origin).
- g) Religion or belief.
- h) Sex.
- i) Sexual orientation.
- j) Any additional changes because of law.

In addition, we aim to ensure that no job applicant, employee, worker, or client is treated less favourably or placed at a disadvantage on the grounds of their part-time status or trade union activities. This applies in the advertisement of jobs, recruitment, appointment, provision of benefits, allocation of training, promotion, disciplinary proceedings, dismissal, conditions of work, pay, giving a reference, the provision of services and every other activity and aspect of employment.

11.1.2 OUR COMMITMENT

We are committed to providing equal opportunities to our employees, workers, and clients, and to encouraging diversity in the workplace. QEB does not tolerate any unlawful or unfair discrimination and anyone found to be acting in a discriminatory manner will face disciplinary action which could include dismissal. Everyone has a duty to report unlawful or unfair discriminatory behaviour to the Senior Clerk. We actively promote equality of opportunity and require everyone to contribute towards achieving this objective. We believe that treating people with dignity and respect is an important part of realising equal opportunities and diversity, and this policy should be read in conjunction with our harassment and bullying policy.

11.1.3 TYPES OF UNLAWFUL DISCRIMINATION

The different types of discrimination are generally defined as follows:

- a) Direct discrimination: where a person is treated less favourably than another because of a protected characteristic.
- b) Indirect discrimination: where a provision, criterion or practice is applied that is to the detriment of people who share a protected characteristic when compared with people who do not, and is not a proportionate means of achieving a legitimate aim.
- c) Harassment; where there is unwanted conduct in relation to a protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, regardless of the intention of the perpetrator.
- d) Associative discrimination: where a person is directly discriminated against because of their association with another person who has a protected characteristic.

- e) Perceptive discrimination: where a person is directly discriminated against or harassed based on a perception that they have a protected characteristic even though they do not.
- f) Victimisation; where a person is subjected to a detriment because they have supported or raised a complaint under the Equality Act 2010 or are suspected of doing so.

11.1.4 RECRUITMENT AND SELECTION

Our objective is to recruit staff best able and qualified to perform the required or anticipated tasks. We will recruit using a variety of methods, for example, advertisements in local newspapers and Job Centres. The wording of any advertisements will not place unfair restrictions or requirements on a particular group or request specific qualifications that are not necessary for the effective performance of the job. All applications will be considered based on objective criteria, such as qualifications, experience, and ability to do the job. Person specifications and job descriptions will only state requirements as necessary where they are essential for the job. Account will be taken of reasonable adjustments that may be required for applicants with disabilities. The selection processes used will measure the suitability of the applicant in terms of the requirements for the position. Selection criteria and procedures will be kept under review to ensure that individuals are selected and promoted based on relevant merits and abilities. We will endeavour through appropriate training to ensure that employees who are making selection and recruitment decisions do not discriminate, whether consciously or subconsciously, in making these decisions.

11.1.5 TRAINING AND PROMOTION

All employees will be given equality of opportunity and will be encouraged to progress within Chambers. We are committed to maintaining high standards of training and personal development strictly in the context of this policy on equal opportunities. Training will not be refused on an unlawful basis. Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy. Equal opportunities and diversity training should be provided, by attending the IBC course as and when it is available for all new employees as part of the induction process. Written instructions and training will be given to senior staff from time to time on equality and diversity in recruitment, selection, training, promotion, discipline, and dismissal.

11.1.6 DISCIPLINE AND DISMISSAL

We aim to ensure there is no discrimination in our disciplinary or redundancy processes and will examine procedures and criteria to ensure that discrimination is not taking place. QEB will regularly monitor the decisions being made.

11.1.7 MONITORING DIVERSITY

We will maintain employment records for all employees and may review them to monitor the progress of this policy.

Monitoring may involve:

- a) Collecting and classifying information in relation to, for example, race, gender, disability and age of applicants and current employees.
- b) Examining, for example, race, sex, disability, and age of the distribution of employees and the success rate of the applicants,
- c) Reviewing recruitment, training and promotional records of employees, the decisions reached and the reason for those decisions.

The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy and changes will be made to this policy if necessary.

11.1.8 CLIENTS, POTENTIAL CLIENTS AND SUPPLIERS

We will not discriminate against people supplying, using or seeking to use the services and/or facilities we provide.

11.1.9 SCOPE OF THIS POLICY

As an employee you are required to assist QEB in meeting its commitment under this policy and to avoid unlawful discrimination. Failure to do so may lead to disciplinary action, and serious acts of discrimination will lead to dismissal without notice for gross misconduct. Serious acts of harassment might also be a criminal offence. If you feel or consider that you have been treated less favourably or placed at a disadvantage on the basis of the above, please inform the Senior Clerk or, if the complaint relates to the Senior Clerk, to the Head of Chambers, so that the issue can be investigated and resolved. All complaints will be sensitively but thoroughly investigated. We will take any complaint made under this policy seriously, and assure you that you will not be penalised for raising a complaint, even if your complaint is not upheld, unless your complaint is both untrue and made in bad faith. If you have a disability for the purposes of the Equality Act please let the Senior Clerk know so that reasonable adjustments can be considered.

11.1.10 REVIEW

The effectiveness of this policy will be reviewed on an annual basis.

11.1.11 MONITORING

In seeking to identify and eliminate sources of unintended discrimination, Chambers will monitor both the recruitment of applicants at all stages and the allocation of work to pupils and junior tenants under five years call.

Monitoring will take the form of:

1. Gathering data.
2. Analysing the data.
3. Defining programmes of action necessary to overcome any inequalities

11.2 QEB CHAMBERS' EQUALITY & DIVERSITY DATA MONITOR

The table below is currently being updated. In addition to which Nadia Motaghi (Old Square Chambers) is delivering training / coaching on Unconscious Bias to all at QEB.

QEB is fully committed to the principle of equality of opportunity without discrimination on grounds of colour, race, disability, age, nationality, ethnic or national origins, religion, sex, marital status, sexual orientation, or political persuasion.

Candidates for pupillage and tenancy are assessed, and offers of pupillage or tenancy are made, solely on merit. We strive to offer opportunities for training, gaining experience, and practice development to all MoCs equally without discrimination.

Chambers is supportive of working parents. All employees are appointed or promoted solely on merit. We strive to offer benefits and opportunities to employees equally, without discrimination. Chambers is accessible to people using wheelchairs. Anyone with a disability wishing to discuss access should contact the Senior Clerk, Howard Rayner, h.rayner@qeb.com

BAR STANDARDS BOARD EQUALITY & DIVERSITY SURVEY. In December 2015, QEB Chambers undertook a survey, in accordance with the Bar Standards Board Code of Conduct, to collect equality and diversity data. The voluntary survey was completed by 50% of the 38 members and staff and the results below are based on those respondents. Individual questions were also voluntary, and this led to less than 100% being recorded against some questions. Results from those who responded:

Results from those who responded	QC %	Junior Barrister & Pupils %	Staff %
Male	20%	35 %	5%
Female	5 %	35 %	0%

White	26%	62%	6%
BME *		6%	

- Includes Asian & Asian British, Black, African, Caribbean, & Black, British mixed, Multiple Ethnic Groups.

Disabled*			
Not Disabled*	22%	72%	6%

- One member preferred “Not to say”

11.3 EXAMPLES OF DISCRIMINATION

11.3.1 EXAMPLES OF POTENTIAL INDIRECT DISCRIMINATION ARE:

A requirement that a Chambers meeting or interview shall take place on a Friday evening in circumstances where a member of the Jewish faith was unable to attend. A requirement that staff or MoCs shall attend and partake in Chambers social/professional events where only alcoholic refreshments are provided, notwithstanding that a member of staff or Chambers being of the Muslim faith is precluded from consuming the same. A requirement that no headgear may be worn in Chambers as this may indirectly discriminate against Sikh men.

11.3.2 EXAMPLES OF UNLAWFUL DIRECT AND INDIRECT DISCRIMINATION ARE:

The victimisation of persons by treating them less favourably because they have brought proceedings under the Race Relations or Sex Discrimination Act, have given evidence or information relating to proceedings or have alleged that discrimination has occurred. Instructing a person or inducing or attempting to induce another person to discriminate on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital/civil partnership status, disability, age, religion or beliefs or political persuasion. Equally, it is unlawful to act on such instruction or inducement. Employers or principals are vicariously liable for any unlawfully discriminatory act of their employees or agents in the course of their work, unless they can demonstrate that they have taken all reasonable steps to prevent such acts. Lawful measures (under the provisions of the Race Relations or Sex Discrimination Acts) may be taken where one sex or particular racial or ethnic group is underrepresented in particular areas of work, or in order to meet the special needs of particular ethnic groups.

11.4 SELECTION OF PUPILS AND TENANTS

11.4.1 CHOICE OF SELECTORS

- The choice of selectors will be by committee and will include as diverse a group as reasonably possible.
- No decision about an applicant's suitability will be taken by any one individual.
- All selectors will be familiar with the equality code and Chambers' procedures.
- Selectors will be encouraged to take training in selection and interviewing skills.

11.4.2 TIMETABLE FOR SELECTION

The timetable for selection will be publicised and adhered to.

11.4.3 SELECTION CRITERIA

- Written assessment criteria will be agreed by all the selectors. This will demonstrate the rational basis of selectors' decisions and their commitment to an objective and fair procedure and facilitate review.
- The selection criteria will be derived from an analysis of the work to be done and identify the knowledge and skills required.
- Once agreed, they will not be changed during the selection process.
- The following questions will be asked about any selection criterion proposed:
 - Is it directly related to the requirements of the work to be done?
 - Is it essential, or only desirable?

- iii) Is it measurable in terms of behaviour, skill, abilities, knowledge?
- iv) Is it free from discriminatory assumptions?
- v) Is it amenable to scoring (in which case, there will be an agreement about scoring system/standard required to satisfy)?

11.4.4 PUBLICISING VACANCIES

- a) Vacancies will be published on the Pupillage Gateway Website and in the GTI Pupillage Handbook and, if considered appropriate by the Pupillage Committee, in other publications.
- b) Unless consideration is being given only to pupils, all tenancy vacancies will be advertised in Counsel Magazine.
- c) Notices will specify where applicants can obtain:
 - i) clear and accurate information about the work undertaken by Chambers
 - ii) the selection procedures and timetable
 - iii) a statement that Chambers have implemented the Bar Council's Equality and Diversity Code and that procedures for fair selection are in place
 - iv) guidance on the selection criteria
 - v) information about any awards or other financial arrangements made for pupils.

11.4.5 PUPILLAGE DATABASE

The pupillage database will be kept up to date.

11.5 PROCESSING APPLICATIONS

- a) Pupillage Gateway application forms will be used for all pupillage applications, inviting applicants to show how their knowledge, skills and abilities meet the selection criteria. For any external pupillage and tenancy applications CVs will generally be used.
- b) Photographs of applicants will not be requested.
- c) Reasonable adjustments will be made for disabled candidates at the interview stage of the recruitment process.
- d) Applications will be acknowledged in writing and decisions notified as soon as possible.

11.5.1 SHORTLISTING

Selectors will make their judgements independently. Selectors will select those whom they consider should be interviewed using the Codes set out under paragraph 10.5 of the Pupillage & Tenancy Policy Document, by reference to the criteria referred to in paragraph 10.11.1

11.5.2 INTERVIEWS

- a) The selection criteria will be screened for potential discrimination.
- b) There will be comparability between interviews - for example, by using a planned sequence of questions.
- c) Interviews will be of sufficient length to enable informed decisions to be made and to minimise the potential prejudices involved in "gut feeling".
- d) Scoring guidelines will be agreed before the interviewing round starts at a pre-interview meeting between all potential selectors.
- e) Chambers will ensure that any reasonable adjustment required for a disabled candidate has been made and
- f) that disabled candidates are not disadvantaged at interview.

11.5.3 INTERVIEW QUESTIONS

- a) Questions to all applicants will be criteria-based and cover similar areas and give applicants similar opportunities to demonstrate the skills required.

- b) Key questions will be planned and written down and any follow-up questions will be relevant to the selection criteria.
- c) Candidates who have notified Chambers of a disability will be asked what, if any, adjustments may be needed to enable the candidate to practise as a barrister.

11.5.4 QUESTIONS TO AVOID

- a) Women will not be asked questions not asked of men – for example, about family or domestic responsibilities; and ethnic candidates will not be asked questions not asked of white candidates – for example, about “fitting in” & vice versa
- b) Disabled candidates will not be asked questions using words which reinforce negative stereotyping – for example, “victim of, suffering from, wheelchair-bound”, or questions which assume that the applicant has not thought through the consequences of their disability; Chambers will ask how it might be able to help in any way which might not be evident to Chambers.
- c) Questions will not assume similarity of applicants’ previous experience, financial resources, or lifestyle.
- d) Interviewers will not ask questions designed to elicit an interviewee’s sexual orientation; and will avoid questions about personal relationships which are irrelevant to professional performance.

11.5.5 USE OF CASE STUDIES IN INTERVIEWS

- a) These questions will be related to the skills required for the work that Chambers does.
- b) The standard of performance will be appropriate to the level of experience of students or pupils applying at that stage of their training.
- c) The assessment of the applicant’s performance will focus fairly on skills and application of knowledge and not be influenced by evidence of differences in background, financial resources, and lifestyle.
- d) Applicants will be advised in advance that this will form part of the interview.

11.5.6 USE OF REFERENCES

- a) These will be used as a cross-check, not as determinative.
- b) Referees will be asked to supply information that relates strictly to the selection criteria.

11.5.7 MAKING DECISIONS AND OFFERS OF PUPILLAGE AND TENANCY

- a) Chambers will only take the final decision after the final round of interviews has been completed.
- b) Chambers will set out the terms of the offer in writing to pupils and tenants.
- c) Chambers will promptly inform applicants who are not selected, respond positively to requests for feedback and ensure that sufficient information is kept as a record of the assessment to enable this to be done. All documentation will be retained for 12 months and referred to in the event of a complaint or where an unsuccessful candidate requires feedback.
- d) Chambers will monitor the recruitment process by keeping records of the gender, race, disability, and age of the number of persons applying, being shortlisted, and being recruited.

11.5.8 SELECTING EXPERIENCED TENANTS

- a) These will be advertised as widely as possible, indicating areas of practice and number of years’ call.
- b) Selection will be made in accordance with the principles set out above.

- c) Selectors will attempt to gain comparable information about all candidates, who will be asked to complete the same application form and be assessed by the same procedure against the same selection criteria.
- d) The two situations which may fall outside these criteria are when Chambers approach or are approached by a particular barrister whom Chambers wish to recruit because of his/her skills or area of practice. Such recruitment will be justified in terms of the needs of Chambers and the skills of the barrister being recruited; and Chambers will check that discrimination is not occurring in such recruitment.

11.5.9 SELECTING TENANTS FROM PUPILS

- a) Chambers will take care to avoid bias in the assessment of pupils.
- b) Chambers will aim to identify ability and potential with objectivity.
- c) An explicit framework for the assessment of pupils' work will be agreed by the selection committee.
- d) Each pupil supervisor will independently assess the pupil against the predetermined criteria and record their assessment in writing before they are discussed.
- e) Work assignments towards the end of pupillage may be specifically designated for assessment.
- f) The decision will be taken after a full meeting of Chambers and Chambers will record minutes of that meeting, containing the reasons for the decisions.
- g) Nobody will have an unexplained veto.

11.6 WORK ALLOCATION

- a) All Chambers' clerks will be briefed on the need to avoid discrimination in the distribution of work.
- b) The Head of Chambers will monitor the distribution of work done by pupils and junior tenants and review the situation with the senior clerk and report any issues arising to the Equal Opportunities Committee.
- c) For this purpose, the clerks shall compile relevant data using the LEX or some other appropriate diary management system. The analysis of work will include the amount of work done, the type of work, fees earned and received, and solicitors instructing.
- d) In the case of working pupils, the data shall be analysed periodically. If there is a disproportionate allocation between the pupils then the reason for that will be looked at and any matters raised by the investigation addressed.
- e) In the case of junior tenants, the data shall be analysed every 3 months during the first year of tenancy, and annually thereafter for a further 2 years. If there is a disproportionate allocation between junior tenants, then the reason for that will be looked at and any matters raised by the investigation addressed.
- f) In the event of a formal or an informal complaint, the Head of Chambers may, if thought appropriate or if agreed by the complainant, conduct a period of at least 4 weeks' duration of detailed monitoring of the distribution of work to the complainant and to other comparable tenants and working pupils. This will be followed by an assessment in the context of the preferences, abilities and experience of the individuals concerned.
- g) Pupil supervisors will ask all pupils at regular intervals whether they feel that the distribution of work has been fair, and check that pupils are satisfied that they have been given the opportunity to experience the full range of training available.
- h) If discrimination is identified the Head of Chambers will take action to prevent it happening again.

11.7 INSTRUCTIONS TO DISCRIMINATE

- a) The Head of Chambers will make clear to Chambers' clerks that they must not accede to unlawfully discriminatory instructions from professional clients (whether solicitors or other instructing agents).
- b) If a solicitor or instructing agent refuses to withdraw a discriminatory instruction, the matter will be reported by whoever received the request to the Head of Chambers who will report it to the Chairman of the Race Relations Committee of the Bar Council if it relates to race or ethnic origin, the Chairman of the Sex Discrimination Committee if it relates to sex or sexual orientation, the Chairman of the Disability Panel if it relates to disability, or the Chairman of the Professional Standards Committee in any other case.
- c) Chambers will seek to ensure where possible that instructions and briefs are not delivered by solicitors at such times as to preclude those with childcare and other dependent care commitments from being eligible for that work. Similarly, Chambers will remain mindful of the fact that late delivery of briefs may disadvantage disabled barristers who may require the Court to adjust for them which cannot be made on the morning of the hearing.

11.8 TRAINING IN EQUAL OPPORTUNITIES AND DIVERSITY

- a. All MoCs and staff will be briefed regarding the Equal Opportunities and Diversity Policy, both from the point of view of ensuring compliance with that policy and also from the point of view of ensuring that they are beneficiaries of it.
- b. A programme of training to introduce Chambers' Equal Opportunities and Diversity Policy will be led by the chairman of the Equal Opportunities Committee.
- b) Such training will include consideration and discussion of worked practical examples highlighting the potential difficulties that may arise.

11.8.1 MARKETING OF BARRISTERS AND PUPILS

- a) Chambers will take steps to ensure that marketing strategies will take into account equal opportunities considerations.
- b) Chambers will encourage pupils and junior tenants to take part in Chambers' seminars and lectures, attend outside seminars and lectures, write or contribute to articles in professional publications, and to become involved in professional organisations connected to their line of work.

11.9 COMPLAINTS & PROCEDURE FOR HANDLING

This procedure covers: tenants, squatters, pupils of Chambers, Chambers' clerks and other staff or employees and applicants for positions in Chambers. This procedure is applicable to any complaint, grievance or dispute including but not limited to complaints of unfair discrimination or harassment. A person subject to discrimination in any of the above situations may, at their choosing, deal with the matter in several ways.

11.9.1 RAISING A COMPLAINT

A person experiencing discrimination is encouraged to raise a complaint at an early stage, preferably through the informal procedures below. Raising a complaint at an early stage is more likely to result in a satisfactory resolution. If left unresolved, the harassment may escalate to the point where the situation becomes much more difficult to deal with effectively.

11.9.2 VOICING A CONCERN

Where an aggrieved person merely wishes to voice their concerns and no more, they can approach either the Head of Chambers, or such other MoCs of the Equal Opportunities Committee for a confidential discussion. This is primarily intended to provide support and advice without the matter going any further. Pupils are encouraged to discuss any grievances

which they may have during their pupillage with their pupil-supervisors, or their junior contact in Chambers. If a member of Chambers has a complaint about a clerking matter, in the first instance he/she should attempt to resolve it with the Senior Clerk or seek the assistance of the Head of Chambers or other nominated member of Chambers.

Tenants, squatters, and pupils may also telephone the Bar Council Equality and Diversity helpline on 020 7611 1310 to speak in confidence and gain advice.

11.9.3 INFORMAL COMPLAINT

The second option is the lodging of an informal complaint. This can be made orally to any one of the following: The Head of Chambers, Stewart Leech QC, Matthew Firth or Sarah Phipps. An informal complaint is designed to act as a method of resolving disputes without the need for a formal investigation to determine the issue. If the complaint concerns the conduct of a person in Chambers, it may be that such a person can be made aware that they are causing offence and so cease the offending behaviour. Alternatively, where the complaint concerns a decision taken within Chambers, it may be that such a decision can be reviewed, or, if appropriate, overturned. An informal complaint may also be made for the purposes of seeking advice.

11.9.4 FORMAL COMPLAINT

- a) The third option is the lodging of a formal complaint. This must be in writing and must set out the allegation(s) complained of with sufficient particularity to enable Chambers to carry out a thorough investigation of all the matters concerned. The complainant has a right to make representations and/or to be independently represented as does the person whom the complaint has been lodged against. All parties to the complaint should be permitted to be accompanied by a colleague or friend at any hearing. An investigation will not, save in exceptional circumstances, last longer than six weeks from the date of complaint. Where possible, two MoCs not directly involved in the complaint should undertake the investigation. If actual or potential discrimination has been found, remedial steps will be taken immediately. These may include a re-evaluation of a decision, a further opportunity to be considered for an interview or a pupillage, tenancy, brief or post as the case may be, a change in working practices, further advice, training or support, comparative monitoring of work allocation and any other action including disciplinary steps against the offender that appear to the panel to be appropriate.
- b) All records of complaints, including notes to meetings, interviews, results of investigations and other relevant material will be kept confidential by Chambers except where disclosure is required for disciplinary or other remedial processes.
- c) Every complainant has a right to consult the Bar Council Equal Opportunities Officer for confidential advice and to lodge a formal complaint of professional misconduct with the Bar Council. Complainants of unlawful discrimination have a legal right to apply, subject to time limits, to the County Court or, for Chambers' employees, to the Employment Tribunal.