

REGULATORY OPERATIONS DEPARTMENT

**AUTHORISATIONS TEAM**

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

These Notes are divided into two sections:

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

**B. Criteria for applications**

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

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

**1 General**

1.1 In these Notes, the Bar Standards Board and its staff are referred to as the “the BSB”. The BSB Handbook is referred to as “the Handbook”.

1.2 These Notes which the BSB applies in considering applications and should be read carefully and alongside the Handbook.

**2 Application Process**

2.1 Applications must be made on the appropriate application form. Please return the completed application form with accompanying documentation and payment of the application fee to [authorisations@barstandardsboard.org.uk](mailto:authorisations@barstandardsboard.org.uk). If you are unable to submit your application by email, please contact us for further guidance.

2.2 All applications contain a declaration that the applicant has read, understood, and complied with these Criteria and Guidelines.

2.3 The declaration must be completed with a hand-written signature. If you have no access to scan and print the application form - please write out the declaration from the application form by hand, sign it, take a photo of the document and email that to us as evidence of your handwritten signature.

2.4 Applications are considered and determined under the powers of the Bar Standards Board. The Bar Standards Board has delegated to BSB staff the ability to take decisions within the criteria and guidelines set out in this document.

2.5 The BSB will consider all the circumstances of the application and will apply the guidelines set out in these Notes.

2.6 All applications will be acknowledged in writing upon receipt of the complete application form, relevant supporting documents, and payment of the application fee.

2.7 Please see our [Service Update page](https://www.barstandardsboard.org.uk/about-us/how-we-regulate/the-decisions-we-take/authorisations-decisions/authorisations-team-service-update.html) for information and updates for all proposed or pending applications.

**3 Application Fee Payment**

3.1 Our [Policy on Application Fee Payments, Waivers and Refunds](https://www.barstandardsboard.org.uk/uploads/assets/b3cbc808-cb66-4e04-a7bb149b9b8a7f31/fe191e25-7304-4cd8-9a420ba29615b1aa/Authorisations-Policy-on-Application-Fee-Payments-and-Refunds-May-2022.docx) includes guidance on:

* making application fee payments by bank transfer (BACS) or credit/debit card
* fee waivers
* refunds

**4 Supporting Evidence**

4.1 An applicant must ensure that all supporting evidence is sent with the application form. We will accept copies of academic transcripts or professional confirmations emailed directly from the awarding body/regulator. If you are unable to provide documents by this method, please submit scans of your personal copies. We may contact the awarding body/regulator of any scanned documents provided directly by you to verify their content.

4.2 An application will not be treated as “complete” until the application form, required supporting documentation and application fee have been received. The BSB may request further information or documentation be supplied in support of an application, but it is the primary responsibility of the applicant to provide all relevant information and supporting evidence.

* Applicants should exercise judgement when selecting supporting evidence and only provide documentation that is relevant to the criteria.

4.3 It is usually **not** appropriate to supply examples of work with an application; however, if provided, please ensure that references to third parties (eg clients) are suitably redacted so as to ensure anonymity. Any application that is supported by unredacted material will be returned to the applicant.

4.4 The BSB will treat all applications and any supporting documentation provided in the strictest confidence.

**5 Reviews and Appeals**

5.1 Any applicant who is dissatisfied with a decision may request a review of the decision.

5.2 Any request for a review must be made on the designated application form and accompanied by the relevant application fee within one month of notification of the relevant decision and must be accompanied by the appropriate application fee. All requests will be acknowledged in writing within seven days of receipt.

5.3 The Independent Decision-making Body (IDB) deals with reviews of decisions as if the application was being dealt with afresh, applying the guidelines set out in these Notes. An Independent Decision-making Panel (IDP) shall be entitled to have such regard to the original decision, and to uphold, vary or take into account such decision, as in its absolute discretion it feels appropriate.

5.4 Applications for review are normally determined within 10 weeks of receipt. Should it not be possible to deal with a review within this timescale, the applicant will be notified.

5.5 All enquiries about reviews whether proposed or pending should be addressed to the BSB.

5.6 Where an IDP has determined a review of a decision, there is no procedure under the BQR for a further review. An IDP may review its own decisions under section B4 of the BQR but is not obliged to carry out such a further review. Any person dissatisfied with a determination of an IDP is advised to take independent legal or other appropriate advice.

5.7 Rule Q39 provides that where the BQR provide for a review by the BSB of a decision, no appeal may be made to the High Court unless such a review has taken place.

5.8 Rule Q40 provides that subject to Rule Q39, a person or organisation who is adversely affected by a decision of the BSB may appeal to the High Court, in accordance with the Civil Procedure Rules.

**Online Resources**

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

The Bar Qualification Manual: [www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual-new.html](http://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual-new.html)

The Professional Statement for barristers (incorporating the Threshold Standard and Competences): [www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html](http://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html)

Our Policy on Application Fee Payments, Waivers and Refunds; <https://www.barstandardsboard.org.uk/uploads/assets/b3cbc808-cb66-4e04-a7bb149b9b8a7f31/fe191e25-7304-4cd8-9a420ba29615b1aa/Authorisations-Policy-on-Application-Fee-Payments-and-Refunds-May-2022.docx>

Applications forms and guidance notes:

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

**Contact details**

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**B. Criteria for applications**

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|  | **Reductions in pupillage/work-based learning** |
| **Introduction** | |
| 1.1 Rule Q7 permits the BSB to grant exemptions from all or part of the individual components of Bar training. | |
| 1.2 Rule Q8 provides that in exercising any discretion whether to grant such an exemption the BSB will determine whether the relevant knowledge and experience of the applicant make it unnecessary for the applicant to undertake such training. | |
| **Guidelines** | |
| 1.3 Pupillage means a period of training which is work-based learning provided by an Authorised Education and Training Organisation (“AETO”)in accordance with its authorisation by the BSB. | |
| 1.4 A person will complete the pupillage/work-based learning component of Bar training by:   * + 1. satisfactorily completing a period of pupillage/work-based learning and such further or other training or assessment(s) as may be required by the BSB; and     2. being issued with a Confirmation of Full Qualification letter by the BSB. | |
| 1.5 The pupillage/work-based learning component usually comprises non-practising and practising periods of pupillage/work-based learning. | |
| 1.6 An applicant may seek a reduction in the pupillage/work-based learning component based on any prior qualifications and/or experience gained outside of a period of pupillage/work-based learning. | |
| 1.7 In exercising discretion whether to grant such an exemption we will determine whether the relevant knowledge and experience of the applicant outside of a period of pupillage/work-based learning clearly make it unnecessary for the applicant to undertake some, or all, of such training. | |
| 1.8 An applicant’s qualifications and experience will be assessed against the relevant competences of the BSB’s Professional Statement[[1]](#footnote-1), as set out in the mapping document beginning on page 38 of the Curriculum and Assessment Strategy[[2]](#footnote-2). Applicants should address each of the competences individually or thematically (eg Advocacy, Professional Standards, Practice Management, etc) in their application. If the qualifications and/or experience are no longer current (ie more than five years old), an applicant will need to demonstrate in their application how they have kept their relevant knowledge and skills up to date. | |
| 1.9 If an applicant is unable to demonstrate that they meet all of the relevant competences of the Professional Statement, they may be required to complete a period of non-practising and/or practising pupillage.  1.9.1 An applicant’s decision letter will set out the subject areas of the Professional Statement which they have not yet demonstrated fully across all relevant competences. The decision letter will also specify an approximate length of pupillage during which we believe those subject areas and competences may be addressed. The exact duration of any period of pupillage the applicant goes on to complete will be at the discretion of their pupil supervisor.  1.9.2 Any outstanding period of pupillage may be completed in blocks of non-continuous periods, if necessary (eg to accommodate teaching/practice obligations and part-time pupillages).  1.9.3 Any period of work-based learning/pupillage at an AETO will need to be registered with the Authorisations Team. Please refer to the Pupillage Forms page of the BSB website: [www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/pupillage-forms.html](http://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/pupillage-forms.html) | |
| 1.10 Any reduction in pupillage/work-based learning may be granted unconditionally or subject to conditions, such as a requirement that the applicant undertakes further training specified by the BSB. | |
| 1.11 A reduction in pupillage/work-based learning does not usually also include any exemption from the compulsory Pupils’ Advocacy Course or the Professional Ethics assessment[[3]](#footnote-3), where applicable. Such exemptions will only be granted where an applicant can demonstrate that they have satisfied all requirements of the relevant course and/or assessment through alternative means. | |

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|  | **Breaks in and late commencement of pupillage/work-based learning** |
| **Introduction** | |
| * 1. A person may not commence the pupillage/work-based learning component of Bar training more than five years after completing the vocational component.   2. Time away from your pupillage provider AETO due to a period of sickness or holiday (pupils should normally be entitled to a minimum of four weeks’ leave per annum, ie 20 working days not including Bank Holidays) does not prevent a period of pupillage/work-based learning being continuous.   3. The BSB has the power to approve an application to vary the normal requirements (eg to approve an extension to a period of pupillage/work-based learning or a substantial break in a period of pupillage/work-based learning) set out at Part 4 of the Bar Qualification Manual[[4]](#footnote-4) and/or to impose conditions. | |
| **Guidelines** | |
| * 1. An application made to the BSB to vary these requirements should set out in the application form the type of variation sought and why the variation is sought. | |
| **Approval to commence pupillage/work-based learning more than five years after completion of the vocational component** | |
| * 1. The purpose of the “five-year rule” is to mitigate the risk that the legal knowledge and skills of those undertaking pupillage/work-based learning might be out of date. Those seeking a dispensation from the “five-year rule” will therefore need to demonstrate that they have kept their legal knowledge and skills up to date through legal study and/or work experience.   2. Applicants should set out the reasons for the delay, how far over the five years their start will be, what work has been completed or experience has been gained, whether a pupillage/work-based learning has been secured, and what extension is sought.   3. Approval will normally be given in cases where:  1. The applicant can demonstrate that they have kept their legal skills and knowledge up to date; and 2. Either there is a good reason for the delay or the applicant has secured a pupillage/work-based learning to commence within 12 months of their application.    1. Most extensions granted will be for 1-2 years.    2. It will be very rare to be granted permission to commence pupillage/work-based learning more than 10 years after completion of the vocational component, given the difficulty of demonstrating that an applicant has kept their legal knowledge and skills up-to-date over such a long period of time. | |
| **Applications for approval for a break or potential break in pupillage/work-based learning** | |
| * 1. For an application for a break or potential break in pupillage/work-based learning, an applicant must set out:      1. The reasons for the break or potential break in pupillage/work-based learning, and      2. The reasons for and circumstances of the particular application, and      3. Any relevant information as to the effect that the break is likely to have on the pupillage/work-based learning as a whole.   2. Approval will normally be given where there is a good reason for the break (eg illness or maternity leave) and/or it is clear that approval will not have an adverse impact on the pupillage/work-based learning as a whole. | |
| * 1. We will take into account all the circumstances of the particular application. An applicant must ensure that all supporting evidence (for example, medical evidence) is sent with the application form. We will treat all applications and any supporting documentation provided in confidence. | |

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|  | **Retrospective Registration of Pupillage/Work-based learning** |
| **Introduction** | |
| * 1. Before commencing any period of pupillage/work-based learning a person must submit a pupillage registration form to the BSB. | |
| * 1. The period of pupillage/work-based learning will be registered if the BSB is satisfied that the intended pupillage/work-based learning complies with the BQR. | |
| * 1. If an application for registration of a period of pupillage/work-based learning is made after the period has commenced, the pupillage/work-based learning will usually be treated as having commenced on the date of receipt of the application. | |
| * 1. An application for retrospective registration of the pupillage/work-based learning may be made to the BSB for permission to have the relevant period of pupillage/work-based learning treated as having commenced other than on the date of receipt of the application. | |
| * 1. If a pupil fails to register a period of pupillage/work-based learning until after the period has started, any training prior to the date of registration will not count as “pupillage/work-based learning” for the purpose of qualifying as a barrister unless the pupil applies successfully for retrospective registration. | |
| **Guidelines** | |
| * 1. Applications for retrospective registration must:  1. be made no more than three months since the applicant started the period of training, and 2. Provide good reasons for the failure to register on time, including any exceptional circumstances which led to the failure to register the period of pupillage/work-based learning at the outset and an explanation for any delay in applying, and 3. Be supported by the applicant’s pupillage provider AETO which shall confirm that the applicant has been in a continuous period of training. | |
| * 1. Where an application for retrospective registration is approved, the pupillage/work-based learning registration form will then be processed in the normal way. | |

1. The Professional Statement - <https://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html> [↑](#footnote-ref-1)
2. The Curriculum and Assessment Strategy - <https://www.barstandardsboard.org.uk/training-qualification/curriculum-and-assessment-strategy.html> [↑](#footnote-ref-2)
3. <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/intro-of-professional-ethics-assessment.html> [↑](#footnote-ref-3)
4. The Bar Qualification Manual - <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual-new.html> [↑](#footnote-ref-4)