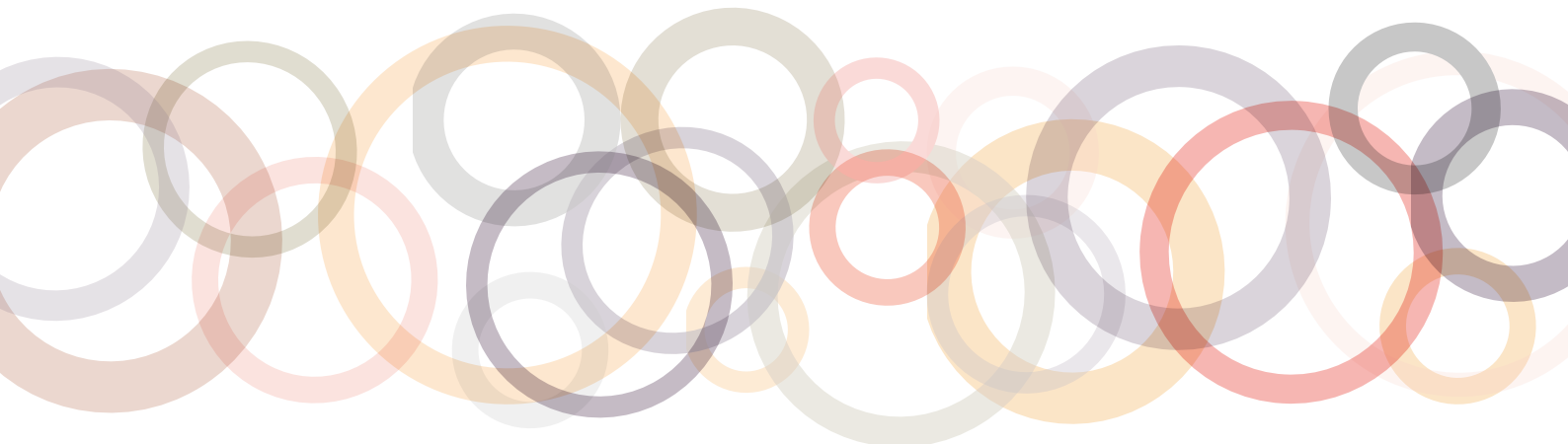


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BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS



# Pupillage Handbook

August 2018



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# 1 The Regulatory Framework

This section describes the regulatory framework for pupillage training and the role of the Bar Standards Board. It explains who may and may not carry out reserved legal activities.

## 1.1 The Bar Standards Board

The Bar Standards Board (“BSB”) regulates barristers and their professional practice, and specialised legal services businesses (BSB entities), in England and Wales in the public interest.

This includes responsibility for:

- Setting the education and training requirements for becoming a barrister;
- Setting continuing training requirements to ensure that barristers’ skills are maintained throughout their careers;
- Setting standards of conduct for barristers, including those pupils who have been called to the Bar;
- Monitoring the service provided by barristers and the organisations we authorise to assure quality.
- The work that we do is governed by [The Legal Services Act 2007](#) as well as a number of other statutes.

More information about the BSB and the way that it regulates is available on our [website](#).

### Future Bar Training (“FBT”) – what’s changing?

You may have read recently that as part of our Future Bar Training (FBT) programme we have completed our review into the future of pupillage. As you might expect, the review concluded that this should continue to be an essential element of training for the Bar and that all prospective barristers will continue to have to complete this part of training in future in order to be authorised to practise.

Our review has resulted in us deciding to make a number of changes to our rules. You can read more about these changes in our recent Policy Statement.

We have drafted the new rules and they are open to consultation until 17 September 2018. The purpose of this consultation is to provide an opportunity to evaluate and comment on whether the proposed new rules provide a sufficient framework to give effect to the policies we have decided, and whether the rules are sufficiently clear. The rules are then subject to approval by our Board and the Legal Services Board. Following this process, the new training and qualification rules will come into effect in early 2019.

Changes to come are highlighted in this Handbook so that you know what to expect and what to plan for. Transitional arrangements, where needed, will be published on our website over the coming months. We will be updating this Handbook for 2019 when our new rules are approved. There will be no changes to pupillages commencing prior to 2019.

## 1.2 The BSB Handbook and The Qualification Rules

The [BSB Handbook](#) sets out the standards that we require the persons and BSB authorised bodies we regulate to comply with in order for us to be able to meet our regulatory objectives. It includes the following that are of particular relevance to pupillage:

### BSB Handbook

Part 2, The Code of Conduct: Core Duties and Rules that barristers, including pupils, are required to adhere to. It includes Equality and Diversity requirements.

Part 4, The Qualification Rules: this section includes the regulation of pupillage.

The BSB Handbook is the primary reference for regulations for pupils, Pupillage Training Organisations (“PTOs”)<sup>1</sup> and pupil supervisors. This Pupillage Handbook sets out the key regulatory requirements and provides some guidance for pupils, PTOs and pupil supervisors. It should be read in conjunction with the BSB Handbook.

The BSB Handbook makes provision for the BSB to set additional requirements in certain areas. This Pupillage Handbook sets out those additional requirements.

These documents should also be read in conjunction with the [Professional Statement](#), Threshold Standard and Competences (“PSTS&C”). The PSTS&C describes the knowledge, skills and attributes that all barristers should have on ‘day one’ of practice, ie the point at which barristers are issued with a full qualification certificate and may apply for a full practising certificate.

Forms, templates and checklists referred to in the Pupillage Handbook are available on the [BSB website](#).

## 1.3 BSB Supervision Strategy

The BSB has a risk-based approach to Supervision of chambers and BSB entities. This includes Supervision of pupillage arrangements in Pupillage Training Organisations. [More information about our Supervision Strategy is available on the BSB website.](#)

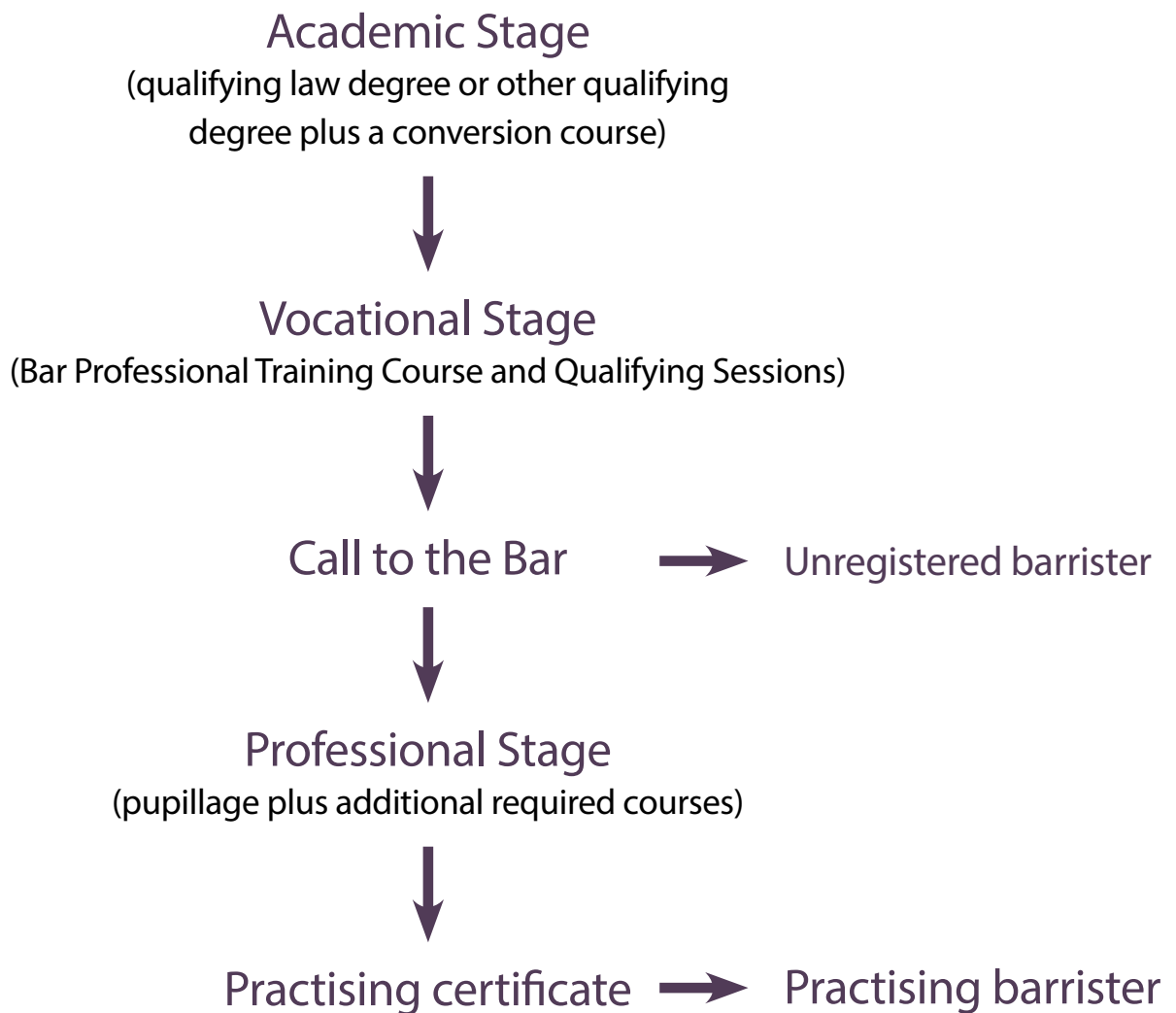
## 1.4 The purpose of pupillage

Pupillage is the Professional Stage of training. It is the final stage of training to qualify as a practising barrister who is entitled to carry out reserved legal activities. The purpose of pupillage is to ensure that pupils have the knowledge, skills and attributes that all barristers should have on ‘day one’ of practice, ie upon the issue of a full qualification certificate, on which basis they may apply for a full practising certificate.

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1. The BSB Handbook uses the term “Approved Training Organisations”. We refer to Pupillage Training Organisations here, but it has the same meaning. From 2019, the terminology used will be Authorised Education and Training Organisations (“AETOs”).

The stages of training are:



Detailed requirements for each stage of training are set out in the [BSB Handbook](#).



## Future Bar Training (“FBT”) – what’s changing?

There are currently three distinct and sequential stages of education and training for the Bar, which are shown above.

The advantages of the three stages of education and training have been retained in the new FBT Authorisation Framework\* through the continuing requirement to have them as components (rather than sequential stages) of more flexible pathways to qualification. This reflects the fact that, in two pathways, components may be integrated. The three components of education and training for the Bar will be:

- Academic
- Vocational
- Pupillage or work-based

The three components may be attained by means of different pathways. In future, there will be four possible training pathways, if Education and Training Organisations choose to seek authorisation:

1. Three-step pathway: academic, followed by vocational, followed by pupillage/work-based component.
2. Four-step pathway: academic component, followed by vocational component in two parts, followed by pupillage or work-based component.
3. Integrated academic and vocational pathway - combined academic and vocational components followed by pupillage or work-based component.
4. Apprenticeship pathway: combined academic, vocational and pupillage or work-based components. Authorised Education and Training Organisations (“AETOs”) are invited to propose their own structure for an apprenticeship pathway.

We may be prepared to approve further training pathways in the future.

AETOs offering pupillage must offer the full component of training.

For more information, see page 17 of our [Policy Statement](#).

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2. The Authorisation Framework sets out our requirements for the authorisation of education and training organisations wishing to provide one of the components of training, including pupillage.

## BSB Handbook

Rule s6 in the BSB Handbook determines that you must not carry on any reserved legal activity unless you are entitled to do so under the Legal Services Act.

Under the Legal Services Act certain legal services are reserved to those who are authorised to provide them. For barristers, only those who have practising certificates are authorised persons. Such services are known as 'reserved legal activities' which are as follows:

the exercise of a right of audience;  
 the conduct of litigation;  
 reserved instrument activities;  
 probate activities;  
 notarial activities;  
 the administration of oaths.

A person who intends to practise as a barrister is required to train as a pupil for a period of not less than twelve months and complete such further training as may be required by the BSB.

Rule s8 provides that if you are an individual and do not have a practising certificate, you may not practise as a barrister and you are not authorised by the BSB to carry on any reserved legal activity. It is a criminal offence to carry out a reserved legal activity without being authorised to do so.

Rule s9 defines practising as a barrister as including holding yourself out as a barrister while providing legal services. The restriction on 'holding out' prevents barristers who do not have a practising certificate but who are supplying or offering to supply legal services from using the title 'barrister' or otherwise conveying the impression that they are practising as barristers.

There is an important distinction between unregistered barristers and practising barristers:

- Unregistered barristers

A person may become, and remain, an unregistered barrister without undertaking pupillage. The Qualification Rules allow a student to be called to the Bar after completing the Vocational Stage of training, without having commenced pupillage. As an unregistered barrister, you can provide any legal services that are not reserved legal activities. However, there are some important rules in the BSB Handbook which you need to follow in doing so. Further [guidance about unregistered barristers](#) is available on our website.

- Practising barristers

A person practises as a barrister if either they hold themselves out as a barrister or exercise a right that they have by reason of being a barrister, in connection with the supply of legal services. A practising certificate is required to practise as a barrister. To become qualified to take up a practising certificate as a barrister, and so become a practising barrister, a person must complete (or be exempted from) the Professional Stage of training, which includes pupillage, and satisfy such further requirements as are set out in the BSB Handbook.

## 2 Role of the Inns, Circuits and Specialist Bar Associations

This section describes the role of the Inns, the Circuits and the Specialist Bar Associations in relation to training of pupils and pupil supervisors.

### 2.1 The Inns of Court

All pupils must be members of one of the four Inns of Court before commencing pupillage, although they may commence the non-practising period before they have been Called to the Bar.

The Inns have a number of functions relating to pupillage:

- Applications for approval as a pupil supervisor must be made to a barrister's own Inn of Court, under the procedures and eligibility criteria set out in the BSB Handbook under rules rQ48-50. This process is explained in paragraph 5.1.

#### BSB Handbook

rQ56 If any complaint or other matter which appears to affect the suitability of a barrister to continue to act as a pupil supervisor comes to the notice of the Inn which approved the barrister, the Inn must inform the BSB of the matter.

## Good practice

The BSB would generally expect that pupil supervisors should:

- Undertake pupil supervisor training within six months of approval by their Inn;
- Understand the regulatory framework under the Legal Services Act 2007, the Legal Services Board and the BSB, and the effect of other relevant legislation;
- Be familiar with/understand professional values set out in BSB Handbook;
- Be familiar with/understand the threshold standard and competences set out in the [Professional Statement](#);
- Know the Equality and Diversity Rules of the Code of Conduct and relevant legislation, promote equality and value diversity, and apply them as a supervisor;
- Have up to date knowledge of the core competences, the relevant specialist curriculum and be aware of changes in relevant legal practice;
- Understand the learning experience, be able to assess learning needs of pupils, be sensitive and responsive to the needs of their pupil and identify their own teaching/supervisory objectives;
- Be competent to conduct one-to-one reviews and feedback sessions for the benefit of the pupil (including feedback from the pupil);
- Be able to devote sufficient time to the role and possess enthusiasm and a personal commitment to supervising their pupil;
- Ensure there is a sufficient volume of appropriate work available to provide suitable training;
- Be willing to develop individually as practitioner and supervisor;
- Understand the need for and operation of quality assurance and enhancement processes for professional practice; and
- Be able to use appropriate technology.

- Delivering pupil supervisor training

## BSB Handbook

rQ51 The BSB, in consultation with the Inns, may and will normally require pupil supervisors to undertake training before they may be entered or after they have been entered on the register of approved pupil supervisors.

Whilst the BSB maintains a broad overview of standards, the Inns of Court and Circuits have established their own frameworks for training. There is currently no requirement for training and accreditation of those who train pupil supervisors. They are selected by the Inns according to experience and expertise.

## Good practice

The aims of pupil supervisor training should be to:

- Prepare members of the profession who are suitably qualified and committed to nurture, develop and supervise pupils;
- Enable practitioners to engage effectively in training pupils, as both supervisor and assessor, so pupils attain the skills and competences of pupillage;
- Enable practitioners to support their pupils, academically, professionally and personally (as adviser/mentor); and
- Remind practitioners of the formal obligations on pupils and supervisors and the structures relating to supervising pupils.

The intended outcomes are that a pupil supervisor will be able to:

- Understand (and be confident in) their key role as supervisor, and hence their key role in upholding standards and as 'guardian' of the Qualification Certificate;
- Prepare pupils and furnish them with skills and competences necessary for practice at the Bar of England and Wales, whether at the Self-Employed Bar or at the Employed Bar as set out in the [Professional Statement](#), Threshold Standard and Competences
- Develop the knowledge, skills and competences gained by pupils on the Bar Professional Training Course (BPTC) and Inns' and Circuits' advocacy training;
- Assist pupils in development of their advocacy skills, both written and oral;
- Inculcate in pupils a robust professional and ethical approach to practice as a barrister, in accordance with the Code of Conduct;
- Encourage pupils to take responsibility for their own professional development;
- Support pupils academically, professionally and as mentor/advisor;
- Undertake competent assessment of their pupils;
- Understand the process of issuing the Practising Certificate;
- Equip pupils to perform competently during the early years of practice.

The BSB expects that the following should be covered in supervisor training:

- Regulations and the BSB – based on the requirements of the BSB Handbook, the Code of Conduct and the Pupillage Handbook;
- Roles and responsibilities – explain the role of trainer/manager, particularly the way that ‘supervision’ differs from ‘teaching’;
- Standards and competences – as set out in the [Professional Statement](#), emphasise the standards and competences, not simply the checklist of tasks to be completed;
- Curriculum – cover ways in which subjects and checklists can be used for specialised areas;
- Compulsory courses and Advocacy – emphasise needs and requirements, with particular emphasis on advocacy and how supervisors may assist in, and share responsibility for, ensuring that the standard of written and oral advocacy is at the correct level;
- Review and monitoring of pupils – how to teach/supervise and give good feedback; and how to review pupils’ work effectively;
- Appraisal – a formal appraisal should be conducted at the end of each six and distinguished from ‘feedback’;
- Assessment – the role of the supervisor in assessing the pupil, including how supervisors should assess against the checklists and competences;
- Ethics and the Code of Conduct, including client care;
- Provision of opportunities – emphasise the need to ensure that pupils are given sufficient opportunities for work and learning, and that this is fairly apportioned;
- Equality & Diversity – circulate rules and guidance documentation in advance;
- Paperwork requirements – procedures and documentation, like registration, certification, funding, payment and cash flow issues. Information on sick leave, holidays, and special circumstances; and
- Discussion and plenary sessions – case studies to give potential supervisors the knowledge and skills to handle operational dilemmas and difficult/unusual situations.

The above outline for training is indicative and not definitive.

- Delivering the compulsory courses for pupils (Pupillage Advocacy Training and the Practice Management Course) for pupils in London.
- Assessing pupils on the compulsory courses.
- Providing various library facilities and administrative services.
- Providing activities such as moots, lectures and social events.
- Each Inn’s Education Officer can provide pupils with advice and assistance regarding all aspects of pupillage, and will support pupils in the event of a complaint or grievance.

## 2.2 The Circuits

Practising barristers work from chambers and other organisations in one of the six Circuits (Northern, North Eastern, Wales and Chester, Midland, South Eastern, Western), into which the administration and organisation of the court system of England and Wales is divided. There are Pupillage Training Organisations (“PTOs”) in all of these locations and, in some locations, the Circuits share or replace some of the duties of the Inns in relation to pupillage.

Like the Inns in London, the Circuits organise the compulsory programme for pupils in their constituency, comprising Advocacy Training and the Practice Management Course. They also offer a range of educational and social opportunities for pupils and barristers and may, depending on the Circuit, offer some administrative or other facilities to members.

## 2.3 Specialist Bar Associations

A number of Specialist Bar Associations (“SBAs”) have been formed to provide support, training and representation for their members.

Many SBAs provide guidance on the specialist training which pupils attached to their members ought to receive. [Indicative content of specialist areas of training for the Bar are provided separately by SBAs on the BSB website.](#)

### Future Bar Training (“FBT”) – what’s changing?

Our Policy Statement summarises the Board’s decisions following the consultation about the role of the Inns of Court in the future of Bar training.

The BSB will continue to have a role in the oversight of students intending to become a barrister in England and Wales. There will be a continuing partnership with the Inns of Court but with strengthened quality assurance/compliance arrangements in place. This oversight role will continue through the specification by the BSB of pre-Call and preauthorisation requirements. In particular:

- The BSB will continue to require student membership of an Inn.
- The BSB will continue to require that, before they are called to the Bar, students must have completed a series of professional development activities provided by their Inn which are known as “Qualifying Sessions”.

More details are provided in the [Policy Statement](#).

We are currently working with the Inns to determine the process for approving pupil supervisors.

We are also in the process of reviewing the outcomes that we expect pupil supervisor training to deliver.

# 3 Structure and duration of pupillage

This section explains the two stages of pupillage, the Non-Practising period of six months (often referred to as the “First six”) and the Practising period of six months (often referred to as the “Second six”), which are set out in the BSB Handbook. It also explains what is sometimes referred to as the “Third six”, which has no regulatory status.

During pupillage, pupils are required to meet specified standards and to complete certain compulsory courses within a specified time.

## BSB Handbook

The following requirements about the timing, structure and duration of pupillage are specified:

rQ30 A person completes the professional stage of training by:

1. satisfactorily completing 12 months of pupillage and such further training as may be required by the BSB; and
2. being issued with a full qualification certificate [\[see chapter 13\]](#).

rQ32 A person may not start the Professional Stage more than five years after completing the Vocational Stage [\[see paragraph 1.3\]](#) except with the permission of the BSB and after complying with any condition which the Bar Standards Board may impose.

rQ33 Pupillage is divided into two parts:  
a non-practising period of six months; and  
a practising period of six months.

rQ36 Any period of pupillage must provide training which is adequate and which complies with such criteria as may be published by the Bar Standards Board [this is explained in [chapters 9](#) and [10](#)].

rQ37 of the BSB Handbook specifies that any period of pupillage must be done:

1. in an approved training organisation [this is explained in [chapter 4](#)]; and
2. with a barrister who is a registered pupil supervisor [this is explained in [chapter 5](#)].

Arrangements for part time pupillage can be accommodated. The pupil supervisor will usually specify the minimum periods of time in which a pupil is expected to be in the PTO and pupils may be expected to work additional hours as required.



The specified standards are now defined defined in the [Professional Statement](#), Threshold Standard and Competences which describes the knowledge, skills and attributes that all barristers should have on 'day one' of practice, ie the point at which barristers are issued a qualification certificate and may apply for a full practising certificate. For 2018/19, PTOs and pupils may continue to complete [checklists](#) provided by the BSB. A new approach to ensuring that pupils meet the Threshold Standard and Competences is being piloted with a group of early adopters and it will become a requirement for all PTOs to incorporate the Professional Statement into pupillage training in autumn 2019. This is further explained in [chapter 9](#).

### 3.1 The Non-Practising Period ("First six")

#### BSB Handbook

rQ34 specifies that, except with the written permission of the BSB, the non-practising period of pupillage must be done:

- 1 in a Member State of the European Union; and
- 2 in a continuous period of six months.

During the non-practising period, pupils may not accept any instructions, except for noting briefs where they have the permission of their pupil supervisor or head of chambers.

At the end of the non-practising period, pupils must submit a certificate from their pupil supervisor to the BSB certifying that the non-practising period has been satisfactorily completed.

Provided that the pupil has completed the Pupils Advocacy Course, the BSB will then grant a Provisional Qualification Certificate. This process is explained further in [chapter 13](#).

### 3.2 The Practising Period ("Second six")

#### BSB Handbook

rQ35 specifies that, except with the written permission of the BSB, the practising period of pupillage must:

- 1 start within 12 months after completion of the non-practising period;
- 2 be done in a Member State; and
- 3 be completed within an overall period of nine months.

All the practising period must be undertaken after Call; this means that pupils must be Called to the Bar before they can undertake their second six.

A pupil is entitled to supply legal services and exercise Rights of Audience as a pupil during the practising period provided that they have the permission of their pupil supervisor or head of chambers and has been issued with a Provisional Practising Certificate by the BSB.

At the end of the practising period, pupils must submit a certificate from their pupil supervisor to the BSB, certifying that the practising period has been satisfactorily completed. Provided that the Practice Management

Course has also been completed, we will grant the pupil a Full Qualification Certificate.

Upon completion of pupillage, pupils are required to apply for a Full Practising Certificate in order to commence practice as a barrister.

This process is explained further in [chapter 13](#).

There is no regulatory obligation for a PTO to provide tenancy or employment following pupillage.

### Good practice

Although pupillage is arranged as two distinct stages for the purposes of regulation by the BSB, PTOs often rotate pupils through two or more placements, both within the PTO and with external organisations. This approach exposes pupils to a wider range of experience and offers opportunities for a more rounded assessment of their pupillage.

## 3.3 “Third six”

Some PTOs offer, or indeed require, so-called “Third six” arrangements for individuals who have completed pupillage. These are not part of the regulated period of pupillage and the term “Third six” has no status in the BSB’s regulations.

The term is used to cover various arrangements. For example, some are fixed term tenancies but others are less well-defined. They are usually without voting rights in chambers. There may or may not be guaranteed earnings. There may or may not be supervision or mentoring arrangements in place. They may be used as a way of providing an additional period of specialised training. They may be used as a probationary period to assess candidates for tenancy or employment at the end of pupillage. There is no regulatory obligation for a PTO to provide tenancy or employment following a Third six.

### Good practice

PTOs should be clear when advertising and offering pupillage whether they expect pupils to complete an additional period of training, assessment or probation on completion of pupillage before tenancy or employment is decided.

Arrangements should be defined in a contract detailing what is expected of both parties after pupillage and during and after the additional probationary period. To avoid confusion with the regulated status of pupillage, the term “Third six” should not be used.

The Bar Council’s Ethics & Practice Hub offers [Best Practice Guidelines](#) on Third Six arrangements.

## Future Bar Training (“FBT”) – what’s changing?

Our review has resulted in us deciding to make a number of changes to the training and qualification rules which, subject to Legal Services Board (“LSB”) approval, will come into effect in early 2019. You can read more about these changes in our recent [Policy Statement](#).

When the new rules come into effect, the presumed duration of pupillage and other forms of work-based learning will continue to be a minimum of 12 months, and no more than 24 months (or proportionately longer if undertaken part time). Each Authorised Education and Training Organisation (“AETO”) will determine the duration of the programme it offers. Where the proposed duration is longer than 12 months, the AETO will need to seek authorisation from us and demonstrate why that is appropriate.

As is the case now, the length of the non-practising period of pupillage will normally be six months for full time, 12-month pupillages, after which a provisional practising certificate may be applied for. An AETO may exceptionally apply for a variation to this norm by seeking authorisation from us.

See chapter 4 for more information about the authorisation process under FBT.

Transitional arrangements, where needed, will be published on our website over the coming months. We will be updating this Handbook for 2019 when our new rules are approved.

# 4 Pupillage Training Organisations (PTOs)

This section is for organisations that wish to offer pupillage training. It outlines how to gain approval from the BSB as a PTO and explains when approval may be withdrawn. Requirements for pupil supervisors are covered in [chapter 5](#).

## BSB Handbook

rQ37 of the BSB Handbook specifies that any period of pupillage must be done:  
1 in an approved training organisation; and  
2 with a barrister who is a registered pupil supervisor.  
PTOs are covered by rules rQ39-43 of the BSB Handbook.

In order to accept pupils, chambers, BSB authorised bodies and other organisations must apply to the BSB to be approved as a PTO. All organisations which already had pupils on 1 September 2006 are deemed to have been authorised, without needing to make an application.

PTOs may include:

- Barristers' chambers.
- BSB entities.
- Government organisations such as the Crown Prosecution Service and Government Legal Department.
- Solicitors' firms.
- Other commercial companies.

Pupil supervisors are subject to a separate registration process ([see chapter 5](#)).

## 4.1 Authorisation of PTOs by the BSB

### BSB Handbook

rQ39 of the BSB Handbook says that the BSB may authorise any organisation as an approved training organisation subject to such terms as the BSB may from time to time determine.

Applications to become a PTO must be made to the BSB in writing on the [application form](#) that is current at the time the application is made. It must be accompanied by the supporting documentation that is required by the BSB and payment of the requisite fee. Applications are considered and determined by trained professional staff within the Authorisation department of the BSB.

Full [guidelines for applications](#) are available on the BSB website, including the appeals process when applications are refused.

Approval will normally be without time limit, but may be conditional on additional requirements being met. We will specify these, together with a time limit for meeting conditions and addressing recommendations. The BSB may visit a PTO seeking approval.

## Good practice

Provision of the following for pupils is regarded as good practice:

- Access to a workspace, PC or laptop, telephone extension, internet and email address, office equipment and services.
- Pupils should usually share a room with their pupil supervisor so that they can benefit from observing their routine and professional practice.
- Pupils who aim to practise as employed barristers after pupillage need to understand how sets of chambers and clerking arrangements work. PTOs at the Employed Bar are therefore encouraged to arrange placements or exchange schemes with sets of chambers, to give pupils the opportunity to experience self-employed practice.

## Future Bar Training (“FBT”) – what’s changing?

Our review has resulted in us deciding to make a number of changes to the way in which pupillage will be governed and administered from early 2019 when, subject to Legal Services Board approval, the new training and qualification rules will come into effect. You can read more about these changes in our recent Policy Statement.

One of these changes will require all chambers and organisations wishing to take on pupils in the future to apply to us for authorisation as an Approved Education and Training Organisation (AETO) under our new Authorisation Framework. For chambers and organisations that already take on pupils or have done so in the past, becoming an AETO should be straightforward process.

It is expected that this will require AETOs to submit details of their pupillage training programme, setting out how they will ensure that those whom they train satisfy the Threshold Standard and Competences of the BSB’s Professional Statement, as well as details of how their training will meet the criteria of flexibility, accessibility, affordability and sustaining high standards. Guidance and support will be available to help AETOs to provide us with the information that we will need to authorise them.

We are writing to all chambers and all existing PTOs to ask whether they intend to/intend to continue to take pupils under the new arrangements. This will enable us to identify which chambers or other organisations we need to contact.

Full details of how to apply for authorisation, and when to do so, will be sent in due course. In the meantime, those who already provide pupillage can continue to do so. This will not affect current pupils, nor the ability to advertise for new pupils.

Following authorisation as an AETO under the new Authorisation Framework, AETOs will be subject to risk-based supervision by the BSB. There will be no renewal process unless there are material changes to the way that you deliver pupillage training.

## 4.2 Appointment of a Pupillage Training Principal

PTOs must make proper arrangements for dealing with pupils and pupillage in accordance with the Code of Conduct ([see paragraph 4.4](#)).

### Good practice

The Head of Chambers or equivalent of a PTO is ultimately responsible for pupils. A Pupillage Training Principal (“PTP”), preferably a practising barrister, may also be appointed to oversee and coordinate pupillage arrangements and implement pupillage policies to meet BSB requirements. The PTP can be the Head of Chambers/equivalent of a PTO or another senior practitioner within the organisation. The PTP should have a thorough understanding of the regulatory requirements.

### 4.3 Material changes

Once approval has been granted, any material change (eg location, resources, supervisor) must be notified to the BSB. We may ask for further details, a meeting or carry out a Supervision visit. See [section 8.2](#) for requirements to notify the BSB of changes in pupillage arrangements.

#### Good practice

Where a PTO and/or pupil supervisor find themselves no longer in a position to supervise a pupillage to completion, we expect the PTO and pupil supervisor to take joint responsibility to honour the pupillage and do all that they can to assist the pupil to find alternative provision. A waiver from funding or advertising may need to be sought from the BSB in such circumstances, and both the PTO and the pupil supervisor should assist with this. The PTO should keep the BSB fully informed.

### 4.4 Withdrawal of approval by the BSB

#### BSB Handbook

Rule rQ40 of the BSB Handbook says that the BSB may withdraw approval from an PTO if it considers after investigation:

- That pupillage training provided by the organisation is or has been seriously deficient; or
- That the organisation has not made proper arrangements for dealing with pupils and pupillage in accordance with the Code of Conduct.

rQ41 specifies that the BSB will give notice in writing:

- In the case of a decision to refuse to designate an organisation as an approved training organisation, to that organisation; and
- In the case of a decision to withdraw approval from an approved training organisation, to:
  - that organisation;
  - any person who is undertaking or has agreed to undertake a pupillage in that organisation; and
  - the Inn of which any such person is a member.

rQ42 Any person or organisation to whom the BSB is required to give notice of a decision under Rule Q41 may ask for a review of the decision under Section 4.B10, provided that the request is made in writing to the BSB within one month of the date when notice of the decision was given.

# 5 Pupil Supervisors

This section is of interest to individuals who wish to become pupil supervisors. It covers the process of application, registration and removal from the Pupil Supervisor Register, the eligibility criteria, training required and duties of pupil supervisors.

## BSB Handbook

rQ37 of the BSB Handbook specifies that any period of pupillage must be done:

- In an approved training organisation [see [chapter 4](#)]; and
- With a barrister who is a registered pupil supervisor.

rQ44 says that a barrister may act as a pupil supervisor if the barrister:

- Is on the register of approved pupil supervisors kept by the BSB;
- Has a current practising certificate; and
- Has regularly practised as a barrister during the previous two years.

rQ55 says that a barrister may not supervise more than one pupil at a time except with the approval of the BSB.

Pupil supervisors are covered by rules rQ44-59 of the BSB Handbook.

## Future Bar Training (“FBT”) – what’s changing?

When the new rules come into effect in early 2019 (subject to LSB approval), the number of pupils allowed to be supervised per pupil supervisor at any one time will be as follows:

- For the self-employed Bar, pupil supervisors will be limited to two pupils – no more than one non-practising pupil and no more than one practising pupil.
- For the employed Bar, pupil supervisors will be allowed to supervise more than one pupil at a time, and it will be up to each AETO to propose the organisational structure of pupil supervision as part of its authorisation under the new Authorisation Framework.

### 5.1 Application process and eligibility criteria

Applications for approval as a pupil supervisor must be made to a barrister’s own Inn of Court, under the procedures and eligibility criteria set out in the BSB Handbook under rules rQ48-50.



A barrister should contact their Inn and complete the necessary application form from that Inn. The Inn will check that the barrister fulfils the criteria and seek references.

## BSB Handbook

rQ48 of the BSB Handbook says that an Inn must approve a barrister as a pupil supervisor if:

- The barrister has a current practising certificate;
- The Inn is satisfied that the barrister has the necessary experience and is otherwise suitable to act as a pupil supervisor; and
- The barrister has submitted an application in accordance with Rule Q50

rQ49 says that, to have the necessary experience to act as a pupil supervisor, a barrister should normally:

- Have practised in the United Kingdom or another Member State as a barrister (other than as a pupil who has not completed pupillage...) or as a person authorised to exercise a right of audience or to conduct litigation by another Approved Regulator for a period of at least six years in the previous eight years; and
- For the previous two years have regularly practised as a barrister and been entitled to exercise a right of audience before every court in England and Wales in relation to all proceedings.

## Future Bar Training (“FBT”) – what’s changing?

The BSB is currently in discussion with the Inns to determine the process for approving pupil supervisors. Updates will be published on our website over the coming months. In the meantime, prospective supervisors should follow the current process.

## 5.2 Training of pupil supervisors

### BSB Handbook

rQ51 says that the BSB, in consultation with the Inns, may and will normally require pupil supervisors to undertake training before they may be entered or after they have been entered on the register of approved pupil supervisors.

Inns and Circuits run training sessions and most prospective supervisors attend the session provided by their own Inn. However, they can also attend sessions run by another Inn or a Circuit. In such cases, the host provider will confirm attendance with the barrister’s own Inn. There are a number of training sessions a year.

All those involved in the supervision of pupils need to undergo training, although some may occasionally assume the role of being an additional supervisor for a short period of time, for example in a particular specialist area. In

such cases, the Pupillage Training Principal should oversee pupillage arrangements on a day-to-day basis.

### Good practice

The BSB would generally expect that pupil supervisors should undertake pupil supervisor training within six months of approval by their Inn.

Our [new CPD regime](#) for barristers on the Established Practitioner Programme commenced in January 2017. Established barristers are now free to plan their own CPD activities. Pupil supervisors should consider taking refresher training when appropriate, for example if they have not supervised a pupil recently.

### Future Bar Training (“FBT”) – what’s changing?

We are in the process of reviewing the outcomes that we expect pupil supervisor training to deliver. In the meantime, prospective supervisors should attend the available courses.

As it is at the moment, supervisor training will be open to providers other than the Inns.

Refresher training will be mandatory for all pupil supervisors, and will be required every five years, or after three years for someone who has not supervised any pupils in the intervening time.

## 5.3 Registration of pupil supervisors

Approved pupil supervisors are registered with the BSB on the recommendation of the relevant Inn.

### BSB Handbook

rQ45 The BSB may enter a barrister on the register of approved pupil supervisors if the barrister is approved by an Inn of which the barrister is a member.

rQ46 The BSB may refuse to enter a barrister on the register of approved pupil supervisors if the BSB finds that the barrister is unsuitable for any reason to act as a pupil supervisor.

Once registered with the BSB, a pupil supervisor may take on a pupil if their chambers or employer is registered as a PTO. Approval will normally be without time limit, but pupil supervisors can be removed from the register – see [section 5.5](#) below.

## 5.4 Duties of pupil supervisors

### BSB Handbook

rQ54 of the BS Handbook says that a pupil supervisor must when responsible for supervising any pupil:

1. take all reasonable steps to provide the pupil with adequate tuition, supervision and experience;
2. have regard to any pupillage guidelines issued by the Bar Standards Board and to the Equality and Diversity Rules of the Code of Conduct; and
3. ensure that the pupil prepares for and attends any further training required by the Bar Standards Board such as advocacy training provided by the pupil's Circuit or Inn.

### Guidance

It is important for the roles of PTOs, pupil supervisors and pupils to be clearly understood by all parties, to ensure that all are fully aware of the extent of one another's responsibilities. While the pupil supervisor must advise and support, there is a point at which responsibility lies with the pupil. It is important that both understand the supervisor's contribution to supporting the pupil and where the supervisor's responsibilities end.

Pupil supervisor contact time with pupils will vary, depending on the nature of the placement, the portfolio of the supervisor, the type of PTO and general availability, but a minimum amount of contact time should be timetabled.

There is no specified maximum amount of time that a supervisor may be absent or unavailable (eg overseas or ill) before an alternative supervisor must be appointed. However, it is the duty of the supervisor to ensure that the BSB is contacted for advice when a material change occurs so that special provision can be made where necessary. See [sections 4.3](#) and [8.2](#) for requirements to notify the BSB of changes in pupillage arrangements.

## 5.5 Removal from the register of pupil supervisors

### BSB Handbook

Rule rQ52 of the BSB Handbook says that the BSB may remove a barrister's name from the register of approved pupil supervisors if the barrister:

- 1 ceases to practise as a barrister or is suspended from practice as a barrister; or
- 2 requests the BSB in writing to be removed from the register; or
- 3 fails to complete any training required under Rule Q51; or
- 4 is found by the BSB to be unsuitable for any reason to act as a pupil supervisor; or
- 5 has not acted as a pupil supervisor for the previous five years.

rQ53 If the BSB decides that a barrister's name should be removed from the register of approved pupil supervisors, it will notify the barrister and the Inn which approved the barrister as a pupil supervisor of its decision and of the reasons for it.

rQ56 If any complaint or other matter which appears to affect the suitability of a barrister to continue to act as a pupil supervisor comes to the notice of the Inn which approved the barrister, the Inn must inform the BSB of the matter.

rQ57 If any complaint or other matter which appears to affect the suitability of a barrister to continue to act as a pupil supervisor comes to the notice of the BSB, the BSB will investigate the matter.

rQ59 A barrister whose application to be approved as a pupil supervisor is rejected or whose name is removed from the register of approved pupil supervisors may ask for a review of the decision.

rE168 Whether or not a Disciplinary Tribunal finds any charge or application proved against a barrister who is a pupil supervisor, if the Disciplinary Tribunal considers that the circumstances of the complaint are relevant to the defendant in his capacity as a pupil supervisor, it may notify the defendant's Inn of those concerns in such manner as it sees fit.

# 6 Fair recruitment and selection of pupils

All PTOs are required to abide by the [Equality Act 2010](#), which includes some specific provisions in relation to recruitment of pupils. In addition, the BSB Handbook has a number of requirements in relation to equality. These are outlined in this chapter.

All PTOs should recruit pupils through a fair and transparent process. Selection for pupillage is subject to the Equality Act 2010. PTOs must not unlawfully discriminate against any applicants. Advertising, selection for interviews, the interviews themselves, the selection for pupillage, the offers made and contracts given to pupils are all covered by this Act. In addition, the BSB Handbook has a number of requirements in relation to equality. In particular, the following are relevant to pupillage:

## BSB Handbook

Core Duty 8 says that BSB regulated persons must not discriminate unlawfully against any person.

Rule rC12, which applies to all BSB regulated persons apart from unregistered barristers, says that a barrister must not, in his professional practice, discriminate unlawfully against, victimise, or harass, any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief, or pregnancy and maternity.

Rule rC110 d, which applies to self-employed barristers, chambers and BSB entities, says that recruitment and selection processes must use objective and fair criteria.

## 6.1 The Equality Act 2010

The [Equality Act 2010](#) ("the Act") consolidates and replaces the numerous Acts and Regulations which previously dealt with equalities law. It recognises the following as '[protected characteristics](#)':

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

Barristers and clerks are bound by specific provisions relating to the Bar in [Section 47](#) of the Act that prohibits discrimination against pupils, tenants and would-be pupils and tenants, and requires barristers to make reasonable adjustments.

[Section 60](#) of the Act prohibits pre-selection questions of applicants (including for pupillage or tenancy) about their health or disability save in very narrow circumstances. Positive action in recruitment is permitted in certain circumstances under [Section 159](#) of the Act specifically in relation to pupillage and tenancy recruitment.

As employers, PTOs are subject to the provisions in [Part 5 Chapter 1](#) of the Act, which prohibits direct and indirect discrimination, harassment and victimisation, and provides the duty to make reasonable adjustments. As service providers, PTOs are covered by [Part 3\(3\)](#) of the Act.

## 6.2 Advertising requirements

### BSB Handbook

Rule rQ61 of the BSB Handbook requires that all vacancies for pupillage must be advertised on a website designated by the Bar Council (currently the [Pupillage Gateway](#)) and certain information specified in rQ61 must be provided:

- The name and address of chambers or the BSB authorised body;
- Number of tenants or the number of barristers employed by that entity;
- A brief statement of the work done by Chambers/the entity;
- The number of pupillage vacancies;
- The level of award;
- The procedure for applying;
- The minimum educational or other qualifications required;
- The closing date for applications;
- The date by which the decisions will be made.

Whilst all vacancies for pupillage must be advertised on the [Pupillage Gateway](#), PTOs have the choice whether to use the [Pupillage Gateway](#) to administer their recruitment process too, according to that system's timetable, but there is no requirement to do so. Please also see the Pupillage Gateway website for the timetable.

### Good practice

PTOs should state, if possible, whether they give consideration to applicants applying before undertaking the BPTC and also whether they will cover expenses for candidates to attend for interview.

## 6.3 Waivers from advertising requirements

Waivers from advertising requirements will only be granted in exceptional circumstances. Each case will be considered on its own merits. A formal application must be made to the BSB by the PTO, by way of the relevant [form](#). [Details of the procedure and guidelines](#) are provided on the BSB website.

## 6.4 Selection for Pupillage

### BSB Handbook

Rule rC110 of the BSB Handbook says that chambers and BSB authorised bodies must take reasonable steps to ensure that:

- Except in unforeseen and exceptional circumstances, the person with lead responsibility for any selection panel and at least one member of any selection panel (who may be the same person) has received recent and appropriate training in fair recruitment and selection processes;
- Save in exceptional circumstances, every member of all selection panels must be trained in fair recruitment and selection processes;
- Recruitment and selection processes use objective and fair criteria.

The BSB Handbook provides the following guidance:

- gC142: training means any course of study covering all the following areas:
  - a) Fair and effective selection & avoiding unconscious bias
  - b) Attraction and advertising
  - c) Application processes
  - d) Shortlisting skills
  - e) Interviewing skills
  - f) Assessment and making a selection decision
  - g) Monitoring and evaluation
- gC144: The purpose of Rule C110 is to ensure that applicants with relevant characteristics are not refused employment because of such characteristics. In order to ensure compliance with this rule, therefore, it is anticipated that the Equality and Diversity Officer will compile and retain data about the relevant characteristics of all applicants for the purposes of reviewing the data in order to see whether there are any apparent disparities in recruitment.

Whilst the above applies specifically to chambers and BSB authorised bodies, all PTOs must have recruitment and selection processes that use objective and fair criteria.

## Good practice

- The selection process and criteria are set out in advance of recruitment.
- All pupils are selected using the same procedure.
- The selection is conducted with efficiency and courtesy (to account for the fact that the process is generally very demanding and stressful to candidates).
- A well-drafted and clear application form is used that draws out the ways in which candidates fulfil the criteria for selection, rather than asking for the submission of a curriculum vitae alone.
- All applications are acknowledged and candidates are notified of outcomes, for example, if they are unsuccessful or if pupillage is no longer offered.
- Where interviews or other parts of the selection process take place during term time, PTOs treat sympathetically any request for an alternative date made by the applicant for academic or other good reasons.
- Sufficient notice is given of the date and time of interviews, to enable candidates to request for an alternative interview time or to make arrangements necessary for their attendance at the interview.
- Reasonable adjustments are made, where appropriate.
- PTOs do not hold interviews at times when potential applicants are likely to be preparing for and sitting exams.
- Where interviewees live some distance from the PTO, a contribution is offered towards travel expenses through a clear written policy.
- Written exercises are used to evidence analytical and written communication skills that provide equal opportunity to those who have not undertaken a law degree.
- Applicants are advised at interview when a decision is likely to be reached on their applications.
- Decisions on applications are taken by a panel, not one person alone.
- A record is kept of decisions taken, with reasons given.
- Feedback to unsuccessful candidates is offered.
- PTOs request pupils to provide a copy of the relevant certificates of educational attainment.
- PTOs collect, analyse and act on Equality and Diversity data as part of the selection process to help inform them of any unintentionally discriminatory practices in their recruitment process

## 6.5 Offers and contracts

The offer of a pupillage and its acceptance by the person to whom it is made will give rise to a legally binding contract for education and training<sup>2</sup>. Offers of pupillage may be made by PTOs through the Bar Council's [Pupillage Gateway](#) if the PTO uses the Gateway to administer their recruitment process, or directly if not. In the case of Pupillage Gateway applications, no offers may be made before the date/time specified by the Gateway timetable.

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2. Edmonds v Lawson 2000 [QB 501] (CA)



## Good practice

An offer of a pupillage is made in writing and contains the following:

- The date of commencement.
- Details of supervision arrangements and the name of the first pupil supervisor. A meeting is arranged before pupillage begins.
- Details of the award to be made to the pupil.
- Terms on which pupillage might be terminated
- Offers remain open for at least 14 days.
- Details of the process for applying for tenancy or employment upon completion so the pupil knows what to expect at the end of pupillage.

# 7 Pupillage funding

All pupillages of self-employed barristers, chambers and BSB authorised bodies must be funded in accordance with the Pupillage Funding Rules in the BSB Handbook. The responsibility to fund pupils lies with the PTO. The purpose of these rules is to ensure that pupils receive a regular, minimum income throughout pupillage and it supports equality of opportunity. The BSB has published additional guidance to clarify rules C113 and C114 to ensure that chambers do not profit from pupillage in the second six.

Other types of PTOs must abide by the [Minimum Wage](#) legislation.

## 7.1 Minimum pupillage funding requirements

In summary, all pupils must be paid no less than £12,000 per annum, which is £1,000 per month plus reasonable travel expenses where applicable.

In the practising period of pupillage, the monthly minimum income may be made up by payments from the PTO (in accordance with rules c113 and c114) or earnings received from practising as a pupil barrister, or a mixture of the two.

PTOs are required to pay travel expenses for pupils travelling for the purposes of their pupillage, in addition to the minimum funding requirement. PTOs are not required to pay expenses for pupils for travel for the purposes of practice as a barrister, ie for work for which they will receive fees.

Rules C113 to 115 combine in effect to prohibit a PTO from attempting to profit from pupillage.

PTOs should make clear the funding practice that they employ to any pupil being offered pupillage at the time an offer is made, and can do this by providing the prospective pupil with a copy of their pupillage policy.

The BSB Handbook sets out the specific requirements:

### BSB Handbook

rC113 The members of a set of chambers or the BSB authorised body must pay to each non-practising pupil (as appropriate), by the end of each month of the non-practising six months of his pupillage no less than:

1. the specified amount; and
2. such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:
3. travel for the purposes of his pupillage during that month; and
4. attendance during that month at courses which he is required to attend as part of his pupillage.

rC114 The members of a set of chambers, or the BSB authorised body, must pay to each practising pupil by the end of each month of the practising six months of his pupillage no less than:

1. the specified amount; plus:
2. such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on:
  - a. travel for the purposes of his pupillage during that month; and
  - b. attendance during that month at courses which he is required to attend as part of his pupillage; less
  - c. such amount, if any, as the pupil may receive during that month from his practice as a barrister; and less
  - d. such amounts, if any, as the pupil may have received during the preceding months of his practising pupillage from his practice as a barrister, save to the extent that the amount paid to the pupil in respect of any such month was less than the total of the sums provided for in sub-paragraphs rC114.2.a and b above.

rC115 The members of a set of chambers, or the BSB authorised body, may not seek or accept repayment from a chambers pupil or an entity pupil of any of the sums required to be paid under Rules rC113 and rC114 above, whether before or after he ceases to be a chambers pupil or an entity pupil, save in the case of misconduct on his part.

rC116 If you are a self-employed barrister, you must pay any chambers pupil for any work done for you which because of its value to you warrants payment, unless the pupil is receiving an award or remuneration which is paid on terms that it is in lieu of payment for any individual item of work.

We have published additional [guidance](#) to clarify that chambers should not be profiting from pupillage in the second six.

## Good practice

It can be helpful for PTOs to:

- Pay a monthly sum in advance to cover travel costs or fund a travel card
- Reimburse pupils the day after they return from court (on submission of a form for travel expenses)
- Pay the predicted cost of travel prior to pupils going to a court away from their place of work, with any difference reimbursed promptly on return from court

## Future Bar Training (“FBT”) – what’s changing?

The minimum pupillage award will be set in line with the wages recommended by the Living Wage Foundation, and will increase annually in line with that figure. The change would mean, based on 2018 figures, a rise to £17,212.50 p.a for pupillages in London, and £14,765.63 p.a. for those outside London.

It will continue to be mandatory for chambers to make monthly payments to pupils but flexibility may be introduced to permit other appropriate payment arrangements, such as upfront payments.

In order to meet the minimum award requirements during the practising period, chambers will continue to cover the difference between a pupil’s earnings and the minimum award.

The date from which this requirement comes into effect, the rates and transitional arrangements will be published on our website over the coming months. In the meantime, chambers are encouraged to adopt the new rates as soon we publish them.

## 7.2 Waivers from pupillage funding requirements

### BSB Handbook

rC117 says that rules rC113 to C116 do not apply in certain circumstances, including in the case of pupils who are doing a period of pupillage in a set of chambers or in a BSB authorised body as part of a training programme offered by another organisation which is authorised by the BSB to take pupils.

Waivers from funding requirements will only be granted in exceptional circumstances. Each case will be considered individually on its own merits. The responsibility to fund pupils lies with the PTO. The PTO must apply for a waiver from the Pupillage Funding Rules if it does not or cannot fund a particular pupil. A formal application must be made to the BSB by the PTO, by way of the relevant [form](#). [Details of the procedure and guidelines](#) are provided on the BSB website.

Pupils themselves cannot enter into agreements to undertake unfunded pupillages, nor apply for waivers from the Pupillage Funding Rules.

One situation that might be accepted as exceptional circumstances to justify a waiver from the funding requirements is where an international student wishes to undertake pupillage in England and Wales in order to practise in their home jurisdiction. Each application on this basis will be considered on its own merits.

## Future Bar Training (“FBT”) – what’s changing?

The current rule granting automatic exemption from the pupillage funding rules for transferring lawyers will be removed, but training organisations may continue to apply for exemption in individual cases.

Transitional arrangements will be published [on our website](#) and in our monthly Regulatory Update email over the coming months .

### 7.3 Inns Awards

Although the Inns focus their funding on the CPE/Diploma in Law and the BPTC, they do have some awards for the pupillage year. For information, contact each Inn of Court.

# 8 Pupils' responsibilities for registering pupillage

This section is of special interest to pupils, who are responsible for registering their pupillage with the BSB on the relevant forms.

## 8.1 Registration of pupillages

### BSB Handbook

rQ62 Before starting any period of pupillage (including any period of external training) a person must apply to the BSB for registration of the pupillage by submitting an application in the form prescribed by the BSB.

rQ64 If a person applies to the BSB for registration of a pupillage after the pupillage has started, the pupillage will be treated as having started on the date the application is received, unless the BSB permits otherwise.

### Important guidance for pupils

Pupils must register their pupillage with the BSB on the appropriate [registration form](#) before pupillage commences. The BSB will only approve an application for retrospective registration of pupillage where there are good reasons for failure to register on time. Otherwise, periods of pupillage undertaken prior to registration will not be recognised.

Registration forms should be submitted two weeks prior to commencement of pupillage. Pupils must provide the name of the designated pupil supervisor and the commencement date; it is therefore advisable that such arrangements are made in advance. Registration will be confirmed by email.

## 8.2 Changes in pupillage

### BSB Handbook

rQ67 If any of the information provided in an application for registration of a pupillage changes before the pupillage has been completed, the pupil must promptly notify the BSB in writing of the change.

The BSB keeps records of all pupillages and any material change during pupillage must be notified, using the prescribed [form](#). The periods of time involved must be noted.

This declaration must be signed by the Head of Chambers or other person authorised by the Head of Chambers in the case of a pupillage in chambers. For a pupillage in employment, it should be signed by a person authorised by the employer.

There is no specified maximum amount of time that a supervisor may be absent or unavailable (eg overseas or ill) before an alternative supervisor must be appointed. However, it is the duty of the supervisor to ensure that the BSB is contacted for advice when a material change occurs so that special provision can be made where necessary.

# 9 Specified standards and assessment by pupil supervisors

This section should be understood by both pupils and pupil supervisors. It covers the specified standards that the BSB requires pupils to achieve and how they are assessed by pupil supervisors. Most importantly, pupil supervisors must be able to prepare pupils for independent practice, inculcate a robust professional and ethical approach, and therefore assess their progress through pupillage on the basis of their ability to deliver high quality legal services to clients.

## 9.1 Specified standards

### BSB Handbook

Rule rQ36 of the BSB Handbook says that any period of pupillage must provide training which is adequate and which complies with such criteria as may be published by the BSB.

Currently the BSB requires all pupils to achieve the specified standards in four core skills:

1. Conduct and etiquette
2. Advocacy
3. Conferences and negotiations
4. Drafting, paperwork and legal research

The standards are specified in [checklists](#), which are available on the BSB website, for each of the core skills that must be completed, as evidence that the required standard has been met.

In addition to the four core skills checklists, pupil supervisors must provide their pupils with a fifth, specialist checklist, either from those available from the BSB, or designed by the PTO with agreement from the BSB.

Training must focus on the knowledge and skills that are required for practice on day one of authorisation as described in the [Professional Statement](#), Threshold Standard and Competences and meet the requirements of a barrister's professional service to their client.

In a professional environment, the value and quality of work is judged by its worth to the client:

- Advice given in conference or in writing must be clear, accurate, comprehensible and constructive. It must address all the issues which the client faces.



- Where documents are submitted to court, they must represent the client's case accurately and fairly, and be worthy of the respect of the court
- Oral advocacy must be measured against the client's interests and needs. The advocate must be able to present an effective case for the client, in a persuasive and clear manner.

The standards of assessment applied to pupils should be equally client-oriented.

## Good practice

Pupils should expect to see as much of their pupil supervisor's court work as possible.

PTOs vary in the extent to which pupils are encouraged to attend court with other members, but it is important that pupils see court work done by junior members of the PTO to prepare them for court appearances in the practising six months.

Pupils will gain most benefit from observing court work if they are able to read the papers and discuss them before or after the court appearance, and it is always useful to prepare a skeleton submission or draft questions that should be asked.

A pupil should not offer an opinion regarding the case to the client. Any views should be discussed with the pupil supervisor alone.

## 9.2 Pupillage Checklists

[Pupillage checklists](#) are available on the BSB website.

The primary purpose of the checklists is to provide guidance to pupils and pupil supervisors about the range of tasks that pupils are normally expected to cover during the pupillage stage of training, and to provide a record of evidence of work and training completed to achieve them. The levels to which such tasks are to be completed are defined below.

Checklists one to four cover the four core skills.

In addition to the four core skills checklists, pupil supervisors must provide their pupils with a fifth, [specialist checklist](#), either from those available from the BSB website, or designed by the PTO. Specialist checklists do not have to be pre-approved by the BSB. PTOs and pupil supervisors may produce their own checklists specific to those pupillages that they offer/supervise. These must relate to the common core skills.

### 9.2.1 Conduct and etiquette

Pupils should have a thorough understanding and appreciation of the operation in practice of rules of conduct and etiquette at the Bar and achieve a working knowledge and understanding of the BSB Handbook and Code of Conduct.

Pupils should familiarise themselves with the BSB Handbook and Code of Conduct in the non-practising period of pupillage and ensure that they are prepared for dealing with common ethical dilemmas that may arise in the practising period.

If issues arise in practice, pupils should, wherever possible, consult with their pupil supervisor about the appropriate course of action. They may also contact the [Bar Council's Ethical Enquiries Service](#) tel. 020 7611 1307.

### 9.2.2 Advocacy

A fundamental objective of pupillage is that the pupil should develop and practise the skills necessary to be an effective advocate.

The standard of advocacy required was established together with the [Inns of Court College of Advocacy](#) ('ICCA' - formerly the Advocacy Training Council). Attention is also drawn to the Dutton criteria.<sup>3</sup> The ICCA sets out criteria for advocacy training, best practice and common mistakes.

Pupils must pass the Advocacy Training Course provided by their Inn or Circuit in the non-practising stage of pupillage. This course provides the opportunity for pupils to practise oral advocacy under instruction. Refer to section 10.1.1 below.

## Guidance

The course can only be effective if pupils have prepared adequately. Pupil supervisors should ensure that pupils take the need to prepare very seriously and are given sufficient time to do so.

The pupil must maintain a record of relevant work done and issues considered, demonstrating where the outcomes detailed above have been met. Reference should be made to the relevant [checklist](#).

Formal assessment by the supervisor will not be expected, but will be achieved by means of the Advocacy Training Course. An appraisal of skills should take place at the end of the two periods of pupillage, with a written record.

### 9.2.3 Conferences and negotiations

Pupils must develop conference and negotiation skills. This is likely to be largely by observation and discussion with the pupil supervisor. Pupils should be instructed with regard to the preparation for conferences and negotiations, including the making and retaining of a full and accurate note of all conferences. Even where participation is based on observation, pupils should be as actively involved as possible. The objective should be to raise the pupil to a standard where they can competently conduct a conference or negotiation. Pupils and pupil supervisors should discuss in advance what is expected from pupils in a conference.

### 9.2.4 Drafting, paperwork and legal research

Although pupils will have had experience of paperwork on the BPTC, they will require assistance in making the transition to dealing with real cases and real circumstances. Pupils will develop writing and drafting skills through feedback on written examples of work, and their legal research skills will also be further enhanced.

Pupils must practice the necessary skills by producing their own work and receiving constructive feedback from

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3. As part of his report on advocacy training, Timothy Dutton QC set out the performance criteria to be used in advocacy training. These criteria are used as the basis for assessment of advocacy, ensuring that a barrister is able to present cases in a manner which is clear, well-organised, efficient and persuasive.

their pupil supervisor; it is not sufficient solely to observe the work of the pupil supervisor. Feedback on a pupil's work should be given as soon as possible by a pupil supervisor while the work is still fresh in the mind of the pupil.

### Good practice

Individual pupil supervisors may vary in the nature and extent of the feedback they give on paperwork, but pupils should always feel able to ask for more detailed comments on work if they are not sure where they have gone wrong. It is equally important for a pupil supervisor to identify what a pupil is doing well, so they can build on their strengths. Accuracy and speed of work are important factors.

Pupils should expect to read their supervisors' opinions and draft pleadings, and have the opportunity to discuss these with them.

By the conclusion of pupillage, a pupil should have demonstrated the appropriate proficiency in each of the relevant skills. The development of research skills will be largely pupil-centred, but should be aided and directed by the supervisor as appropriate. A pupil should be assisted as necessary to learn how to locate and employ all relevant sources of information.

It is important that research skills are practised and developed, and feedback is provided. Written work must be submitted for assessment, and written feedback provided by the supervisor. An actual grade may or may not be provided. Writing and research skills may be assessed by looking at written pieces of work, and elements of research will be evaluated as an integral part. Supervisors should be constructive without being too discouraging in the early stages.

The pupil must maintain a record of relevant work done and issues considered, demonstrating where the outcomes detailed above have been met. The relevant [checklist](#) should be cross-referenced.

Filing (or otherwise retaining) copies of paperwork produced is good practice from the start of professional life.

### Good practice

An index of names of cases and dates when work was done, filed in chronological order, is helpful when reviewing earlier cases and precedents. Pupils will then be able to look back at their previous cases and re-use legal research.

The ability for pupils to review their own work side by side with their pupil supervisor's, or that of someone else with whom they have worked, is an excellent way to become self-critical and develop good paperwork skills.

If pupils apply for a tenancy in chambers, it is likely that they will be asked to submit work for consideration, so good record keeping is essential.

#### 9.2.5 Specialist Checklists

Training in specialist areas will vary according to the PTO. The actual time spent on specialist areas should remain flexible. While some pupils prefer to specialise at an early stage, others may prefer to widen their experience in

different areas.

## Good practice

Some variation or rotation between supervisors, even for short periods, is recommended in order to provide broad experience.

It is also recommended that pupils from the Employed Bar spend some time in chambers, and that pupils from chambers spend some time at the Employed Bar, if this can be arranged.

The standard specialist [checklists](#) are available from the BSB. Items listed in the checklists which are marked with an asterisk are those which the Specialist Bar Associations consider essential to cover in their area of practice during pupillage. Outcomes must have been met but it is not essential for the pupil to cover every item on the Checklist (a good range should be covered).

There are currently checklists available for the following specialist areas of law:

- Administrative
- Chancery
- Commercial Admiralty
- Crown Prosecution Service
- Criminal
- Employment
- Family
- General Commercial
- General Common Law
- Immigration Law
- Intellectual Property
- Local Government and Planning
- Personal Injury
- Revenue
- Technology and Construction

If none of the specialist checklists are appropriate, PTOs or supervisors must draw up their own specification to take into account the nature of their work and the type of pupillage that is provided.

Where the work of a pupil supervisor is highly specialised, consideration should be given to broadening the experience of the pupil, for example by secondment to others with a more general practice or marshalling (shadowing a judge). If the secondment is for a short period of time it is not necessary to notify the BSB, but secondments of a month or more must be approved. This is to ensure that the primary pupil supervisor continues to maintain an overview of the pupil's progress and is able to sign off the pupil's work.

If a PTO is unable to provide training for any essential elements set out in the core checklists, steps must be taken to ensure that these elements will be covered elsewhere.

There may be overlap between the core and specialist checklists. Cross-referencing of checklists is acceptable to save duplication of effort.

### 9.3 Assessment of work

The checklists will be used by the pupil supervisor to review progress. The BSB may use them when supervising PTOs. They may also be useful evidence for PTOs in considering chambers' tenancy applications or employment after pupillage.

Pupils and pupil supervisors will need to discuss how the checklists will be used, but pupils must refer to the checklists regularly throughout pupillage, providing as much information as possible in the commentary sections.

The checklists can be used to plan the training pupils receive during pupillage, to check they are experiencing an adequate range of work, and to review progress during pupillage. Once checklists to be used during pupillage have been identified, pupils must ensure that they are familiar with them. If a checklist does not meet particular requirements, it can be discussed with the pupil supervisor how it might be amended.

Pupil supervisors should encourage pupils to keep a work diary during pupillage to record work done and the amount of time spent on it (with cross references to outcomes, core competences and 'tasks' as specified in the checklists).

#### Good practice

Pupils should keep diaries or portfolios of all work undertaken and go through the checklist at least every three months, filling in the relevant details of their experience. It will assist in the accurate completion of the checklist, which in turn aids the pupil supervisor in certifying the satisfactory completion of pupillage, or identifying any gaps to be addressed.

Keeping a work diary is also useful if a pupil applies for another pupillage or tenancy, because completion of all requirements can be demonstrated to have been met. It provides an accurate record of experience, and demonstrates organisational abilities that will be useful in practice.

It is not expected for pupils to cover all items in the specialist section of the checklist. However, any items identified as being essential should be covered in the non-practising period, and a good range of the other items should also be covered. Pupils should identify, in the appropriate section of the checklist, anything that has not been covered, and indicate how the gap in training can be remedied.

### 9.4 Monitoring, evaluation of progress and feedback

Monitoring, evaluation of progress, and regular feedback during pupillage are important elements of the pupillage stage of training. Its exact form is a matter for the PTO and pupil supervisors to define. Sample [appraisal forms](#) are available on the BSB website.

It is important that pupils begin a habit of self-reflection on their own progress that should continue throughout practice, with a view to shaping a barrister's [Continuing Professional Development \(CPD\)](#). During the first three full years as a practising barrister, you must comply with the CPD rules within the New Practitioners Programme (NPP). Once you have practised for more than three full years, you must comply with rules within the Established Practitioners Programme (EPP).

## Good practice

- While formal assessment and grading of pupils' work is not a requirement, pupils benefit from drawing up a formal work plan for each phase of pupillage and being formally and systematically assessed at regular intervals (every one to three months) during their pupillage. This enables them to understand their progress and what difficulties, if any, they face in successfully completing pupillage and tenancy selection.
- Formal appraisals, scheduled periodically, in addition to regular feedback and informal monitoring of progress, help to ensure that appropriate progress is made by pupils. They give pupils the opportunity to address areas for development during the remaining period of pupillage. Pupil supervisors should ensure that they have regular meetings with pupils throughout the year to discuss progress and follow up any action that should have been taken.
- Pupil supervisors should give pupils the opportunity to give their feedback too, about how they think pupillage is progressing and any difficulties they are encountering.
- The appraisal process should provide a structured means of reviewing a pupil's performance, providing objective feedback, identifying strengths and areas for development, and setting objectives to develop skills and competences. Appropriate documentation and forms should be developed by the PTO. It is also an opportunity for pupils to provide feedback on their progress, the work they have done, and the way they are being supervised. To enable the appraisal to be productive, both pupil and supervisor should take time to reflect before the appraisal takes place. Pupils should go through a self-assessment prior to the main appraisal interview, ideally by completing an appraisal preparation form.
- The Pupillage Training Principal in the PTO should monitor the appraisals.
- Feedback means regular comments on a pupil's work which the supervisor provides to improve performance, with reference to the required standard. Feedback can reinforce good practice, as well as identify areas for improvement between more formal appraisal meetings.
- People other than the supervisor may also contribute to the evaluation of pupils' performance, eg clerks, solicitors, members of the judiciary or clients. PTOs should establish appropriate mechanisms to do so.
- Although there is no formal requirement for examinations or written or oral assessment, it is important that there is some form of assessment, eg written pieces of work being assessed by the supervisor during pupillage. 'Assessment' is defined in this context as a structured measurement of the pupil's progress against standards. Feedback should follow.

## 9.5 Remedial work

Where omissions and shortcomings are identified, steps must be taken to overcome any deficiency. These should be identified as early as possible through the feedback and appraisal of pupils, so that corrections can be made before the end of the training period.

Each checklist should be used to identify any major omissions and record what action the pupil proposes to take in order to remedy them.

## 9.6 Failure and reassessment or repeat of pupillage

Where it is not considered that the defined standards and competences have been met, the pupil supervisor must not sign off the pupil as having completed the stage of pupillage. Discussion must take place so that the pupil is aware of precisely what shortcomings are evident and how these might be rectified. The Head of Chambers or equivalent and Pupillage Training Principal must be kept informed. The BSB must also be kept informed if there are issues relating to failure of a compulsory course (general problems in performance should not all be notified).

It is expected that, with systems of feedback, monitoring of progress and formal appraisal meetings, issues will be identified and corrected before the six month periods are completed. Where a pupil is not signed off by their supervisor, opportunities may be provided for additional or remedial work in order to enable the pupil to attain the required level of competency, but there is no obligation for this to be provided by the PTO.

## 9.7 Plagiarism and cheating

### BSB Handbook

Core Duty 3 requires that you (including pupils) must behave with honesty and integrity.

Rule rC8 says that you must not do anything which could reasonably be seen by the public to undermine your honesty, integrity and independence.

rC65.7 says that you must report promptly to the BSB if you have committed serious misconduct

rC66 says that other barristers, if they have reasonable grounds to believe that there has been serious misconduct by a barrister, must report it to the BSB.

Plagiarism or cheating (eg plagiarism of another pupil's work, submitted for an assessment) must be properly investigated and reported to the BSB by the pupil or somebody else in the PTO, if the pupil has been Called to the Bar. It must also be reported to the pupil's Inn, and may be a reason for disciplinary action by the Inn.

## Future Bar Training (“FBT”) – what’s changing?

### Professional Statement, Threshold Standard and Competences

In 2016, we published the [Professional Statement](#), Threshold Standard and Competences. It describes the knowledge, skills and attributes that all barristers should have on ‘day one’ of practice.

Following that, we carried out a comprehensive review of what skills and knowledge are covered during each component of the education and training required to become a barrister, and how they are assessed. The aim of the review was to develop a Curriculum and Assessment Strategy which will ensure that on successful completion of any of the pathways permitted under the new Authorisation Framework, prospective barristers will be able to demonstrate the competences in the Professional Statement and will be assessed in the most appropriate way at the most appropriate stage in their route to qualification.

At the moment, we require pupils and Pupil Supervisors to complete the prescribed checklists that are outlined above, to evidence successful completion of pupillage training. In future, pupil training will need to be designed by AETOs to meet the competences in the Professional Statement.

We have started rolling this out with a group of early adopters for the 2017 and 2018 intakes of pupils. This is so that we can learn and share lessons before we make it a requirement (in autumn 2019) for all PTOs to use the Professional Statement as the basis of their pupillage training programmes, in place of the checklists.

In the meantime, you can carry on using the checklists for this year, but you should familiarise yourself with the Professional Statement and consider how you might need to adapt your pupillage programme in the future to reflect the Competences. Indeed, we would encourage you to start integrating it into your training programme where you can. Since September 2017, it has been a requirement for BPTC providers to ensure that students understand how their learning relates to the Professional Statement, so pupils will be familiar with it.

You can read more about the new Curriculum and Assessment Strategy in our [Policy Statement](#). Further information about implementation dates will be published on our website.

## 9.8 Transferring pupillage

If the need arises for a pupil to transfer from one PTO to another during any stage of their pupillage, they will be required to obtain copies of their training records which apply to the period of pupillage already completed. The pupil supervisor at the second PTO will need to be able to access these records in order to ascertain what skills and experience have so far been gained by the pupil, allowing them to plan the remainder of the pupillage accordingly.

The former PTO will also need to ensure that all reasonable steps are taken to provide the pupil with copies of the relevant records.



# 10 Compulsory courses and other training

During pupillage, all pupils must attend certain compulsory courses to build on training received at the Vocational Stage. The compulsory courses supplement training received in a PTO and from pupil supervisors. Pupils must ensure that they sign up for courses they are required to take in addition to the training they receive in their PTO.

Some pupillage courses are compulsory, while others can be chosen to suit a pupil's interests. The two compulsory courses cover advocacy (must be taken during the non-practising period), and practice management (should be taken during the non-practising period). In addition, forensic accounting must be undertaken either during pupillage or in the first three years of practice.

## 10.1 BSB requirements

Course	When it must be completed	Method of delivery
Advocacy Training Course	Non-practising stage (first six). The non-practising stage will not be certified until this course has been completed.	Course provided by the Inns and Circuits
Practice Management Course	Pupils are strongly advised to do the course during the non-practising stage (first six).	Course provided by the Inns and Circuits
Forensic Accounting Course	Either in pupillage or within the first three years of practice	An online course provided by BPP

### 10.1.1 Advocacy Training Course

This course is additional to the advocacy training and practice that generally occurs during pupillage. Details of advocacy courses can be obtained from the relevant Inn and/or Circuit. Courses consist of a minimum of 12 hours' advocacy training, in the following four compulsory elements (based on the Dutton criteria):

- Skeleton arguments
- Oral submissions
- Examination-in-chief
- Cross-examination
- Preparation

All the Inns and Circuits provide Advocacy Training Courses for their pupils and they will contact pupils directly with the details. Pupils in London or on the South Eastern Circuit are required to attend the course run by their Inn and pupils on Circuit are required to attend the course run by that Circuit.

Advocacy Training should, except in exceptional circumstances, be completed in the first six months of pupillage. If the course is not completed in the first six months, the non-practising months of pupillage will be extended. In the event that a pupil fails to satisfactorily complete the Pupils' Advocacy Course at the first or second attempt, a Stage 3 procedure will be invoked at the request of an Inn or Circuit. This is administered on behalf of the BSB by the Inns of Court College of Advocacy (ICCA). Details of that procedure can be found on [the Inns of Court College of Advocacy \(ICCA\) website](#).

## Guidance

Pupils must be given adequate time to prepare for compulsory advocacy training. Concerns have been raised in the past by the ICCA about the preparation time made available for pupils. It is recommended that pupils are given at least a day for preparation.

### 10.1.2 Practice Management Course

The purpose of the course is to provide information about a number of matters regarded as essential to those starting out in practice and to help make a bridge between pupillage and practice. There will be lectures, some structured seminars and an opportunity for informal discussion on a variety of topics. This course is run by the Inns for pupils in London and on the South Eastern Circuit. Pupils outside of London are able to attend a course run by their Circuit. The course should be undertaken early on in pupillage. The Practice Management Courses vary slightly, but the main aim is to familiarise pupils with the administration side of a barrister's work.

### 10.1.3 Forensic Accounting

The aim of this course is to introduce practitioners to the use of financial and accounting information in practice at the Bar. Most litigation involves financial affairs; this programme will strengthen their ability to ask the right questions and cross-examine in court.

The outcomes of the course are:

- Know what business, financial and accounting documents are relevant for the purpose of litigation.
- Have a basic understanding of standard accounting systems, both documentary and computerised.
- Be able to communicate effectively with accountants and experts on matters relating to monetary claims.
- Be more confident in dealing with business, financial and accounting information in practice.

The Forensic Accounting Course can be undertaken during pupillage or in the first three years of practice. It is generally felt that the earlier this course is undertaken, the better. The course provides delegates with practical guidance in the use of financial information and accounts (both corporate and individual), and is currently provided by [BPP Professional Education](#). A new [online training course](#) is now available.

## 10.2 PTO requirements

Some PTOs provide additional training for their pupils, some of which may be compulsory. The provision of supplementary in-house training is not required by the BSB.

## 10.3 Public Access Training

### Good practice

Pupils who intend to provide public access once qualified should have this supported during their pupillage. Some PTOs fund their pupils to attend public access training so that they can apply for accreditation for public access work promptly upon full qualification

### Future Bar Training (“FBT”) – what’s changing?

We have undertaken a comprehensive review of what skills and knowledge are covered during each component of the education and training required to become a barrister, and how those are assessed. The aim of the review was to develop a Curriculum and Assessment Strategy which would ensure that on successful completion of any of the pathways permitted under the Authorisation Framework, prospective barristers would demonstrate the competences outlined in the [Professional Statement](#) and would be assessed in the most appropriate way at the most appropriate stage in their route to qualification.

- This will result in the following changes during pupillage: We will remove the requirement to complete courses in Forensic Accountancy and Practice Management. We will maintain the requirement to complete the Advocacy course during the non-practising period of pupillage but will be opening this up to providers other than the Inns to deliver if they want
- We will introduce a new compulsory course on Negotiation Skills during the non-practising period of pupillage.
- We will split the assessment of Professional Ethics between an assessment during the vocational component and a BSB centrally set and marked examination during pupillage.

You can read more about the new Curriculum and Assessment Strategy in our [Policy Statement](#). Further information about implementation dates will be published on our website.

# 11 Other practice requirements for pupils

Pupils must understand their responsibilities to be insured, comply with the Data Protection Act registration requirements and manage their personal tax obligations.

## 11.1 Insurance

### BSB Handbook

Rule rC76 of the BSB Handbook requires barristers to

1 ensure that you have adequate insurance (taking into account the nature of your practice) which covers all the legal services you supply to the public; and

.2 if you are a BSB authorised person or a manager of a BSB authorised body, then in the event that the Bar Standards Board, by any notice it may from time to time issue under this Rule C76, stipulates a minimum level of insurance and/or minimum terms for the insurance which must be taken out by BSB authorised persons, you must ensure that you have or put in place within the time specified in such notice, insurance meeting such requirements as apply to you.

rC77 Where you are acting as a self-employed barrister, you must be a member of BMIF, unless: .1 you are a pupil who is covered by his pupil supervisor's insurance; or .2 you were called to the Bar under Rule Q98, in which case you must either be insured with BMIF or be covered by insurance against claims for professional negligence arising out of the supply of your services in England and Wales in such amount and on such terms as are currently required by the Bar Standards Board, and have delivered to the Bar Standards Board a copy of the current insurance policy, or the current certificate of insurance, issued by the insurer.

rC78 If you are a member of BMIF, you must:

1 pay promptly the insurance premium required by BMIF; and

2 supply promptly such information as BMIF may from time to time require pursuant to its rules.

Pupils are covered by their pupil supervisor's Bar Mutual Indemnity Fund (BMIF) insurance, or their employer's insurance, for work performed during pupillage.

Once pupillage ceases, they must apply immediately to the [BMIF](#) for their own cover for legal services offered in self-employed practice. Practising barristers entering into so-called "third six" arrangements should also contact BMIF to agree their own insurance cover.

Employed barristers should ensure that their employer has appropriate professional indemnity insurance in place for them.

The Government Legal Service does not have specific insurance because it bears its own risk.

## 11.2 The General Data Protection Regulation (GDPR) and the Data Protection Act 2018

Every individual self-employed practising barrister is a data controller. All self-employed barristers, including practising pupils, and chambers are required to comply with the GDPR and the Act if they process personal data. From 25 May 2018, the Data Protection (Charges and Information) Regulations 2018 requires every organisation or sole trader who processes personal information to pay a data protection fee to the ICO, unless they are exempt. Please refer to the [Bar Council Guidance on GDPR](#), which provides support to barristers and chambers in meeting their data protection requirements.

## 11.3 Taxation

Attendance at the Practice Management Course is required as part of the compulsory training in pupillage. A qualified accountant will usually provide a presentation on financial matters that relate to pupils and barristers. It is particularly important to attend this session to become familiar with tax requirements, including VAT and National Insurance, for self-employed practice.

The Bar Council provides a [taxation guide](#) on its ethics website.

# 12 Part time, pro bono and voluntary work during pupillage

Pupils must ensure that they comply with the BSB Handbook if they undertake part time or voluntary work.

## BSB Handbook

In the non-practising period of pupillage, pupils can act as legal advisers or offer legal services for any organisation, provided they do not, in connection with the supply of such services, hold themselves out as barristers or exercise any rights that they have as a barrister. Eg pupils cannot describe themselves as barristers on any printed material, advertising, publicity or noticeboard, nor describe themselves as barristers to any clients or prospective clients, nor wear robes, etc.

In the practising period of pupillage, a pupil may supply legal services at a designated Legal Advice Centre on a voluntary basis, provided they do not receive any fee or reward for services and do not have any financial interest.

rS41 of the BSB Handbook says that you may supply legal services at a Legal Advice Centre on a voluntary or part time basis and, if you do so, you will be treated for the purposes of this Handbook as if you were employed by the Legal Advice Centre.

rS42 If you supply legal services at a Legal Advice Centre to clients of a Legal Advice Centre in accordance with Rule S41:

1 you must not in any circumstances receive either directly or indirectly any fee or reward for the supply of any legal services to any client of the Legal Advice Centre other than a salary paid by the Legal Advice Centre;

2 you must ensure that any fees in respect of legal services supplied by you to any client of the Legal Advice Centre accrue and are paid to the Legal Advice Centre, or to the Access to Justice Foundation or other such charity as prescribed by order made by the Lord Chancellor under s.194(8) of the Legal Services Act 2007; and

3 you must not have any financial interest in the Legal Advice Centre.

## 12.1 Part time work

Pupils may take part time work with the permission of the pupil supervisor, provided it will not materially interfere with training. Pupils may be able to obtain part time work that has some relevance to work as a barrister, for example, teaching, lecturing or libel reading for the press. Relevant opportunities are advertised on the notice boards in the Inns and in Bar News, Counsel Magazine and in the national press.

## 12.2 Pro bono and voluntary work

Pupils may also be interested in undertaking voluntary work for organisations such as [Justice](#) or [Liberty](#), or undertaking pro bono work for the organisations listed below. In all cases, pupils should obtain permission of their pupil supervisor to undertake such work.

### 12.2.1 Free Representation Unit

The [Free Representation Unit](#) (FRU) is a registered charity that provides legal advice, case preparation and advocacy in employment, social security, and some criminal injury compensation tribunal cases.

For further information about how to volunteer, contact [FRU](#).

### 12.2.2 Law Centres

Law Centres work within their communities to defend the legal rights of local people. Specialising in social welfare law, they have an in-depth knowledge of the issues communities face. They use this knowledge to help people save their homes, keep their jobs and protect their families. Law Centres also help build capacity within local communities by training and supporting local groups and educating people about the law and their rights.

All Law Centres are independent and operate on a not-for-profit basis. Volunteers to help with evening advice sessions and with casework by doing research, writing letters and making telephone calls are often needed. A full list of Law Centres is available from the [Law Centres Network](#).

### 12.2.3 Citizens Advice

The [Citizens Advice](#) service offers free, independent and confidential advice to members of the public on problems such as debt and consumer issues, benefits, housing, legal matters, employment, and immigration. Advisers can help fill out forms, write letters, negotiate with creditors and represent clients at court or tribunal. Pupils can find out more about volunteering from the [Citizens Advice website](#).

# 13 Completion of the two stages of pupillage and authorisation to practise at each stage

This section should be understood by both pupils and pupil supervisors. It is crucial for pupils to understand the processes that must be followed to ensure that completion of each stage of pupillage is properly notified to the BSB and that Authorisation to Practise is obtained both for the “second six” practising stage of pupillage and upon completion of the second six. It is a breach of the BSB Handbook to practise as a barrister without a practising certificate. It is also a criminal offence to undertake any reserved legal activities when not authorised to do so. We have seen a spate of pupils failing to apply for practising certificates on time and this leads to disciplinary action, which is not a good start to a professional career.

## 13.1 Completion of the non-practising stage of pupillage (first six)

### Pupil supervisors

At the successful conclusion of the non-practising period, the pupil supervisor should complete a [Certificate Of Satisfactory Completion Of Pupillage \(First Six\)](#) after consulting with any other supervisor involved in this period.

Every pupil supervisor must be aware of the obligation, at the end of each period of pupillage, to confirm formally that the requirements have been met, so the BSB can certify completion. Pupil supervisors must not confirm that requirements have been met if the pupil has not reached the required standards.

If the pupil supervisor is unavailable to sign a record confirming completion of the non-practising period, then the Head of Chambers or equivalent, or the Pupillage Training Principal, may sign the form confirming completion, provided that they provide reasons why the pupil supervisor was unable to sign, and are satisfied the requirements have been met.



## Pupils

### Pupils should submit their certificate promptly

There is likely to be a short delay between completion of the first six and when the pupil will be able to exercise a right of audience as part of the second six. In order to reduce the delay, pupils are urged to submit to the BSB the requisite certificate signed by the pupil supervisor as soon as possible on successful completion of the first six.

If the pupil supervisor is prepared to sign in advance the completion certificate of the non-practising period of pupillage (first six), the BSB will accept the signed certificate one week in advance. The certificate will still need to indicate the full dates of the first six.

The Advocacy Training Course must be completed by the end of the non-practising period of pupillage ([see chapter 10](#)). Where this course has not been completed during this period, the non-practising period of pupillage will need to be extended accordingly.

### BSB

If we are satisfied that the pupil has satisfactorily completed the non-practising period, we will issue a Provisional Qualification Certificate. If the pupil has registered a practising period of pupillage, we will also issue a Provisional Practising Certificate. This allows the pupil to practise in the practising period.

### Youth Court Advocacy

Changes to the BSB Handbook in February 2018 introduced a new requirement that barristers and practising pupils who work in the Youth Court register this with the BSB.

### BSB Handbook

rS59.6 of the BSB Handbook says that barristers and practising pupils working in the Youth Court must declare this

The BSB may refuse to issue a practising certificate if a barrister has not made the declarations required by the BSB in relation to Youth Court work.

This means that pupils working in the Youth Court and those who intend to do so in the next 12 months must register that with the BSB and declare that they have the specialist skills, knowledge and attributes necessary to work effectively with young people, as set out in the Youth Proceedings competences and guidance.

This registration forms part of the process for pupils when registering for a Provisional Practising Certificate. Pupils can also register later in pupillage if their circumstances change and they undertake Youth Court work when they did not expect to. To do so, pupils can email [pupillagerecords@BarStandardsBoard.org.uk](mailto:pupillagerecords@BarStandardsBoard.org.uk).

The competences and rule change followed our Youth Proceedings Advocacy Review in 2015. This Review found that standards of advocacy in the Youth Court were variable and as a result the interests of some of the most vulnerable people within the criminal justice system were not being adequately represented.

If pupils are going to be doing work in the Youth Courts, PTOs need to ensure that they understand the competences and guidance and build this into pupillage training.

## 13.2 Completion of the practising stage of pupillage (second six)

### Pupil supervisors

The form confirming completion of the practising period must be signed by the pupil supervisor or the Head of Chambers or equivalent, or the Pupillage Training Principal.

At the successful conclusion of the practising period, the pupil supervisor should complete a [Certificate of Satisfactory Completion of Pupillage form](#), after consulting with any other supervisor throughout this period of pupillage.

If the pupil supervisor is not available to sign this certificate, another person acceptable to the BSB (eg Head of Chambers or equivalent, or Pupillage Training Principal.) may sign it, provided that the certificate confirms who the pupil supervisor was, the dates of supervision and why they have not signed the certificate for the relevant period.

### Pupils

The completed pupillage and specialist checklists must be returned with this certificate.

The Practice Management Course must be completed during pupillage. Where this course has not been completed during pupillage, the practising period of pupillage will need to be extended until completion of this course.

Pupils must submit the form and copies of completed checklists to the BSB on completion of the practising period of pupillage.

Pupils and PTOs should keep copies of the checklist and form confirming satisfactory completion for a period of at least three years. Completed checklists may form the basis of Supervision by the BSB.

### BSB

A full Qualification Certificate confirming completion of pupillage will not be issued by the BSB until the above has been satisfactorily completed and received.

## 13.3 Accepting instructions

### 13.3.1 The non-practising period (first six)

A pupil may do a noting brief in the non-practising period, provided that they have the permission of their pupil supervisor or (in their absence) the Head of Chambers or equivalent. Pupils may be paid for this service.

They may also undertake other paid, non-reserved legal activities, so long as that work does not affect their pupillage, is done with permission of their pupil supervisor, and is consistent with the Code of Conduct.

### 13.3.2 Commencing the practising period (second six)

It is a breach of the BSB Handbook to practise as a barrister without a practising certificate. It is also a criminal offence to undertake any reserved legal activities when not authorised to do so (in accordance with the Legal Services Act 2007). For these reasons, practising pupils are issued with provisional Practising Certificates.

## BSB Handbook

rQ68 On completion of the non-practising period of pupillage, the BSB will issue the pupil with a Provisional Qualification Certificate provided that the pupil has been called to the Bar under Section 4.B9 and the BSB is satisfied:

- That the pupil has satisfactorily completed the non-practising period of pupillage and any further training required and complied with this Section 4.B5
- That the pupillage is registered and complied with this Section 4.B5

### 13.3.3 On completion of the practising period of pupillage

A pupil who has satisfactorily completed the practising period of training will be signed off by their pupil supervisor, as outlined above.

On completion of their practising period, the pupil must submit another form to the BSB to confirm satisfactory completion, together with a copy of the completed relevant checklists.

It is up to the pupil to self-certify completion of the different sections, but the supervisor must confirm that standards have been met. The pupil supervisor should sign the form on completion of the practising period.

On the basis of satisfactory completion, pupils are issued with a Full Qualification Certificate, after which a full Practising Certificate can be obtained.

## BSB Handbook

rQ69 When the pupil completes the practising period of pupillage, the BSB will issue him with a full qualification certificate, if the pupil has a provisional qualification certificate and the BSB is satisfied:

- That the pupil has satisfactorily completed the practising period of pupillage and any further training required under Rule Q30.1; and
- That the pupillage is registered, and has complied with this Section 4.B5.

A Full Qualification Certificate is not a Practising Certificate – it only certifies completion of pupillage. A Full Qualification Certificate has no practising rights attached to it. A Full Qualification Certificate shows that all the qualification requirements in pupillage have been met.

A Practising Certificate is an annual certificate that shows that a barrister is authorised to practise in a particular year. The fact that a barrister has completed pupillage and been issued with a Full Qualification Certificate does not necessarily mean that they will be entitled to a Practising Certificate.

## Future Bar Training (“FBT”) – what’s changing?

As set out in chapter 3, when the new rules come into effect (subject to LSB approval) training organisations will be able to apply for approval to vary the duration of the pupillage programme they offer and the point at which pupils can apply for a Provisional Practising Certificate.

As set out in chapter 9, [from autumn 2019](#), each training organisation will need to incorporate the [Professional Statement](#) into their pupillage training.

We will be providing guidance about which of the Professional Statement Competences pupils should have met in order to commence the practising period of pupillage.

## 13.4 Appeals against non-Certification

If completion is not formally certified by the BSB for any reason, an appeal may be made:

### BSB Handbook

rQ74 says that if the BSB refuses to issue a Provisional Qualification Certificate or a Full Qualification Certificate, the pupil may request a review of the decision under Section 4.B10, provided that the request is made in writing to the Board within one month of the date when notice of the decision was given.

Mindful of their duties and responsibilities not to sign off a pupil if they fail to meet the required standards, the pupil supervisor may decline to sign the certificate on the grounds that they are not satisfied that the pupillage has been satisfactorily completed. A pupil may apply to the BSB to be issued with a Full Qualification Certificate, despite the pupil supervisor declining to sign the certificate. If the BSB refuses to do so, the pupil may appeal to the the Bar Standards Board. However, it may be possible to negotiate a remedial programme with the PTO in order to enable a pupil to meet the required level. There is no obligation on the PTO to do this.

This situation may develop into a complaint by the pupil against the PTO ([see section 14.6.4](#)), or the PTO against the pupil ([see chapter 16](#)), if there is reason to consider there has been a breach of the requirement.

# 14 Support and advice for pupils

We are aware that it can be very difficult for pupils to blow the whistle when things go wrong. They are in a very vulnerable position because they have competed hard to get their pupillage and do not want to jeopardise it. Many are going through pupillage as the only pupil in chambers, which can be isolating. We know that some pupils face difficulties with behaviour of barristers, clerks, fair distribution of work, bullying and harassment. PTOs, Pupillage Training Principals and pupil supervisors must ensure that pupils are able to raise any concerns without fear of retribution.

This chapter includes some examples of good practice for PTOs to implement and provides information for pupils who are facing difficulties.

## 14.1 Induction

PTOs can support pupils at the start of pupillage by designing their own induction process that is appropriate to the way that the organisation operates, the type of work that it does and how the training is organised.

### Good practice

Some examples of what might be included in the induction are shown below. This is not intended to be a comprehensive list.

#### The Pupillage Training Organisation policies and practice

- The PTO's Pupillage Policy and other key policies and procedures.
- This Pupillage Handbook.
- The BSB Handbook.
- The supervisor's and PTO's practice.
- Assessment process and the checklists.
- Roles and responsibilities of the pupil supervisor, the PTP and the pupil.

#### People

- Introduction to members and staff in the PTO.

#### General standards

- Pupil supervisors should help pupils to understand procedures and etiquette in court and in the PTO, and be clear what is expected from pupils in each setting.

The way that sets of chambers are administered varies according to size, the area of practice and the extent to which information technology is used. In smaller sets, members of chambers will carry out administrative functions themselves. Pupils should learn as much as possible about chambers administration, both to maximise efficiency during pupillage and to provide insight into issues that may confront them as tenants.

It is particularly important that pupils understand the role and function of barristers' clerks. A clerk usually maintains diaries of work, liaises with courts, solicitors, and other chambers, fixes and recovers fees, and promotes barristers and the chambers as a whole.

Many clerks are members of the Institute of Barristers' Clerks and have a variety of qualifications and experience. The most senior clerks will have significant responsibilities including booking instructions and hearings, negotiating fees, and managing and developing the practices of individual barristers and the set of chambers as a whole.

Some chambers have salaried practice managers or chief executives, who take on a strategic role in the management and development of chambers.

In the non-practising six months, pupils should aim to develop a good working relationship with the clerks in preparation for when they will be working on their own account. The clerks may also be able to let pupils know if other members of chambers, particularly the junior tenants, are appearing in any cases that the pupil supervisor thinks would be useful for a pupil to attend. The clerks should be kept informed of pupils' movements if they need to leave chambers, and be provided with contact numbers in case they need to get in touch with pupils outside office hours. Pupils must also let the clerk(s), as well as their supervisor, know if they are not able to come into chambers for any reason.

During the practising six months, pupils will need to establish whether they are required to pay clerks' fees. Chambers vary in their requirements, but pupils must be clearly informed whether or not clerks' fees are payable and, if so, on what basis, before they receive any instructions on their own account. Pupils may also be required to contribute towards photocopying and other administrative costs, but they should not be asked to pay any rent.

Pupils should establish what work is available for practising pupils, and how and when it is distributed. The Equality and Diversity Rules of the Code of Conduct require that the allocation of unassigned work is monitored by race, disability and gender, and further require that pupils are given fair and equal access to the opportunities available in chambers.

It is vital during this period of pupillage that pupils keep clerks informed of their whereabouts and also warn them of any commitments that may affect their availability.

#### 14.1.2 The Employed Bar

The way PTOs in the employed bar operate will vary enormously, according to size, organisation structure and areas of practice. All relevant information should be provided to pupils. During pupillage, it is useful for pupils to learn as much as possible about the organisation's administration, to maximise efficiency and provide insight into working practice if permanent employment follows.

At the employed Bar, support should similarly be provided (eg by salaried practice managers) on booking instructions and hearings, negotiating fees, and managing and developing the practices of individuals.

In the non-practising six months, pupils should keep their own appointments diaries up to date, as well as checking the diary of their supervisor so that they know what conferences and court hearings are coming up. The

clerks or managers should be kept informed of pupils' movements if they need to leave the premises, and be provided with contact numbers in case they need to get in touch with pupils outside office hours. Pupils must also let relevant managers, as well as their supervisor, know if they are not able to come in for any reason.

### Good practice

It can be helpful, for pupils at the employed Bar to have a period of time/secondment to a chambers, where they can learn how chambers operate and the function of barristers' clerks.

## 14.2 Gaining adequate experience during pupillage

The imposition of unskilled work on pupils is inappropriate (eg excessive photocopying, running shopping errands) and undermines the purpose of pupillage.

Pupils and supervisors should discuss in advance what is expected from pupils, whether they are in the PTO, in a conference, in court or carrying out legal research.

### Good practice during the practising period ("second six")

Although pupils will do work of their own during the practising six months, this is still part of pupillage training.

Before doing a case of their own, pupils should consult with their pupil supervisor for advice and guidance and the pupil supervisor should provide an opportunity for discussion afterwards. Ideally, supervisors should observe their pupils' performance in court on at least one occasion, or at least observe pupils undertaking a task in one of their own cases. This will assist both supervisor and pupil to identify strengths and/or weaknesses in performance.

When not undertaking their own work, pupils will be expected to attend court or conferences with their pupil supervisor and continue to assist with their paperwork as part of training.

If pupils are undertaking pupillage in PTOs with limited opportunities to take on advocacy work of their own, they should discuss with the pupil supervisor how sufficient practical experience of advocacy can be otherwise obtained, eg through a placement at a chambers or undertaking pro bono work.

## 14.3 Appraisal and feedback

Appraisal and feedback mechanisms ([see paragraph 9.4](#)) should be a two-way process that provide pupils with the opportunity to flag any difficulties or concerns with their progress, their work, the supervision they are getting or relationships with others in the PTO. They should provide the opportunity for the pupil and pupil supervisor to work together to address them.

## 14.4 Policies and sources of help and information within PTOs

### 14.4.1 Pupil supervisor

It is a primary responsibility of the pupil supervisor to give appropriate advice, support and guidance, and pupils should be able to approach their supervisor with any concerns they may have.

### 14.4.2 Pupillage Training Principal/Human Resources

If pupils feel they cannot approach their pupil supervisor, they should contact the Pupillage Training Principal or the Human Resources Department of the organisation for advice and assistance.

### 14.4.3 Mentoring or buddy arrangements

Many PTOs recognise that pupils do not always find it easy for pupils to have an open conversation with their pupil supervisor or Pupillage Training Principal.

### Good practice

Some PTOs have mentoring or buddy arrangements in place. For example, a pupil may be paired with a recently qualified barrister with whom the pupil may feel more comfortable discussing their concerns. In self-employed practice, it can help build an understanding of what to expect in the practising stage of pupillage and beyond.

### 14.4.4 PTO policies: Pupillage, grievances and harassment

The BSB requires PTOs to have a number of key policies and processes in place to ensure transparency and fair treatment of pupils, and to provide mechanisms to resolve problems promptly.



## BSB Pupillage Training Organisation authorisation criteria

Organisations applying for authorisation to become a PTO are required to have a Pupillage Policy document.

The pupillage policy document should act as a central point of reference for prospective and current pupils in relation to a PTO's policy and procedures, and the terms of pupillage within that organisation.

The document must include clear and detailed guidance in a number of areas including:

- The roles and duties of pupils
- The roles and duties of pupil supervisors
- Funding/salary/expense arrangements
- The method for fairly distributing work amongst working pupils
- Complaints and grievance procedures
- General policy as to the recruitment of tenants/employed barristers and those not taken on as tenants/employed barristers

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

## BSB Handbook

rC110.j says that chambers or BSB authorised body must have a written anti-harassment policy which, as a minimum:

.i states that harassment will not be tolerated or condoned and that managers, employees, members of chambers, pupils and others temporarily in your chambers or BSB authorised body such as mini-pupils have a right to complain if it occurs;

.ii sets out how the policy will be communicated;

.iii sets out the procedure for dealing with complaints of harassment.

rC110 says that chambers or BSB authorised body must have a reasonable adjustments policy aimed at supporting disabled clients, its workforce (including pupils) and others including temporary visitors.

Guidance gC150 says that these rules are supplemented by the BSB's Supporting Information on the BSB Handbook Equality Rules ("the Supporting Information"): <https://www.barstandardsboard.org.uk/about-bar-standards-board/equality-and-diversity/equality-and-diversity-rules-of-the-bsb-handbook/> These describe the legal and regulatory requirements relating to equality and diversity and provide guidance on how they should be applied in chambers and BSB authorised bodies.

gC151 says that the Supporting Information is also relevant to all pupil supervisors and authorised training organisations. These will be expected to show how they comply with the Supporting Information as a condition of authorisation.

The BSB requires all PTOs to have a written complaints and grievance procedure in place for pupils, which must be brought to the pupils' attention at the beginning of the pupillage. The overarching aim should be to resolve grievances both fairly and on a timely basis, through discussion, at the point at which they occur.

It is important that, if a pupil/supervisor relationship is not working well, alternative independent sources of advice are available to the pupil. By mutual agreement between the pupil and the PTO, and where permitted by the terms of any sponsorship agreement, supervisory responsibilities can be changed, at the request of either pupil or supervisor ([see section 8.2](#)).

Pupils should be able to raise matters concerning pupillage with a person in the PTO other than their pupil supervisor. That person should be identified in the grievance procedure (eg Head of Chambers, Pupillage Training Principal, three-person committee). The grievance procedure should set out clearly what needs to be done in order to invoke the procedure and how the procedure operates. The method of final appeal should be identified in the grievance procedure.

## Guidance

Pupils (and others) should keep contemporaneous notes of incidents that may cause pupils to think that they have been treated unfairly or in a discriminatory fashion. This will provide useful evidence to assist if a dispute arises.

### 14.5 Working hours, holidays, and sick leave

The European Working Time Directive will apply to pupils at the employed Bar.

#### Good practice

It has not been established that it applies to the self-employed bar but it may be taken as a guide to good practice, at least in relation to holidays (eg pupils are entitled to a minimum of four weeks' leave per annum, ie. 20 working days not including Bank Holidays, and pupils should take no more than two weeks leave in each period of pupillage. Pupils will need to apply to the BSB for dispensation from the regulations if they want or need to take longer breaks.

It should be made clear to pupils what the policies and procedures are in relation to sick leave. If a pupil has an excessive number of days' sick leave (at discretion of the pupil supervisor) in any six-month period of pupillage, the pupillage should be extended by the period of absence. Pupils must notify the BSB of the new date, as notification of a material change in pupillage arrangements ([see section 8.2](#)). Other special circumstances (eg personal problems, bereavement) may be taken into account in determining reasonable absence and/or the need for extension of pupillage.

Maternity/paternity leave arrangements should follow chambers' parental leave policy and individual parental leave arrangements should be discussed with the pupil supervisor.

### 14.6 Other sources of help for pupils

We expect all PTOs to have grievance procedures in place for pupils so that problems can be resolved quickly and fairly.

Pupils should not move to another PTO to complete their 12 months unless there are exceptional circumstances (or short term secondments are arranged to enable a pupil to acquire an appropriate breadth of experience), since they will be at risk of not being signed off.

But we recognise that pupils are in a vulnerable position and they may feel that making a complaint will prejudice their position in the PTO.

There are occasions when pupils may prefer to discuss their concern with a member of the Bar who is unconnected with their chambers. If problems are so serious that they cannot be resolved internally, there are outside sources of help available. Ultimately it must be for the pupil to decide which course of action is the most appropriate. Various sources of advice and information are available that can assist pupils in making such

decisions. Many matters can and should be resolved in-house and, to assist with this, the BSB, the Bar Council and the Inns have developed various formal and informal procedures for helping to resolve grievances. There is no single external body which is empowered or required to take responsibility to intervene in problem situations with a view to resolve them or preventing them from escalating. The following outside sources of help and advice are available:

#### 14.6.1 Pupils' Helpline at the Bar Council

The [Pupils' Helpline](#) provides confidential advice and support to pupils. The Bar Council has established a panel of advisers to offer pupils a confidential and objective advice service. All of the advisers are barristers of at least five years' call who have received training from the Bar Council.

Contact can be made, anonymously if wished, by email or telephone.

#### 14.6.2 The Bar Council Equality & Diversity helpline

The Bar Council offers a confidential [equality and diversity helpline](#) to all pupils and members of the Bar.

#### 14.6.3 The Inns of Court

Pupils can also approach the Education Officer in the pupil's Inn of Court.

#### 14.6.4 LawCare helpline

LawCare is a free and completely confidential advisory service to help lawyers, their immediate families and their staff to deal with the health issues and related emotional difficulties that can result from a stressful career in the law.

LawCare offer the opportunity for you to discuss problems which are interfering with, or have the potential to interfere with, your work performance and/or your family life and to seek help in resolving these problems.

[Contact LawCare](#) on 0800 279 6888.

#### 14.6.5 Wellbeing Website

[The Wellbeing website](#) offers advice and guidance on a range of specific issues relating to mental health and wellbeing at the Bar, including support for students and pupils.

#### 14.6.6 The BSB

Where internal discussion and mediation is not successful, a formal complaint may need to be pursued, in accordance with the BSB Handbook. Complaints about pupil supervisors or other persons we regulate may be pursued formally through the [BSB's Complaints system](#).

A pupil is in a vulnerable position when they wish to complain; they may feel that the making of a complaint will prejudice their continued pupillage and any potential tenancy.

The Supervision Team at the BSB welcomes calls from anyone in PTOs who are concerned about systemic issues with pupillages in PTOs and are able to carry out reviews of policies and processes in PTOs. All such information is

treated in the strictest confidence. You can contact the team via the BSB switchboard on 020 7611 1444 or email [supervision@barstandardsboard.org.uk](mailto:supervision@barstandardsboard.org.uk) treated in the strictest confidence.

Ultimately, the BSB can consider withdrawal of authorisation from a PTO ([see section 4.4](#)).

# 15 Careers opportunities after pupillage

## 15.1 Tenancy in chambers

For tenancy in a pupil's chambers, the Pupillage Policy Document should set out the recruitment policy following pupillage. Pupils should seek the advice of their pupil supervisor about the likelihood of a vacancy and whether and how they should make an application.

It is important to consider what alternatives might be available to pupils if an application is not successful. If a pupil is made an offer at another set of chambers, and a decision must be made on this, the pupil should make their pupil supervisor aware of their need to be told where they stand as early as possible.

## 15.2 Employed Bar

If pupillage is undertaken in an organisation other than chambers, pupils should be aware of the relevant recruitment procedures. The organisation might have particular procedures for its own pupils/trainees, and their Pupillage Policy Document will provide information about this. Pupils may wish to discuss with their pupil supervisor what other employment options are available in case they are not offered a permanent position in the organisation.

For information about careers at the employed Bar contact:

- [The Bar Association for Local Government and the Public Service \(BALGPS\)](#); or
- [The Bar Association for Commerce, Finance and Industry \(BACFI\)](#).

## 15.3 Judicial Assistants Scheme

Barristers who have completed pupillage are eligible to apply for full time and part time appointments for one, two or three law terms as assistant to Lords Justices on appeals and applications in the civil division at the Royal Courts of Justice. Candidates must have demonstrated high intellectual ability. Advertisements are placed in The Times and Counsel Magazine in January and June; further information is available from the [Courts Service](#).

## 15.4 Other employment opportunities

Barristers have good employment prospects outside the self-employed and employed Bar. Many of the advertisements that appear in the legal press seek lawyers, and legal recruitment agencies will consider applications from barristers.

# 16 Complaints against pupils

This section is relevant to anyone who wishes to make a formal complaint to the BSB about the conduct of a pupil, and to pupils who are facing a formal complaint.

## BSB Handbook

We regulate barristers and BSB authorised bodies operating in England and Wales and are responsible for making sure that the high standards of the profession are maintained. We will consider taking action where there is evidence that the BSB Handbook has been breached, under our Enforcement Regulations (Part 5 of the BSB Handbook) and our Enforcement Strategy.

Formal complaints against pupils who have been called to the Bar should be pursued through the [BSB's complaints process](#), in accordance with the BSB's Enforcement Regulations and Enforcement Strategy. If they have been called to the Bar, the pupil's Inn of Court plays no formal part in the disciplinary system, except via the Council of the Inns of Court (COIC) which arranges tribunals. An individual Inn would have a role in pronouncing any findings of a Disciplinary Tribunal.

Information for pupils facing a complaint are available on the [BSB website](#).

A complaint against a pupil who has not been called to the Bar should be made to the pupil's Inn of Court.

# 17 Exemptions from training requirements

The BSB may grant exemptions or variations from part or all of the Professional Stage of training. This section explains the BSB rules, where to find guidelines and how to apply for an exemption.

## BSB Handbook

rQ60 With the written permission of the BSB, part or all of the practising period of pupillage may be satisfied by training:

- 1 with a solicitor, judge or other suitably qualified lawyer who is not a registered pupil supervisor; and/or
- 2 in an organisation which is not an approved training organisation but which, in the opinion of the BSB, provides suitable training and experience.

rQ79 The BSB may grant exemptions from part or all of the Academic Stage, the Vocational Stage and/or the Professional Stage of training.

rQ80 In exercising its discretion whether to grant an exemption from part or all of any Stage of training, the BSB will determine whether the relevant knowledge and experience of the applicant make it unnecessary for the applicant to do such training.

rQ81 An exemption from part or all of any Stage of training may be granted unconditionally or subject to conditions, which may include in an appropriate case:

- 1 a requirement to do training instead of the training prescribed by the BSB Handbook; and/or
- 2 a condition that the applicant must pass a Bar Transfer Test.

It is possible for reductions in, and exemptions from pupillage to be granted by the BSB, in accordance with Rules rQ60 and rQ79-Q100 of the BSB Handbook. Further [guidance and applications forms](#) are available from the BSB website on the following:

1. Transferring qualified lawyers such as qualified solicitors, Northern Irish Barristers, Scottish advocates, common law practitioners or legal academics.
2. Other variations and reductions in pupillage:
  - Reductions in pupillage on the basis of experience gained outside the usual pupillage structure
  - Approval to undertake part or all of the practising period of pupillage through “external training”
  - Dispensation from the requirements regarding the timing of pupillage (eg to commence pupillage more than five years after completion of the Vocational Stage or to commence the practising period more than 12 months after completion of the non-practising period)
  - Permission to undertake pupillage other than in a Member State of the European Union
  - Retrospective registration of pupillage



# 18 Mini pupillages

Mini pupillage is the term commonly used for a short period of work experience (usually one to five days) in a set of chambers, a BSB authorised body or a non-BSB authorised body. Mini pupillages are not regulated by the BSB but “assessed” mini pupillages that form part of the recruitment process are regulated for the purposes of the Equality and Diversity Rules.

Undertaking at least one mini-pupillage within a chambers or a BSB authorised body can provide students with an invaluable insight into life at the Bar. They may also prove a useful source of advice to assist in finding pupillage.

As a mini pupillage is often the first experience a person will have of the Bar, we encourage PTOs to ensure that opportunities to undertake a mini pupillage are made available as widely as possible to support equality of opportunity.

## Good practice

The BSB encourages PTOs to consider taking positive action to make mini-pupillage opportunities available to groups that are under-represented at the Bar.

## 18.1 Assessed mini pupillages

Some chambers require applicants to undertake an “assessed” mini pupillage as part of the recruitment process and others use it as one of their selection criteria. Assessed mini pupillages are subject to the Equality and Diversity Rules in the Handbook because they fall within the definition of “workforce” in the Handbook.

## BSB Handbook

Mini pupillages are not regulated by the BSB, but rule rC110.3 of the BSB Handbook requires:

- b. & c. fair recruitment training for selection panels responsible for recruitment
- d. recruitment and selection processes must use objective and fair criteria
- e. to h. equality monitoring of assessed mini-pupillages (which fall within the definition of “workforce”)

To ensure that recruitment and selection processes use objective and fair criteria, if the completion of an assessed mini pupillage is made a condition for obtaining pupillage itself (effectively the first part of the selection and recruitment process), PTOs must advertise mini-pupillages on the Pupillage Gateway. They must comply with the Equality & Diversity Rules of the Code of Conduct in the BSB Handbook (rule rC110) when selecting individuals for a mini pupillage. A list of mini pupillages offered and details of the recruitment process should be maintained (for three years) and made available to the BSB on request.

# Appendix 1: Summary of the responsibilities of pupils

This section is of particular importance to pupils. It summarises the responsibilities of pupils during the various stages of pupillage, and after completion of pupillage, that are outlined in this Handbook. It is essential that a pupil applies for a Qualification Certificate, a full Practising Certificate and obtains insurance as soon as pupillage is complete.

## 1. Beginning pupillage

Pupils must:

- Be a member of an Inn of Court before starting pupillage ([see section 1.4](#)).
- Ensure the initial registration of pupillage ([see chapter 8](#)).

## 2. General requirements in pupillage

Barristers, including pupils, are required to adhere to the Core Duties and Conduct Rules, as set out in the BSB Handbook.

### BSB Handbook

rQ38 of the BSB Handbook requires that the pupil must:

1. be diligent in receiving the instruction given; and
2. observe all legal and professional obligations of confidence.

In practice, this means that pupils must:

- Take steps to ensure that the required standards are met ([see chapter 9](#)).
- Act appropriately on feedback provided by the pupil supervisor and in relation to assessment and appraisal of their work, and complete any remedial or additional work that is required by the PTO or BSB ([see section 9.4](#)).
- Undertake compulsory courses that are required by the PTO and the BSB ([see chapter 10](#)).
- Behave at all times in accordance with professional ethics and conduct as stated in the [BSB Handbook](#).
- Preserve the confidentiality of every client's affairs in accordance with the [BSB Handbook](#).
- Notify the BSB of any material changes in pupillage arrangements, eg change in pupil supervisor, change in start or end dates of pupillage ([see section 8.2](#)).

## 3. In the non-practising stage of pupillage

- Not exercise any reserved legal activities, including rights of audience. A noting brief may be undertaken with permission of the pupil supervisor or Head of Chambers.

- Ensure they have met the required standards, with evidence of completed checklists and work diaries ([see chapter 9](#)).
- Ensure they have completed the Pupillage Advocacy and Practice Management Courses ([see section 10.1.1 and 10.1.2](#)).
- Ensure their pupil supervisor signs the form declaring satisfactory completion of the non-practising period, and submit it immediately to the BSB ([see section 13.1](#)).
- Ensure that they are called to the Bar (if they were not called prior to pupillage)
- Register their practising period of pupillage (if they did not register the whole pupillage at the beginning of the non-practising period) ([see section 8.1](#)).

#### 4. In the practising stage of pupillage

- Pupils can exercise rights of audience only with permission of their pupil supervisor or Head of Chambers or equivalent, having been notified by the BSB they are eligible to do so. A pupil requires a provisional Practising Certificate, which will be issued by the BSB upon completion of their non-practising period ([see section 13.3.2](#)).
- Complete any additional checklists for the practising period ([see chapter 9](#)).
- Register with the Information Commissioner. It is a criminal offence not to do so where required ([see section 11.2](#)).
- Ensure compliance with taxation requirements. If relevant, register as self-employed with HMRC upon commencing the practising period of pupillage ([see section 11.3](#)).

#### 5. At the end of the practising stage of pupillage

- Ensure that their pupil supervisor signs the form that declares satisfactory completion of the practising period of pupillage, and submit it immediately to the BSB with copies of completed checklists ([see section 13.2](#)).
- Once pupillage ceases, apply immediately to the BMIF for their own insurance cover for legal services offered in self-employed practice ([see section 11.1](#)).
- A provisional Practising Certificate is valid for 30 days after pupillage, by which time a pupil must have obtained 2 certificates ([see section 13.3.3](#)):
  - a Full Qualification Certificate from the BSB (by submitting evidence of completion), and
  - an annual Full Practising Certificate by application online to the Bar Council.

A PTO may support a pupil in the process of obtaining an annual Practising Certificate, but it is the responsibility of the pupil to ensure that they have a valid Practising Certificate when holding themselves out as a barrister and undertaking reserved legal activities.

A Qualification Certificate does not entitle one to deliver the regulated services of a barrister, nor does it confer Rights of Audience.

To practise without a Practising Certificate is a breach of the BSB Handbook. It is also a criminal offence to undertake any reserved legal activities when not authorised to do so.

- Notify the BSB of changes in status (eg self-employed, employed or not in practice) and contact details.

# Appendix 2: Forms and templates

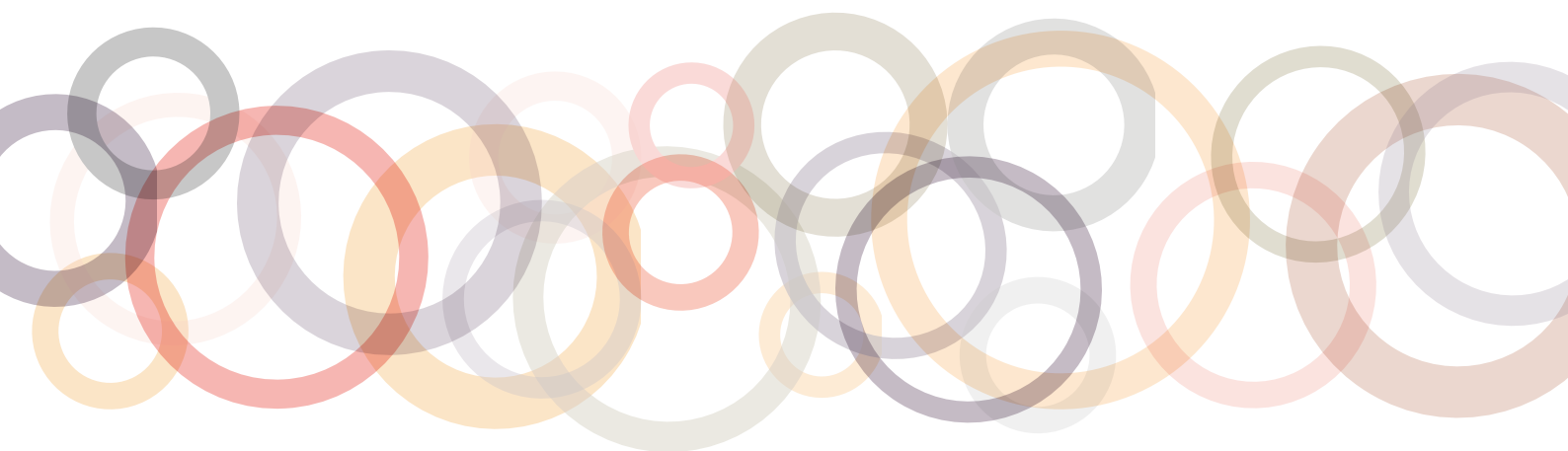
All forms and templates are available on the [BSB website](#) including those relating to:

- Approved training organisation applications (for PTOs)
- Registering pupillage
- Pupillage checklists
- Notification of a material change in pupillage
- Completion of “first six” and “second six” stages of pupillage
- Authorisation to practise for “second six” pupils, employed- and self-employed barristers
- Waivers and exemptions.

# Appendix 3: Glossary

ATO	Approved Training Organisation. A body or organisation (including chambers) which has been approved by the BSB for the purpose of providing professional training under Section 4.B5 of the BSB Handbook.
AETO	Authorised Education and Training Organisation This will replace the terms ATO and PTO as part of the Future Bar Training changes.
BMIF	Bar Mutual Insurance Fund – provides professional indemnity insurance to self-employed barristers in England & Wales.
BSB	The Bar Standards Board
PTP	Pupillage Training Principal. Oversees and coordinates pupillage arrangements.
PTO	Pupil Training Organisation. The term used in this Handbook for an ATO.





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