

5RB

Pupillage & Recruitment Policy Document

PUPILLAGE & RECRUITMENT
COMMITTEES

October 2023

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1 APPLICATIONS FOR PUPILLAGE

1.1 General Information

5RB is committed to:

- 1.1.1 advertising all pupillage vacancies in accordance with:
 - the requirements as to equality and diversity, stipulated in the Code of Conduct (rC110 to rC112) contained within Part 2 (the “**Code of Conduct**”) of the BSB Handbook (the “**BSB Handbook**”); and
 - the requirements and guidance as to advertising, as set out and referred to in Part 4C of the BSB Bar Qualification Manual.
- 1.1.2 considering all applications for pupillage fairly;
- 1.1.3 establishing and following well-defined selection procedures;
- 1.1.4 ensuring that all pupils (save sponsored pupils or pupils for whom a waiver has been obtained) are funded in accordance with the Pupillage Funding Rules set out in the Code of Conduct (rC113 to rC118);
- 1.1.5 following a written training programme;
- 1.1.6 ensuring that such work as is available during pupillage is distributed fairly between all pupils; and
- 1.1.7 not discriminating against any pupil or applicant for pupillage on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, disability, marital or civil partnership status, sexual orientation, religion or belief, age, pregnancy or maternity, or political persuasion. Chambers has appointed an Equality and Diversity Officer, a Diversity Data Officer and has in place a written Equality and Diversity Policy, together with a written implementation plan, setting out the policy adopted by Chambers in relation to the equality and diversity requirements contained within the Code of Conduct.

This Pupillage & Recruitment Policy document will be made available on the 5RB website.

1.2 Pupillages Offered

- 1.2.1 5RB usually offers up to two 12-month funded pupillages each year. Details of the pupillages available will be advertised on the Pupillage Gateway and the 5RB website. Currently each pupillage carries an award of £40,000. 5RB will also meet the cost of the compulsory courses necessary for a pupil's qualification as a Barrister if they are attended during the period of pupillage.
- 1.2.2 Third six pupillages (which the Bar Council refer to as "probationary tenancies") occasionally arise at 5RB. Third six pupillages fall outside the Pupillage Gateway scheme. 5RB will follow the Bar Council's Best Practice Guidelines in respect of any third six pupillage. Any opportunities will be advertised on the 5RB website and on the Bar Council's probationary tenancies / third six vacancies page. The selection procedures and criteria are likely to be similar to those adopted for Pupillage Gateway candidates and will be indicated in the relevant advertisement.
- 1.2.3 5RB does not offer sponsored or unfunded pupillages.

1.3 The Pupillage Committee

- 1.3.1 The Pupillage Committee will be made up of four members of Chambers (appointed by the Management Committee) who are not members of the Recruitment Committee.
- 1.3.2 The Pupillage Committee will be diverse and will represent a range of seniority and include at least one member of each gender. The members of the Pupillage Committee will be listed on the 5RB website.
- 1.3.3 The Pupillage Committee is responsible for all aspects of the recruitment of pupils to 5RB and the pastoral care and support of the pupils during their pupillage. In particular, the Pupillage Committee will be responsible for:
 - (1) making recommendations to the Management Committee about the number of pupillages to be offered each year;
 - (2) advertising the pupillages offered at least (a) on the 5RB Website; and (b) via the Pupillage Gateway;
 - (3) registering the available pupillages with the Pupillage Gateway;
 - (4) arranging and conducting the four stages of the recruitment process in accordance with this policy, including:

- (i) reviewing and scoring all applications received via the Pupillage Gateway;
 - (ii) devising and setting an appropriate written problem and advocacy exercise, preparing appropriate interview questions and agreeing the marking system to be used when assessing the candidates.
- (5) aggregating candidates' scores and deciding if the highest scoring candidate(s) are suitable to receive offers of pupillage, and if so offering pupillages (in accordance with the Pupillage Gateway rules), and deciding on whether to make any reserve offers;
 - (6) upon request, providing feedback to any candidate invited to interview but not offered pupillage;
 - (7) drawing up and agreeing with each prospective pupil a Written Pupillage Agreement;
 - (8) providing pastoral care and support for the pupils prior to and during their pupillage including meeting with them during each period of 3-months to discuss their progress and any issues of concern; and
 - (9) subject to the approval of the Management Committee, reviewing and, if appropriate, revising this Pupillage & Recruitment Policy document from time to time.

1.3.4 Members of the Pupillage Committee will be familiar with the equality and diversity requirements contained within the Code of Conduct and 5RB's Anti-Harassment Policy and will have undertaken training on fair recruitment processes.

1.3.5 Consistently with their pastoral role in relation to pupils, the Head of the Pupillage Committee may not be a pupil supervisor of any pupil recruited by a Pupillage Committee of which they were the Head. Furthermore, to avoid any possible appearance of bias, no member of the Recruitment Committee may be a pupil supervisor of any pupil in respect of whom a Recruitment Committee member has training responsibilities (see 3.1.3 below) or will make a tenancy recruitment recommendation.

1.4 Applications

1.4.1 5RB is a member of the Pupillage Gateway. All applications to 5RB for 12-month pupillages must be made via the Pupillage Gateway. Applicants are advised to consult the Pupillage Gateway website for full details of the scheme and the pupillage(s) on offer from year to year. It is the responsibility of any

applicant to ensure that their application complies with all relevant rules and deadlines.

- 1.4.2 5RB does not generally accept applications for deferred places, as it is difficult for us to make decisions about recruitment so far in advance, particularly when the decision to recruit or not to recruit an applicant for a deferred place necessarily has to be made before we have seen the full range of potential applicants for the relevant places in that year. We encourage applicants who think that there are special reasons why they need to make a deferred application to contact 5RB before submitting their application.

1.5 The Recruitment of Pupils

- 1.5.1 5RB seeks to ensure that the selection procedure for pupils works in as fair, transparent, informed and objective a way as possible. 5RB recruits its pupils through fair and open competition on the basis of merit.
- 1.5.2 Stage 1 of the recruitment process is via the Pupillage Gateway application form. This application form will contain one or two questions that are specific to 5RB to which we expect applicants to give careful thought before answering. Applications received through the Pupillage Gateway are reviewed by members of the Pupillage Committee, with information about applicants' names, genders, schools and universities redacted (so far as practicable) by the operator of the Pupillage Gateway prior to review by at least two members of the Pupillage Committee, and without reference to the equality monitoring form. They will be assessed in accordance with relevant pre-determined selection criteria ("the Selection Criteria", see 1.6 below) and will be applied consistently to all applicants. A shortlist will be drawn up of those applicants whose applications score highest and who are therefore (subject to 1.5.11 below) to proceed to Stage 2.
- 1.5.3 We are committed to diversity amongst our members and welcome applications from all backgrounds. There is no minimum degree requirement, however we usually expect candidates to have a minimum of a 2:1 at undergraduate level. Where a candidate has not achieved a 2:1, mitigating circumstances will be taken into account but we will still expect them to demonstrate that they have the necessary intellectual ability. We have no preference as to whether candidates have studied for a law degree. We do not require candidates to have completed a mini-pupillage at 5RB. We are only able to accommodate a small number of mini-pupils each year, with the consequence that many good candidates for pupillage will not obtain a mini-pupillage on applying for one. This said, we would certainly encourage potential candidates to apply for a mini-pupillage, which will give them an insight into 5RB and our specialist areas of practice.

- 1.5.4 Stage 2 of the recruitment process involves a written problem. Shortlisted candidates will be provided by email with a short written problem and asked to submit their answer to the Pupillage Committee a few days later. Usually, the written problem is sent out on a Friday morning with the answer expected back on Monday morning (although exceptions may be made if this is liable to cause undue inconvenience: shortlisted candidates will be asked about this before the problem is sent out). The tests are marked against the first three Selection Criteria, in particular assessing the candidate's ability to process complex information, identify the issues raised and provide sensible and practical advice. Following scoring of the written tests, the Pupillage Committee will invite the highest scoring applicants (across both the written test and application forms) to interview.
- 1.5.5 Stages 3 and 4 take place at interview. Four members of the Pupillage Committee will usually be on the interview panel, although it maybe three depending on members' other commitments. 5RB will make reasonable adjustments for any candidate with any form of disability. On the day(s) of the interviews, candidates will be requested to attend Chambers for around two hours. The first part of the interview, Stage 3, is an oral advocacy exercise. Candidates will be provided with some information relevant to the exercise a few days prior to interview and will then be given a set of instructions a short time before the interview is due to commence. The oral presentation of submissions will take place in simulated courtroom conditions. Candidates' oral advocacy is marked against the first four and the latter part of the sixth Selection Criteria ('ability to inspire confidence in others') by each member of the Pupillage Committee.
- 1.5.6 Stage 4 is an interview. Immediately following the advocacy exercise, each candidate will have an interview with members of the Pupillage Committee. Questions will cover the same areas for each interviewee and at least one of these will relate to 5RB's specialised practice areas. Performance at interview will be assessed separately by each member of the Pupillage Committee against the first four and the latter part of the sixth Selection Criteria ('ability to inspire confidence in others').
- 1.5.7 The results of the scores from each of Stages 1 to 4 will be aggregated. The Pupillage Committee will then make offers of pupillage based on these. The Committee will also decide which if any candidate(s) should be placed on the reserve list for offers of pupillage should the first choice candidate(s) not accept an offer of pupillage. In the event that the available places for pupillage are not filled by any such candidates, then the spare pupillage place(s) will lapse and not be filled. If there are no candidates that the Committee feels are suitable to be offered pupillage in any given year, it will make no pupillage offers at all.
- 1.5.8 5RB requires two references to be provided. References will not ordinarily be considered until after the Pupillage Committee has made its decisions about applicants based on the process set out above. In exceptional circumstances,

when it proves impossible to separate the leading candidates, references may be considered before a final decision is made as to whether an applicant is offered a place.

- 1.5.9 5RB does not usually have second interviews. Exceptionally, where the scores are tied between the leading applicants, the relevant applicants will be invited back for a further interview, possibly with a new panel, which may include members selected from outside the Pupillage Committee.
- 1.5.10 We will inform candidates of our decision as soon as we can, in accordance with the Pupillage Gateway rules.
- 1.5.11 5RB occasionally receives applications from applicants who have unsuccessfully applied for pupillage with us previously ("Repeat Applicants"). No Repeat Applicant will be pre-screened out of the recruitment process. Their application form will be reviewed in the same way as those of applicants who have not applied to 5RB before (i.e. in accordance with 1.5.2 above).

1.6 Selection Criteria

Candidates for pupillage will be assessed on their ability to demonstrate the following skills and competencies (whether on their application form and/or during the recruitment process):

- (1) intellectual ability;

All barristers must possess a very high intellectual ability. Principally, applicants will demonstrate this by their historic performance in academic study. In addition, applicants should demonstrate intellectual rigour, having the ability to grasp complex information and identify the key issues quickly and effectively. They should be able to: absorb details; perceive inadequacies, inconsistencies and inaccuracies in information presented to them; appreciate different perspectives; develop new solutions; and query standard answers or received orthodoxy ('thinking outside the box'). Applicants should demonstrate the ability to present information in a structured way that is coherent, clear, relevant and intelligible by different audiences.

- (2) judgement;

All barristers must exercise good judgement in all their dealings, professional and otherwise. Applicants should not only possess intellectual ability but should be able to use it appropriately and, where necessary, tempered by common sense and pragmatism, to form sensible judgements on and solutions to issues presented to them.

- (3) an interest in media and communications law and an aptitude for a career as a barrister in this field;

Members of 5RB are barristers working in a highly specialised area. Applicants should demonstrate that they have acquired skills and knowledge relevant to 5RB's specialist practice areas through study and/or experience. Recognising that applicants may have had a limited opportunity to acquire such skills and/or knowledge, applicants can satisfy this competence if they demonstrate an ability and interest in acquiring these skills. Undertaking a mini-pupillage at 5RB is one way of demonstrating this, although it is not a be all and end all requirement, and we are aware that not all applicants will have been able to avail themselves of this opportunity. Overall, applicants should demonstrate a strong motivation and the necessary dedication and determination to succeed in a career at the Bar, and the ability to use knowledge appropriately and effectively.

- (4) strong oral and written advocacy, including effective communication, analytical skills, judgment and presentational ability;

This competency may also be demonstrated or supported by a candidate's previous relevant experience or achievement, including in activities such as mooting, debating, public speaking and written work, and in any relevant work experience (legal or otherwise), although we recognise that not all candidates will have been able to undertake relevant work experience prior to applying for pupillage owing to their individual circumstances. During the selection process, applicants are expected to be articulate, clear and cogent. They should be able to present and develop a line of argument both in writing and orally, and to respond appropriately when questioned or challenged.

- (5) self-reliance, independence, integrity and reliability;

In so far as possible, applicants should ensure that on their application forms they have provided evidence that they possess these qualities, all of which are essential for a career as a barrister.

- (6) leadership, professionalism, client focus and the ability to inspire confidence in others;

An important part of a barrister's job is to provide leadership; to devise and implement a practical solution for a client and to inspire confidence in the proposed solution in both lay and professional clients. In so far as possible, applicants should ensure that on their application forms they have provided evidence of instances where they have led and/or inspired confidence in others. The ability of a candidate to demonstrate the latter competency will also be assessed during the selection process.

- (7) ability to work as a team member;

As well as being able to take the lead, barristers are often required to work as part of a team. This entails: working with others jointly to develop strategies; appropriately delegating work to others; performing tasks delegated to them; taking direction from senior members of the team; supporting other members of the team in their work. They should be able to deal with other people tactfully, courteously and diplomatically. In so far as possible, applicants should demonstrate ability to work well with others on their application forms.

- (8) knowledge of and commitment to diversity and an ability, where necessary, to make appropriate adjustments, to deal fairly and work and communicate effectively with people from a variety of backgrounds and experience;

Barristers work and/or deal with people from a variety of backgrounds, from witnesses and clients to senior legal practitioners and judges. In so far as possible applicants should demonstrate an understanding of diversity and cultural issues and that they are flexible and fair in their dealings with others.

Section
2 PUPILLAGE

Pupillage & Recruitment Policy Document

5RB

2.1 Before Starting Pupillage

A letter will be sent to pupils (at the latest during the month of September of the year they are starting) with 5RB's Written Pupillage Agreement notifying them of details of their pupillage including the date their pupillage will start and an outline of what they can expect on their first day. The Written Pupillage Agreement contains details of 5RB's policies applicable to the pupil, and 5RB's written Training Programme. The Written Pupillage Agreement must be agreed and signed prior to commencement of the pupillage. Each pupil must register their pupillage with the BSB in accordance with the BSB Handbook, before the pupillage commences.

2.2 The First Day

On a pupil's first day their first pupil supervisor will have an introductory talk with them about practice and pupillage generally. The supervisor will also introduce the pupil to the clerks and staff and other people at 5RB who are associated with pupillage. There will be an opportunity to discuss what is expected of a pupil during pupillage. Pupils will also be asked to sign Confidentiality Undertakings to Chambers to make express the obligations of confidentiality described in 2.6 below.

2.3 Structure

- 2.3.1 The twelve months will be split into four (approximately) 3-month periods with different pupil supervisors, of varying seniority, specialism and gender. These will be selected by the Head of the Pupillage Committee in consultation with members of Chambers who are approved to be pupil supervisors having undertaken the necessary training and the Senior Clerk. During the first six months pupils will work closely with their pupil supervisors. In the second six months pupils will have the opportunity to work with other members of Chambers. This is so that pupils are able to see a wide range of different work and methods of practice.
- 2.3.2 Due to the nature of 5RB's work opportunities for second-six months pupils to gain advocacy experience through paid 5RB work will be rare. Consequently,

during the second-six months, we encourage and support pupils to undertake work for Advocate and any other pro bono legal provider that they may be interested in doing work for, with a view to gaining some court experience if possible.

- 2.3.3 If there are opportunities for paid work (including work for other members of Chambers) the clerks and the pupil supervisors will ensure that this is distributed fairly between pupils. Pupils are not required to pay any contributions to Chambers on any fees they receive for work done during pupillage.
- 2.3.4 To broaden the pupillage experience, and to allow pupils to gain an insight into some of our clients, during the second-six we usually arrange work placements with the in-house legal departments of a major national newspaper and/or a broadcaster for whom members of 5RB act.
- 2.3.5 Pupils may only exercise a right of audience as a barrister in their practising six months of pupillage if that they have the necessary permission or exemption of the BSB, and they have been given permission from their pupil supervisor or, if the pupil supervisor is unavailable, the Head of Chambers.

2.4 Pupillage Award and Travel Expenses

- 2.4.1 The pupillage award will be paid in four equal instalments in advance. The first instalment will be available on the pupil's first day in 5RB. If any pupil is experiencing financial hardship, then they may ask the Head of the Pupillage Committee for an advance of any instalment of the pupillage award (including before starting pupillage).
- 2.4.2 The pupil must meet their own travel expenses to and from 5RB and, where necessary, in travelling to court (within London). If the pupil is required to accompany their pupil supervisor outside of London, then the pupil will not pay their travel costs and their pupil supervisor will decide who will bear the expenses; whether the supervisor or 5RB.

2.5 Normal Hours and Holidays

- 2.5.1 Each pupil will be allowed and **is expected to take** two weeks (i.e. ten working days) holiday per six-month period ("Holiday Entitlement"). This figure does **not** include statutory holidays or any other periods where:
 - (a) 5RB is closed;
 - (b) the pupil's supervisor (or, if unavailable, the Head of the Pupillage Committee) has given their prior permission; or
 - (c) the pupil is unable to work as a result of illness.

Pupils who have not taken their allocated Holiday Entitlement will be required at the end of the relevant 6-month period to explain to the Head of the Pupillage Committee and/or the Head of Chambers why they have not done so.

- 2.5.2 5RB is flexible about the timing of holidays, but this is something that a pupil should discuss with their pupil supervisor to see if there are any particular periods (such as when the pupil supervisor will be involved in a trial which may be of particular interest) when it would be desirable for the pupil not to be away from Chambers. The pupil must agree in advance with their supervisor the dates on which they intend to take any period of Holiday Entitlement.
- 2.5.3 Since barristers do not work fixed hours, the pattern of the working day is something which each pupil should discuss and agree with their pupil supervisor. In general terms, however, a pupil should not be in Chambers before 9am or after 6.30pm. No pupil should work at weekends except as specifically agreed with their supervisor.
- 2.5.4 Consistent with 5RB's commitment to equality and diversity, we encourage and support any request for modifications to a pupil's working arrangements to accommodate any particular needs or issues that a pupil might have (for example caring responsibilities). Subject to the consent of the BSB and suitable adjustments as to length of pupillage, 5RB would consider part-time pupilages if a pupil's particular personal circumstances necessitate such an arrangement.

2.6 Confidentiality

- 2.6.1 It is essential that all confidential documentation and information to which a pupil has access during the course of their pupillage is respected and protected. Each pupil has an obligation to ensure that they do nothing to compromise the confidentiality of that information (save insofar as they are required to do so by law). In the event that a pupil is considering compromising the confidentiality of information on the ground that they consider it is 'required by law', they must before doing so discuss the matter with their pupil supervisor, the Head of the Pupillage Committee or the or a Head of Chambers. **Otherwise, pupils will be required to familiarise themselves and comply in full with 5RB's Data Protection, Information Security and Password Policies.** In addition, and of particular relevance to pupils:
 - 2.6.1.1 If they are given confidential documents to take down to court or to a conference they must protect and maintain the confidentiality of those documents, which includes not reading those documents in circumstances where they could be overseen by other persons (which includes on public transport in particular), and **pupils must not leave the papers unattended in any circumstances.**

- 2.6.1.2 Much of the work that 5RB handles also concerns privacy issues, in which parties are often anonymised. Pupils must not, under any circumstances, disclose the identities of those parties to anyone who is not working on the case.
- 2.6.2 These confidentiality obligations and requirements also extend to all emails and electronically stored and processed information. As noted in 2.6.1 above, pupils must ensure that they comply with 5RB's Data Protection, Information Security and Password Policies.
- 2.6.3 If a pupil is uncertain about whether or not any documentation they have been shown or are responsible for is in fact confidential, they should check with their pupil supervisor or any other member of Chambers for whom they are doing the relevant piece of work as to the status of that information. If in doubt, pupils should assume that any and all information provided to them in the course of their pupillage about a case they are working on is confidential.
- 2.6.4 Any breach of confidentiality by a pupil during pupillage is likely to lead to termination of the pupillage by 5RB. The obligations of confidence set out in this section extend beyond the end of the pupil's pupillage.

2.7 Anti-harassment policy

- 2.7.1 5RB is committed to ensuring that Chambers is an environment free from all forms of harassment and bullying. 5RB complies with the Equality Act 2010 and has instituted an Anti-Harassment Policy in accordance the requirements of the BSB Handbook.
- 2.7.2 **5RB does not tolerate any form of harassment or bullying, whether in the form of sexual harassment or any other form of discrimination.** Pupils will be provided with a copy of 5RB's Anti-Harassment Policy at the outset of their pupillage and should make themselves familiar with the provisions set out within that document.
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Pupillage & Recruitment Policy Document

5RB

3.1 The Recruitment Committee

- 3.1.1 The Recruitment Committee will be made up of up to four members of 5RB (appointed by the Management Committee) who:
- (i) are not members of the Pupillage Committee; and
 - (ii) have not acted as a pupil supervisor to any of the pupils whose performance is being considered by the Recruitment Committee.
- 3.1.2 The Recruitment Committee will be diverse and will represent a range of seniority and include at least one member of each gender. The members of the Recruitment Committee will be listed on the 5RB website.
- 3.1.3 Excluding the pastoral care of the pupils and the selection of pupil supervisors for pupils, which is the responsibility respectively of the Pupillage Committee and the Head of the Pupillage Committee, the Recruitment Committee is responsible for all aspects of the education and training of the pupils and overall assessment of the performance of pupils at 5RB. In particular, the Recruitment Committee is responsible for
- (1) setting the training objectives of pupillages at 5RB to be provided by 5RB's pupil supervisors and checking that it is delivered consistently and satisfactorily by each pupil supervisor;
 - (2) setting and assessing periodic paperwork and advocacy tests for the pupils as set out in 3.2(2) below;
 - (3) providing regular feedback and guidance to the pupils as set out in 3.2(4) below;
 - (4) encouraging the involvement of as many members of Chambers as possible in (2) and (3) above so as to provide opportunities for each member of 5RB to evaluate the pupils;

- (5) making the final assessments of the pupils (including receiving a report from the clerks) and providing a recommendation as to recruitment to 5RB not later in each year than the second Monday in July;
- (6) providing the necessary certification of a period of pupillage in the event that a pupil-supervisor is unable to do so or (if the Recruitment Committee is satisfied that it would be appropriate to do so) in the event that a pupil supervisor is unwilling to so;
- (7) ensuring, at the end of each period of pupillage, that the certificate of satisfactory completion of pupillage is signed and submitted to the BSB;
- (8) submitting (on behalf of the Head of Chambers), at the end of each year, an annual return in the prescribed form to the BSB; and
- (9) in conjunction with the Pupillage Committee, reviewing and, if appropriate, revising this Pupillage & Recruitment policy document.

3.2 Monitoring, Feedback and Assessment during Pupillage

5RB has the following procedures for providing pupils with an objective assessment of their progress at regular intervals throughout pupillage.

- (1) Pupil supervisors will review and discuss their pupil's work with them and provide feedback about progress to their pupil on a regular basis.
- (2) Where it deems it appropriate and/or necessary, the Recruitment Committee will set assessed exercises for the pupils ("the formal assessments"), as follows:
 - (i) in the 1st three, a piece of written work (advice, pleading etc.);
 - (ii) in the 2nd three, a second piece of written work; and
 - (iii) in the 3rd three, up to two advocacy exercises (including skeleton arguments) and a third piece of written work.
- (3) The Recruitment Committee will:
 - (i) at regular intervals (and at least once in each three-month period), ask all pupil supervisors to report in writing on their pupils' work to date; and
 - (ii) prior to making any decision regarding tenancy, ask all members of 5RB to provide written observations on any work done by the pupils for that member of 5RB.

- (4) A member of the Recruitment Committee will at regular intervals (and at least once in each three-month period), meet with each pupil to provide feedback on their performance during pupillage and, in particular, their performance in the formal assessments. If necessary, the Recruitment Committee will develop an action plan in conjunction with the pupil and the pupil's supervisor to remedy any perceived weaknesses or deficiencies.

3.3 Support during Pupillage and Complaints Procedure

- 3.3.1. The well-being and pastoral care of pupils during pupillage will be the responsibility of the Pupillage Committee. A member of the Pupillage Committee, usually the Head of the Pupillage Committee, will aim to have at least one meeting with the pupil(s) during each period of 3-months to provide support and guidance and to help with any problems. A pupil should always raise any issues of concern during pupillage with their pupil supervisor and/or a member of the Pupillage Committee.
- 3.3.2 If a pupil has a complaint about pupillage and/or their pupil supervisor, which cannot be resolved through discussion with the pupil supervisor, then the complaint should be referred to the Head of the Pupillage Committee, or if they are not available, one of the other members of the Committee.
- 3.3.3 Further detail about how to raise a complaint or grievance, whether arising from pupillage or more generally, is set out in 5RB's Complaints and Grievance Policy, a copy of which will be provided to each pupil at the commencement of pupillage.

3.4 Dissolution of Chambers

In the unlikely event of Chambers dissolving, 5RB will:

- (1) take all practicable steps to ensure the completion of the pupillage of any current pupils with another set of Chambers; and
- (2) provide such assistance as it can to any person who has been made an offer of pupillage which was due to commence at some future point.

3.5 Recruitment of Tenant(s)

- 3.5.1 5RB seeks to ensure that the selection procedure for tenants is fair, transparent, informed and objective. At the first stage, tenancy decisions are based upon the suitability of the candidates (assessed against the Selection Criteria) without regard to the business case for recruiting another member of 5RB.
- 3.5.2 Judged against the Selection Criteria, if a pupil is considered to be a suitable candidate, then the Recruitment Committee will make a recommendation for tenancy to 5RB.
- 3.5.3 The members of 5RB will consider the recommendation of the Recruitment Committee and decide, in accordance with 5RB's Constitution, whether the relevant pupil should be offered a tenancy. We aim to take this decision in around June or July each year.
- 3.5.4 5RB seeks to recruit initially from its own pupils. If an available place is not filled by one of 5RB's own pupils and if 5RB wishes to recruit a new tenant, such place(s) as are available will be advertised in *Counsel* magazine and on the 5RB website. Applications for such place(s) will be considered by the Recruitment Committee. Alternatively, a third six pupillage may be advertised.
- 3.5.5 Candidates will be short-listed and interviewed by the Recruitment Committee as soon as possible, and in accordance with the same procedure applied to Pupillage Gateway applicants set out above at section 1.5 (*mutatis mutandis*) and applying the same Selection Criteria at section 1.6.
- 3.5.6 Before any pupil can become a tenant at the end of their pupillage they must have been issued with a full qualification certificate by the BSB.

3.6 Pupils not offered Tenancy

- 3.6.1 If it is clear that a pupil will not be invited to remain in 5RB at the end of the pupillage, they will be informed of this as soon as possible so that they can begin to make alternative arrangements.
 - 3.6.2 We will offer reasonable assistance to any pupil who is not considered a suitable candidate for tenancy (for example by offering advice on third six pupillages and other legal career opportunities, and by providing references etc.).
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5RB

4.1 General

- 4.1.1 The formal obligations and functions of pupil supervisors are summarised in rules Part 4B of the Bar Qualification Manual. 5RB is committed to ensuring that our pupil supervisors comply with these responsibilities.
- 4.1.2 Pupil supervisors are practising members of 5RB:
- (i) who have received appropriate training;
 - (ii) whose practice is and has been their primary occupation for at least the last two years;
 - (iii) whose principal place of work is at 5RB; and
 - (iv) who are not members of the Recruitment Committee.
- 4.1.3 Pupil Supervisors may only supervise one pupil at a time unless they have the permission of the BSB.

4.2 The First Day

On the first day the pupil supervisor will talk to the pupil about practice and pupillage generally and introduce the pupil to the clerks and staff and other persons with 5RB who are associated with pupillage. There will be an opportunity to discuss what is expected of a pupil during pupillage.

4.3 Compulsory Courses

The pupil supervisor will ensure that the pupil has sufficient time to attend and prepare for all such training courses they are required to attend during pupillage. If the pupil does not pass one or more of these courses and the pupil supervisor is informed of the problems with the pupil's performance, they will encourage the pupil to retake the course in question and, where possible, will, in conjunction with the Pupillage and/or Recruitment Committees, identify and provide such extra support as is needed.

4.4 Duties in the Day-to-Day Supervision of Pupils

General

4.4.1. The pupil will usually be asked to read the pupil supervisor's papers and draft pleadings and other documents, including opinions, where applicable. They will also be required to accompany the pupil supervisor or, if appropriate, another member of 5RB, to court on sufficient occasions so that the pupil has the opportunity to do all such work and gain all such experience as is appropriate for a person commencing practice in the type of work done by the pupil supervisor, and in particular to enable the pupil to complete the checklist. In particular, the pupil supervisors must ensure that the pupil has sufficient experience (whether through work, training within 5RB or elsewhere, or specific discussion with their pupil supervisor):

- (1) to ensure that the pupil has an understanding and appreciation of the operation in practice of the Code of Conduct, as well as the general rules of conduct and ethics;
- (2) to ensure that the pupil has gained sufficient practical experience of advocacy to be able to competently prepare and present a case;
- (3) to ensure that the pupil has gained sufficient practical experience of conferences and negotiation to be able to conduct the same competently; and
- (4) to ensure that the pupil has gained sufficient practical experience in the undertaking of legal research and the preparation of drafts and opinions to be able to undertake the same competently.

4.4.2 Pupil supervisors will be familiar with the current version of the following BSB documents and the relevant regulatory requirements:

- (1) The BSB Handbook
- (2) The Bar Qualification Manual
- (3) The Authorisation Framework and supporting guidance for pupillage
- (4) The Professional Statement, Threshold Standard and Competences
- (5) The Curriculum and Assessment Strategy

They will:

- (1) be familiar with and able to apply the Equality and Diversity Rules of the Code of Conduct and the Equality Act;

- (2) understand the BSB's administrative procedures for registering pupillage, applying for the Provisional Practising Certificate and Full Practising Certificate;
- (3) understand the role of pupil supervisor; and
- (4) be familiar with 5RB's Training Programme, policies, procedures and documentation in relation to pupillage.

4.4.3 Pupil supervisors will satisfy themselves that all reasonable steps are taken to ensure that no pupil is discriminated against, or harassed, on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, gender reassignment, pregnancy or maternity, marital or civil partnership status, disability, religion or belief, age or political persuasion.

4.4.4 During the second-six months, the pupil supervisors will review the distribution of work to pupils to ensure that the pupils are given a fair and equal access to all opportunities that are offered to pupils during pupillage. Prompt remedial action will be taken where required. If the pupil feels that they are not being offered equal access to opportunities they should raise the issue in accordance with the procedure set out at 3.3.2 above.

Pleadings and drafting

4.4.5 Specific and detailed instructions in pleading will be given in relation to those pleadings and other documents which form part of 5RB's specialist areas of work.

Conferences/Meetings

4.4.6 Where possible, a pupil should read the papers provided by the barrister they are assisting before the conference so that the most can be gained from the conference. The pupil will be informed in advance what is expected from them in conference however, in the normal course of events, pupils should not participate in a conference/meeting without expressly being asked to do so. The pupil should attend enough conferences/meetings to enable them to obtain the necessary experience as to how to conduct conferences themselves, including conduct and etiquette during conferences. Occasionally the sensitivity of a matter or a client's wishes may mean that a pupil will not be able to attend a conference or meeting. Pupils should raise any questions they have on Conferences/Meetings with their pupil supervisor.

Work for other members of 5RB

4.4.7 All pupils will be given an opportunity to work for other members of 5RB, particularly during the second six.

Feedback

- 4.4.8 The pupil supervisor will provide feedback on and discuss the work done by their pupil. During the second-six months the pupil supervisor will monitor work done by the pupil in their own right (should the opportunity arise) so as to be able to give such guidance and assistance as necessary. All pupils are encouraged to request feedback on pieces of work, or any areas of learning, they are specifically concerned about. In the first instance this should be sought from their pupil supervisor.

Assessment and certification

- 4.4.9 The pupil's supervisor will, at the end of the non-practising period of pupillage and at the end of the practising period of pupillage, consider the Professional Statement Threshold Standard and Competences, discuss the same with the pupil and consult with any prior pupil supervisor in order to assess the pupil's performance against the competences in the Professional Statement.
- 4.4.10 If the pupil supervisor is satisfied that it is appropriate to do so the pupil supervisor will then complete the appropriate BSB Certificate of Satisfactory Completion. At the end of the practising period that will include the pupil supervisor's declaration that the pupil has met the requirements specified in the Professional Statement and meets the Threshold Standard.
- 4.4.11 If a pupil supervisor is not so satisfied that the pupil has satisfactorily completed a period of pupillage and therefore they will not sign the certificate, they must:
- (1) notify the Recruitment Committee so that it can decide what action to take, including whether to certify the pupil's satisfactory completion of a period of pupillage itself; and
 - (2) notify the pupil of their options (i.e. a certificate may be accepted from one of the pupil supervisor's Head of Chambers or the Head of the Recruitment Committee).

Problems/Questions

- 4.4.12 Pupils are encouraged to discuss any problems and questions relating to practice with their pupil supervisor and/or other members of 5RB as and when they arise.

Pupil Supervisor leaves Chambers

- 4.4.13 If the pupil supervisor leaves Chambers they should where possible make arrangements to ensure the continuity of the pupillage in conjunction with the Pupillage Committee.

(Last revised 10 October 2023)

