

## SERLE COURT: PUPILLAGE POLICY

### Responsibilities for pupillage matters

1. The responsibility for pupillage matters in Chambers shall be with the Pupillage Committee.
2. The Pupillage Committee shall from time to time comprise:
  - (a) a chairperson;
  - (b) a secretary (the “Pupillage Secretary”);
  - (c) a mini-pupillage secretary; and
  - (d) at least 3 other members of Chambers.
3. The members of the Pupillage Committee shall be appointed by the members of Chambers in accordance with Chambers’ constitution.
4. Where discussions or decisions are to take place concerning pupils within Chambers the appropriate pupil supervisors shall, if possible, attend the relevant Pupillage Committee meeting or meetings.
5. Decisions of the Pupillage Committee shall be taken by simple majority vote.

### Selection of pupils

6. The selection of all pupils for Chambers shall be carried out by the Pupillage Committee in accordance with this policy document and the BSB equality and diversity rules which shall take precedence over this policy document in the event of any inconsistency. Members of Chambers are not entitled to select pupils individually.
7. Paragraphs 8-29 below apply to funded pupillages. Applications for unfunded pupillages will be considered by the Pupillage Secretary on a case-by-case basis according to the Unfunded Pupillage Policy in force from time to time. If the Pupillage Secretary considers that an application for an unfunded pupillage should be considered further then the Pupillage Secretary shall refer the application to the Pupillage Committee. If the Pupillage Committee considers that chambers may be able to accommodate an unfunded pupil and that the applicant appears likely to be of an acceptable standard, then it shall consider the application further using the same procedure as for the recruitment of funded pupils with any modifications the Pupillage Committee thinks fit. Any decision whether to make an offer of an unfunded pupillage shall be taken in consultation with the Management Committee.
8. Each year the Pupillage Committee shall decide the maximum number of pupillages it may recommend to be offered in the next round of pupillage recruitment and the amount of the financial award for each such pupillage. If the Pupillage Committee proposes to change the number of funded pupillages recommended to be offered from the previous year, or the financial award, then members of chambers shall consider, and either approve, amend or reject any such proposed changes.
9. The number of pupillages being offered and the amount of the financial award for each pupillage shall be published and advertised as the Pupillage Committee shall think fit.

10. Each pupillage application received shall be anonymised and then separately considered by two members of chambers. All the applications shall be considered by the same two members. The two members of chambers who consider each application are hereinafter referred to as “the Selectors”.
11. The Selectors shall consider the whole of each applicant’s application form and decide in accordance with the criteria set out below, whether an applicant shall be interviewed, with a view to interviewing approximately thirty applicants. On considering each application, the Selectors shall give the applicant one of the following classifications:
  - “interview”
  - “no interview”
  - “possible interview”.
12. The Selectors shall give their classifications for each applicant independently of each other.
13. If both Selectors give an applicant an “interview” classification that applicant shall be invited for a “First Interview”.
14. If:
  - (a) both Selectors give an applicant a “no interview” classification, or
  - (b) one Selector gives a “no interview” classification and the other a “possible interview” classification;the applicant shall, as soon as is practicable, be informed in writing that Chambers is unable to offer him or her a pupillage.
15. In all other cases the application shall be considered by a third member of chambers appointed by the Pupillage Committee. The applicant shall be invited for a First Interview if the third member gives that application an “interview” classification.

#### Selection criteria

16. For the purposes of paragraphs 16 to 18 “the Selectors” shall include, where appropriate, the third member considering an application pursuant to paragraph 15.
17. In considering the applications, the Selectors shall take into account the fact that the work undertaken by Chambers is both legally and factually challenging. Consequently, the Selectors shall take into account the requirement for a successful applicant to have excellent intellectual ability. The Selectors shall always bear in mind that degree and CPE results do not always truly reflect an applicant’s intellectual ability and should give weight to other information supplied by an applicant which may demonstrate that the applicant has such ability.
18. In respect of each applicant the criteria to which the Selectors shall have regard shall be as follows:
  - (a) intellectual ability;

- (b) oral and written communication skills; and
- (c) Commitment to a career at the Chancery/Commercial Bar.

### First Interview

19. Each First Interview shall be conducted by at least three members of Chambers (“the First Interview Panel”). If possible:
- (a) the First Interview Panel shall, for each of the first interviews, comprise the same members; and
  - (b) the members of the First Interview Panel shall not include any of the Selectors.
20. Before the First Interview in each recruitment round the First Interview Panel or the Pupillage Committee shall decide upon common questions which will be asked of each of the First Interview candidates. The common questions shall be designed to enable the First Interview Panel to assess:
- (a) the applicant’s intellectual ability;
  - (b) the applicant’s ability to present and articulate analytical and persuasive oral argument;
  - (c) the applicant’s judgment;
  - (d) whether the applicant would be able to establish and maintain good relationships with:
    - (i) lay clients; and
    - (ii) solicitors,
21. During each First Interview the First Interview Panel shall ask each applicant the common questions and such other general questions as the First Interview Panel shall think appropriate. The First Interview Panel shall also consider the candidates’ application forms and references supplied by the Applicant.
22. At the end of the First Interview, the First Interview Panel shall assess the applicant using the assessment form (Annex A) and rating scale (Annex B). At the conclusion of the final First Interview, the First Interview Panel shall decide which applicants are to be invited for a “Second Interview”. The First Interview Panel shall aim to select approximately ten applicants to be invited for a Second Interview.
23. Each First Interview candidate shall be informed of the outcome of his or her interview as soon as is practicable after his or her First Interview.

## Second Interview

24. Each Second Interview shall be conducted by three members of Chambers (“the Second Interview Panel”). If possible:
- (a) the Second Interview Panel shall, for each of the second interviews, comprise the same members; and
  - (b) the members of the Second Interview Panel shall not include any member who was part of the First Interview Panel or who was a Selector.
25. Each Second Interview shall take the form of a mock conference. Prior to the commencement of the Second Interviews in each year the Pupillage Committee shall decide upon a case study to be used as the basis for the mock conference.
26. The Second Interview Panel shall assess each applicant’s performance using the assessment form (Annex A) and rating scale (Annex B), and may in addition take into consideration the material contained in the applicants’ application forms and references.

## Selection of pupils

27. After the final Second Interview, as many members of the First and Second Interview Panels as possible but at least one from each shall meet with the Pupillage Committee. At that meeting (or meetings):
- (a) the performances in first and second round interview, application forms, and references of the Second Interview applicants shall be discussed;
    - i. the representatives of the First and Second Interview Panels shall communicate their assessments of the Second Interview applicants to the Pupillage Committee, and in particular which applicants, if any, they recommend: be offered pupillages in the first instance; and
    - ii. may be offered pupillages if an applicant made an offer under paragraph 27(b)(i) does not accept it (“reserve applicants”);
  - (b) the Pupillage Committee shall in its discretion decide which applicants to make offers of pupillage to. Other than in exceptional circumstances, no offer of pupillage shall be made to any applicant who receives a score of 6 or less for any criterion in his or her assessment by either interview panel.
28. Offers of pupillage shall be made as soon as practicable after the conclusion of the meeting referred to in paragraph 27 above. Each offer shall remain open for a minimum of 14 days. In the event that an applicant made an offer of pupillage does not accept it, then the Pupillage Committee shall consider whether to make an offer to one of the reserve applicants. If the Pupillage Committee does decide to make such an offer then the offer shall be made as soon as practicable and shall remain open for a minimum of 14 days. Offers of pupillage may only be accepted by entering into the pupillage contract referred to in paragraph 32 below.
29. The Selectors and members of the First and Second Interview Panels and Pupillage Committee members shall participate in Equality and Diversity Training at least once every 5 years.

### Third six month pupillages

30. The Pupillage Committee shall from time to time decide whether to recommend that Chambers recruit one or more third six month pupils.
31. The procedure to be used in the recruitment of third six month pupils shall, with necessary modification and such other modifications as are approved by the Pupillage Committee, be the same as the procedure for the recruitment of first six month pupils.

### Conduct of pupillage

32. All prospective pupils will be required to execute a contract governing the terms of their pupillage. The terms of the contract are to be approved by the Pupillage Committee.
33. Chambers shall use both the general commercial and chancery pupillage check lists as a guide to the training that a pupil in chambers will receive.
34. At the start of each pupillage a pupil shall be allotted a pupil supervisor who shall have overall responsibility for that pupil for such period as determined by the Pupillage Committee, but in any event not less than three months.
35. Those who are undertaking twelve month pupillages shall sit with at least three pupil supervisors. Those who are undertaking six month pupillages shall sit with at least two pupil supervisors.
36. In so far as is possible, each pupil will sit with pupil supervisors practising in Chambers' core areas of practice.
37. A pupil shall sit with his or her pupil supervisor or such other member or members of chambers as shall be agreed between the pupil supervisor and the Pupillage Secretary in consultation with the other members of the Pupillage Committee.
38. No pupil shall undertake work for a member of chambers other than with the prior permission of his or her pupil supervisor. No pupil shall undertake work in his or her name during pupillage without the prior consent of his or her pupillage supervisor and, save in the case of uncontested applications or other minor pieces of work, the prior consent of the Pupillage Secretary. Separate arrangements may be made for third six pupils.
39. If a pupil does undertake work in his or her name during pupillage the following applies to payments received:
  - (a) If the payment is received after the pupillage has ended, the pupil can keep the payment. If the pupil has subsequently become a tenant, the payment will count towards the calculation of their chambers expenses and for the purposes of any income guarantee in force as at that time.
  - (b) If the payment is received during the pupillage, the pupil will be required to repay the equivalent amount of their pupillage award in that month in accordance with the terms of the Pupillage Contract.

40. Chambers will reimburse expenses reasonably incurred by pupils on:
- (a) travel for the purposes of pupillage (other than travel between his home and chambers and travel for the purposes of his practice as a barrister); and
  - (b) attendance on courses which he or she is required to attend as part of his/her pupillage.
41. The general obligations and functions of a pupil supervisor shall be those set out in the Bar Handbook (as amended from time to time). Without prejudice to the obligations therein described, pupil supervisors are:
- (a) required to provide regular and, in so far as possible, immediate feedback on each piece of work undertaken by his or her pupil, and to ensure (in so far as possible) that similar feedback is provided by other members of chambers for whom that pupil completes work; and
  - (b) required to provide regular assessment of his or her pupil's progress both to the pupil concerned and to the Pupillage Committee at meetings to be arranged by and at the discretion of the Pupillage Secretary.
42. The Pupillage Secretary shall be responsible for the administration of pupillage within chambers. The Pupillage Secretary – in consultation with the pupil supervisors – shall
- (a) inform the pupils of the periods during which they are entitled to holidays during pupillage;
  - (b) ensure that the pupils undertake one or more common pieces of written work to be used to assist in the assessment of the pupils' ability;
  - (c) arrange, if possible, one or more advocacy exercises to be undertaken by the pupils to be used to assist in the assessment of the pupils' ability;
  - (d) endeavour to identify gaps in any pupil's training, in particular in the core areas of chambers' work and ensure that such gaps are met by an appropriate placement with an appropriate member of chambers; and
  - (e) ensure, in consultation with the pupils, that (in so far as is possible) pupils are exposed to all areas of work undertaken in Chambers in which they have a particular interest.
43. The Pupillage Secretary and the pupil supervisors shall be responsible to ensure that Chambers complete all such forms and records relating to pupillage as may from time to time be required of it by the Bar Council, the Bar Standards Board and/or the Inns of Court. Pupils shall be individually responsible for ensuring that they complete any such similar forms and records required of them.
- 43A. The Pupillage Committee may make such arrangements as it thinks fit to provide informal support for pupils throughout their pupillage.

#### Selection of junior tenants

44. Chambers' present policy is that (save in exceptional cases) recruitment of those who have never previously practised as tenants shall be exclusively from Chambers' pupils.
45. In considering whether any pupil ought to be recommended to Chambers for tenancy, the Pupillage Committee shall assess:
- (a) the pupil's intellectual and practical ability as demonstrated in the written and oral work undertaken during the course of his or her pupillage;
  - (b) whether the pupil has the skill and motivation necessary to practise successfully at the Chancery/Commercial Bar; and
  - (c) whether the pupil would be able to establish and maintain good relationships with solicitors, and the judiciary.
46. The Pupillage Committee may consider whether or not to recommend offers of tenancy to any pupil at any time in the course of their pupillage and must convene to consider whether each pupil should be offered tenancy after a period of at least six months' pupillage has elapsed.
47. In the event that the Pupillage Committee makes a positive recommendation, the decision as to whether or not tenancy will be offered is to be taken by members of chambers in accordance with the Chambers' constitution and taking into account:
- (a) the recommendation of the Pupillage Committee;
  - (b) the factors set out in paragraph 45 above; and
  - (c) the amount of work which it is considered would be available for a new tenant or tenants.
48. The selection of tenants other than those commencing tenancy for the first time shall not be the responsibility of the Pupillage Committee.
49. The Pupillage Committee and members of Chambers agree to use their best endeavours to assist any pupil not offered tenancy to find a further period of pupillage or a junior tenancy at another set of chambers.

#### Equal opportunities

50. Recruitment for and conduct of pupillage will be carried out without unlawful discrimination and in a manner fair to all.
51. In making any decision relating to the selection of mini-pupils, pupils and junior tenants or the conduct of mini-pupillages or pupillages a member of Chambers or staff must not make such decision on the basis of, or be influenced by, a person's age; disability; gender reassignment; marital or civil partnership status; pregnancy or maternity; race, colour, nationality, ethnic or national origin; religion or belief; sex and sexual orientation, save to the extent that may be justified in accordance with the law and Bar Standards Board guidance.

## Complaints

52. If a pupil or mini-pupil, an applicant for pupillage or mini-pupillage, a member of Chambers or a member of staff has any complaint about the selection of pupils or mini-pupils, he or she shall be entitled to make a formal complaint and shall do so in accordance with the Chambers' Complaints Policy (Annex C).
53. If a pupil has a grievance relating to their pupil supervisors, other barristers, clients, members of staff, other pupils or their pupillage, they can use the grievance procedure (Annex D) to help to resolve their grievance.



Annex A

**Serle Court - Pupillage Interview**

1<sup>st</sup> interview  2<sup>nd</sup> interview

Candidate ..... Date .....

Interview panel .....

	Criterion	Mark
1	Ability to present and articulate oral argument	
2	Ability to establish and maintain good relationships with: <ul style="list-style-type: none"><li>• lay clients (5 marks);</li><li>• solicitors (5 marks)</li></ul>	
3	Judgement	
4	Intellectual ability	
	TOTAL	

Comments

## Annex B

### Serle Court Chambers - Pupillage

#### Rating Scale

Candidates will be scored on a 1-10 rating for each criterion (or pro-rata for any criteria in Annex A carrying a different number of marks), as follows:

- 10     **Outstanding** – no negative indicators
- 9       **Very good** – mostly positive indicators and few negative indicators
- 8       **Good** – several positive indicators
- 7       **Fairly good** - exceeds minimum expected standard
- 6       **Satisfactory** - meets but does not exceed minimum expected standard
- 5       **Unsatisfactory** – does not meet minimum standard
- 4       **Fairly poor** – displays some negative indicators
- 3       **Poor** – displays several negative indicators
- 2       **Very poor** – displays mostly negative indicators
- 1       **Inadequate** - no positive indicators

## Annex C

### **SERLE COURT: COMPLAINTS POLICY**

The following sets out the procedure for handling complaints that concern:

- The treatment of applications to join chambers as pupils, tenants or staff;
- The service given by or conduct of members of chambers, chambers' staff towards solicitors, clients and visitors to chambers (such as mini-pupils and those engaged on work experience).

You have a right to complain about all or any of the above. Your complaint will be treated seriously in accordance with the procedures set out in this policy.

#### **WHO OVERSEES THE POLICY?**

The following members of Serle Court have responsibility for investigating complaints made on any of the grounds set out at the head of this policy:

1. Chief Executive;
2. Head of Chambers;
3. In the event of a conflict of interest an appropriate individual will be nominated by the Management Committee to investigate the relevant complaint or complaints in place of the Chief Executive or Head of Chambers as appropriate.

#### **Procedure**

1. In the event that you wish to make a formal complaint, that complaint should be made in writing for the attention of:

The Chief Executive

who will have the duty of ensuring that the complaint is investigated.

2. All complaints will be promptly investigated. The person/s carrying out the investigation will not be connected with the allegation in any way.
3. In the case of complaints about members of chambers or chambers' staff, these will be dealt with as follows:
  - (a) If concerning the service given by or conduct of chambers' staff or by the chambers' administration generally, by the Chief Executive; and
  - (b) If concerning the service given by or conduct of a member of Chambers, by the Head of Chambers.
4. In the case of complaints relating to applications to join chambers, these will be dealt with as follows:
  - (a) If concerning an application to join chambers as a pupil or member of staff, by the Chief Executive; and
  - (b) If concerning an application to join chambers as a tenant, by the Head of Chambers.
5. Confidentiality will be maintained and where it is necessary to interview witnesses the importance of confidentiality will be emphasised. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.
6. Any person or persons against whom the complaint is made shall be given a proper opportunity to respond to the complaint, to put his or her side of the story, and to make written representation within 21 days.

7. Within 6 weeks of the receipt of your complaint the Chief Executive will deliver a written response to you. If at the conclusion of an investigation your complaint is found to be substantiated, appropriate action will be taken.
8. If you are unhappy with the outcome of our investigation you may be able to take up your complaint with the Legal Ombudsman, the independent complaints body for complaints about the service provided by lawyers, at the conclusion of our consideration of your complaint. The Ombudsman is not able to consider your complaint until it has first been investigated by Chambers. Please note that any complaint to the Legal Ombudsman must be made within **six-months** from the date on which you are notified of the outcome of our investigation.
9. In addition, the Legal Ombudsman will ordinarily only investigate complaints that are raised either within six years of the act/omission about which you are complaining or within three years of the date on which you should reasonably have known there was cause for complaint. In either case, the date of the act/omission or the date on which you should reasonably have known there was cause for complaint must have been after 5 October 2010.
10. You can contact the Legal Ombudsman as follows:

Legal Ombudsman  
PO Box 6806  
Wolverhampton  
WV1 9WJ

Telephone number: 0300 555 0333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

## RECORDS

Records will be kept of all complaints and investigations. These will be kept confidential, save where disclosure is required for legal or disciplinary action.

## **MONITORING**

The outcome of every complaint will be reviewed annually by the Management Committee to ensure the continuing effectiveness of this policy.

## Annex D

### **SERLE COURT: GRIEVANCE PROCEDURE (PUPILS)**

#### Introduction

It is the policy of Chambers to ensure that pupils with a grievance relating to their pupil supervisors, other barristers, clients, members of staff, other pupils or their pupillage can use a procedure which can help to resolve their grievances as quickly and as fairly as possible. This document sets out the procedure which applies if any pupil has any such grievance.

#### Informal discussions

A pupil who considers that he or she has a grievance:

- (a) about a pupil supervisor or their pupillage generally should discuss it informally with the pupillage committee secretary or chairman; or
- (b) about another barrister, a client, a member of staff or another pupil should discuss it informally with their pupil supervisor.

Chambers hopes that the majority of concerns will be resolved at this stage.

#### Meeting

A pupil who considers that his or her grievance has not been resolved through informal discussions, should put his or her grievance in writing to the Chief Executive.

The Chief Executive will invite the pupil to attend a meeting to consider the grievance. The pupil should take all reasonable steps to attend this meeting. If the pupil wishes, he or she may choose to be represented or accompanied at this meeting by either a member or an employee of chambers.

The pupil will be notified of the decision of the Chief Executive in writing within 5 working days of the meeting.

If the Chief Executive considers it appropriate, she may delegate her function under this paragraph to another suitable member or employee of chambers.

#### Appeal

If the matter is still not resolved to the pupil's satisfaction, the pupil should put his or her grievance in writing to the Grievance Committee within 5 working days of receipt of the written decision in relation to the grievance.

The Grievance Committee will consist of the Chair of the Management Committee, two Members of Chambers chosen by the Management Committee, the Head Clerk and the Chief Executive (but will not include any person who has dealt with the grievance previously or who is the subject of the grievance).

The pupil will be entitled to have an appeal meeting with the Grievance Committee to discuss the matter. The pupil must take all reasonable steps to attend this appeal meeting. Should the

pupil wish, he or she may choose to be represented or accompanied at this meeting by either a member or an employee of chambers.

The Grievance Committee will give its decision in writing within 10 working days of the appeal meeting. The decision of the Grievance Committee will be final and binding (subject to any right that may exist to take the subject matter of the grievance to the Bar Standards Board or other relevant body).