Serle Court: Pupillage Policy

Responsibilities for pupillage matters

1. The responsibility for pupillage matters in Chambers shall be with the Pupillage Committee. The Pupillage Committee shall be comprised of at least 10 members of Chambers, appointed in accordance with Chambers' constitutional mechanisms. The Committee will appoint a Chair, who has overall responsibility for the business of the committee, and the recruitment and training of pupils and Probationary Tenants; and a Secretary who shall be responsible for creating and monitoring the training programme for pupillage, co-ordinating seats/supervisors and ensuring that checklists and diaries are maintained, as well as collating feedback on pupils and authoring reports to chambers in relation to tenancy decisions for pupils. The Chair will also approve the allocation of further distinct responsibilities to one or more members of the committee.

2. Without prejudice to the power of the Committee and the Chair to add to or vary such responsibilities, those currently identified may loosely be described as:

    a. Outreach to universities and aspiring pupils;
    b. The marketing of our pupillage offering;
    c. Mini-pupillages and the Open Days;
    d. The recruitment round for pupillage, and any recruitment for probationary tenancy;
    e. Advocacy training;
    f. The recruitment, training and monitoring of supervisors.

    The detail of what is covered by each role is worked out in practice and in discussion with the whole committee. Further, in the discharge of all these functions the committee is facilitated substantively and administratively by the Chambers Director, the Head of People and EDI, and other administrative staff.

3. Where discussions or decisions are to take place concerning pupils within Chambers the appropriate pupil supervisors will provide such input as is required and shall, if possible, attend the relevant Pupillage Committee meeting or meetings.

4. The existence of the roles with specific responsibility does not alter the decision-making of the Pupillage Committee, which takes its decisions by simple majority vote.

Selection of pupils

5. Serle Court is a member of the Pupillage Gateway and all applications for pupillage must be made through that system in line with its and our published timescale. Pupillage offers will also be made

    through the Gateway system. The full timetable for applications can be found on the Pupillage Gateway website together with other recruitment information: https://www.pupillagegateway.com/

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. Chambers will accept applications from candidates who have been granted partial or complete dispensation from pupillage by the Bar Standards Board. Those with partial dispensation should apply through the Gateway in the usual way. Those with complete dispensation should not use the Gateway, but may apply to Chambers in writing, supplying the information sought on the Gateway application form, by the Gateway deadline date.

8. Chambers does not offer unfunded or sponsored pupillages. Special arrangements apply to Probationary Tenancies, as set out in paragraphs 62 to 70 below.

9. Each year the Pupillage Committee shall decide the maximum number of pupillages it may recommend 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 either the Management Committee or if necessary members of chambers shall consider, and either approve, amend or reject any such proposed changes.

10. 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.

11. The Pupillage Gateway application form enables participating sets to ask text questions in addition to the matters elicited by the application form. The Pupillage Committee shall decide each year whether and if so, what further questions to ask with a view to enabling applicants to demonstrate their compliance with the selection criteria (see paragraphs 23 to 25 below).

12. The Pupillage Committee shall each year appoint a number of members of Chambers to a panel which will take responsibility for sifting the pupillage applications received. The precise number appointed to the panel will depend on the number of applications received, and in constituting the panel the Pupillage Committee will aim to achieve fairness to the applicants, by ensuring the volume of marking is not too burdensome for any one member but also ensuring consistency in the marking so far as possible, by training, guidance, calibration practice in advance of marking, and auditing during marking.

13. Each pupillage application received shall be anonymised, and given an application number. Each applicant's Gateway questions and narrative questions will be separated and their application number applied to each part. Each part of the application form shall be marked by different panellists, and in the first instance, by one panellist for each part.

14. Assessment criteria and a marking scheme will be agreed in advance by the Pupillage Committee for each part of the application form, and an overall marking framework which weights the two parts shall also be agreed in advance.

15. The Pupillage Committee may at any time decide to pilot technology-facilitated marking assistance but only in parallel to (or subsequent to) a manual process, and the results of any such pilot shall not affect the selection process.

16. Once initial marking is complete, the panellists marking the Gateway questions and the panellists marking the narrative questions will each hold a wash-up meeting at which the marks for their respective parts of the application form are reviewed and calibrated, before being finalised. Each group of panellists will identify those applications that lie on the border of entitlement to interview (on the assumption that the questions being marked by them were solely determinative of that outcome); such applications will be second-marked by another panellist. Thereafter, each group of panellists will agree the final list of marks for their respective parts of the application form.

17. The Pupillage Committee will then combine for each candidate the marks awarded for the Gateway questions and the narrative questions in such proportion as may be required by the marking scheme agreed in advance by the Pupillage Committee, to produce the "Final Sift Mark".

18. The Pupillage Committee aims to offer up to 32 "First Interviews". In addition, any applicant(s) who undertook a reserved mini-pupillage during the year preceding the relevant recruitment cycle shall also be invited for a First Interview.

19. Accordingly, and subject to any adjustment to reflect the RARE recruitment algorithm or such other comparable mechanism as the Pupillage Committee shall decide to apply, the top 25 applicants by Final Sift Mark shall be invited for a First Interview. In the event of a tie between two or more applicants for the last automatic First Interview place, at the discretion of the Chair, Secretary and the recruitment champion, all such applicants shall either be invited for a First Interview or have their applications reviewed by another member of the Pupillage Committee.

20. The Pupillage Committee shall also have an absolute discretion to offer a First Interview to one or both applicants with the 26th and 27th Final Sift Mark.

21. Furthermore, all applicants shall be invited to sit a multiple-choice situational judgment test devised for Serle Court by the Work Psychology Group. The test may be invigilated. Between 5 and 7 places at First Interview (the precise number also being at the Pupillage Committee's absolute discretion) will be available to the highest-scoring candidates in that test if (a) they have not already been put forward for interview (b) they have scored in the top 10% of the SJT and (c) their Final Sift Mark is in the top 50% of all applications.

22. Any applicant who is not invited for a First Interview shall be informed in writing as soon as practicable that their application has been unsuccessful.

Selection criteria

23. The assessment criteria and marking scheme agreed from time to time by the Pupillage Committee shall reflect independent expert advice as to the best means of avoiding or mitigating the effects of any conscious or unconscious biases and avoiding impermissible direct or indirect discrimination.

24. The qualities that we seek to cultivate in Serle Court pupils and tenants are documented here. Our pupillage interview processes are designed to elicit candidates who evidence these qualities or the potential to develop them.

25. The assessment criteria and marking scheme to be used to grade the application forms (in two parts and to combine the two parts, as aforesaid) shall be published on Chambers' website no later than when the Pupillage Gateway opens.

First Interview

26. The First Interviews shall be conducted by at least three members of Chambers, sitting in parallel in two separate panels ("the First Interview Panels"). The First Interview Panels shall not be provided with, or read, the applicants' application forms prior to the First Interviews, but shall be provided with an extract which sets out all post-education work experience in order to take such experience into account in their assessment of the applicants. The summary shall not include post-graduate qualifications, but will include any employment during the period of any post-graduate study such as tutoring. Each of the First Interview Panels shall interview approximately half of the applicants who attend a First Interview; no applicant shall be interviewed by any member known to them personally or with whom they spent time sitting in any mini-pupillage they may have undertaken in Chambers. Further:

    a. if reasonably practicable, the two First Interview Panels shall comprise the same members for all of the interviews that they carry out; and

    b. the members of the First Interview Panels shall not include any panellist involved in the sift process.

27. Before the First Interview in each recruitment round the Pupillage Committee shall agree (in consultation with the First Interview Panels) certain common questions to ask each of the First Interview candidates. In agreeing and considering whether to approve the common questions regard shall be had to independent expert advice as to the best means of avoiding or mitigating the effects of any conscious or unconscious biases and avoiding impermissible direct or indirect discrimination during interviews (the "Interview Advice"). Further, the common questions shall be designed to enable the First Interview Panels to assess the matters set out in the competency framework published here.

28. During each First Interview the First Interview Panels shall ask each applicant the common questions and such other general or follow up questions as the First Interview Panels shall think appropriate.

29. At the end of the First Interview, the First Interview Panels shall assess the applicant using the assessment form and rating scale then in force (which assessment form and rating scale shall be agreed by reference to the Interview Advice and published on Chambers' website at least one month before the date of the First Interview). At the conclusion of the final First Interview, the First Interview Panels in a combined meeting attended by such members of the Pupillage Committee as may be agreed, shall decide which applicants are to be invited for a "Second Interview". During that meeting, the panel members will be invited to reconsider the scores that they have given to any applicants who have been given two or more 'flags' under the RARE algorithm to decide whether to revise those marks upwards in any respect. The First Interview Panels shall select no fewer than 8 and no more than 16 applicants to be invited for a Second Interview.

30. Each First Interview candidate shall be informed of the outcome of their interview as soon as is practicable after their First Interview.

Second Interview

31. Each Second Interview shall be conducted by three members of Chambers ("the Second Interview Panel"). Further:

    a. if reasonably practicable, 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 panellist involved in the sift process.

32. The Second Interview shall follow the same format for every applicant. Such format, and the assessment form and rating scale to be used for the purposes of the Second Interview shall be agreed by the Pupillage Committee by reference to the Interview Advice and notified to the applicants who are invited for Second Interview. The Second Interview Panel shall not be provided with, or read, the applicants' application forms prior to the Second Interview, but shall be provided with the same extract as provided to the First Round Interview Panels which sets out all post-education work experience in order to take such experience into account in their assessment of the applicants.

Selection of pupils

33. A member shall only be eligible to act as a sift panellist, or a member of the First or Second Interview Panels if they have undergone Equality and Diversity Training and Fair Recruitment Training within the previous 3 years. Further, all members of the Pupillage Committee must undergo such training in the same cycles. Chambers shall maintain for at least 5 years training records for all members of the Pupillage Committee and anyone who acts as a sift panellist, or a member of the First or Second Interview Panels.

34. After the final Second Interview, as many members of the First and Second Interview Panels as reasonably practicable 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;

    b. 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:

        i. be offered pupillages in the first instance; and

        ii. may be offered pupillages if an applicant made an offer under paragraph 31(b)(i) does not accept it ("reserve applicants").

    c. the Pupillage Committee shall in its discretion decide which applicants to make offers of pupillage to.

35. Any offer of pupillage made on behalf of Chambers shall be conditional upon (a) the academic and vocational training components having been satisfactorily completed within the 5-year limit, (b) the prospective offeree being or timeously becoming a member of an Inn, (c) the prospective offeree being called to the Bar prior to or during their pupillage, and/or (d) waivers being granted by the BSB, where relevant. Evidence that such conditions have been or will be duly satisfied shall be required to be supplied to the Head of People and EDI before pupillage commences. Where a successful applicant requires an immigration visa to permit them to undertake pupillage, the Head of People and EDI shall use their best endeavours to assist them in obtaining such visa, and Chambers shall pay any Skills Charge fee payable in respect of that applicant.

36. Offers of pupillage will be made in line with the timeline prescribed by the Pupillage Gateway.

Retention of data and records

37. Chambers Data Retention and Deletion Policy provides that all personal data relating to those who apply unsuccessfully for mini-pupillage will be deleted at the end of the calendar year within which the application is determined. In compliance with the requirements of the BSB, Chambers shall retain for at least 5 years (a) all other recruitment records (including advertisements, application processes, selection criteria), and (b) anonymised diversity data for pupillage applicants (including data relating to applicants, interviews offered, pupillage offers made, places taken up and the action taken following the review of such data). Any complaints or grievances together with any analysis thereof and action taken shall be retained, in accordance with the aforesaid Policy, for 6 years. The personal data of successful applicants shall be treated in the same way as members' data.

Conduct of pupillage

38. All prospective pupils will be required to execute a contract governing the detailed terms of their pupillage. The terms of the contract are to be approved by the Pupillage Committee. Chambers shall retain copies of each pupillage contract for at least 5 years.

39. Pupils shall follow Chambers' pupillage training programme in the form agreed by the Pupillage Committee from time to time, which training programme shall be provided with the pupillage agreement into which the pupils enter.

40. 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.

41. Those who are undertaking twelve-month pupillages shall sit with at least three pupil supervisors, and customarily four. Those who are undertaking six-month pupillages shall sit with at least two pupil supervisors.

42. All pupil supervisors will be trained in accordance with the outcomes and frequency specified by the Bar Standards Board in the Bar Training Manual. Refresher training will be mandatory for all pupil supervisors, and will be required every 5 years, or after 3 years for someone who has not supervised any pupils in the intervening time. Chambers shall maintain for at least 5 years training records for all pupil supervisors.

43. In so far as is reasonably practicable, each pupil will sit with pupil supervisors practising in Chambers' core areas of practice.

44. A pupil shall sit with their 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.

45. No pupil shall undertake work for a member of chambers other than with the prior permission of their pupil supervisor. Where a pupil undertakes for a member of chambers, that member must provide written feedback in a form and within a time prescribed by the Pupillage Secretary and provide it to the pupil, their supervisor and the Pupillage Secretary.

46. No pupil shall undertake work in their own name during pupillage without the prior consent of their 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 will be made for probationary tenants.

47. Throughout the course of pupillage, the Pupillage Committee shall have discretion to make such reasonable adjustments to pupils' training programme, working hours and practices as pupils may request or otherwise seem appropriate to the Pupillage Committee in the light of the particular circumstances of the relevant pupil(s).

48. 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 required:

    a. to provide regular and, in so far as practicable, immediate feedback on each piece of work undertaken by their pupil, and to ensure (in so far as practicable) that similar feedback is provided by other members of chambers for whom that pupil completes work; and

    b. to provide regular assessment of their 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.

49. The Pupillage Secretary in conjunction with relevant staff members acting under the Chambers Director shall be responsible for the administration of pupillage within chambers. The Pupillage Secretary – in consultation with the pupil supervisors – shall:

    a. 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;

    b. arrange for at least one advocacy exercise to be undertaken by the pupils during the second and third three-month seats in pupillage to be used to assist in the assessment of the pupils' ability;

    c. 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

    d. 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.

50. The Head of People and EDI shall be responsible for ensuring that Chambers completes 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.

51. The Pupillage Committee may make such arrangements as it thinks fit to provide informal support for pupils throughout their pupillage.

<u>Selection of junior tenants</u>

52. 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. Members of Chambers

are warmly encouraged to get to know the pupils at an early stage of their pupillage, and interact with them as much as possible throughout, whether by attendance at social events in Chambers or otherwise.

53. In considering whether any pupil ought to be recommended to Chambers for tenancy, the Pupillage Committee shall assess that pupil against the matrix of attributes publicised on Chambers' website, and in particular:

    1. the pupil's intellectual and practical ability as demonstrated in the written and oral work undertaken during the course of their pupillage;

    2. whether the pupil has the skill and motivation necessary to practise successfully at the Chancery/Commercial Bar; and

    3. whether the pupil would be able to establish and maintain good relationships with other barristers, solicitors, lay clients and the judiciary.

    It has been the practice of Chambers in recent years to recommend all pupils who have reached the requisite standard to chambers for tenancy.

54. Once pupils who are undertaking a 12-month pupillage have completed 6 months of pupillage, the Pupillage Committee will make an Interim Report to Chambers on the prospect for each of them of a recommendation to Chambers that they be taken on as tenants (as to which, see paragraph 56 below). That report will highlight their apparent strengths against the matrix of attributes, as well as the areas where further development may be required, and will identify each pupil's third seat supervisor. For the avoidance of doubt, a copy of the report will not be provided to the pupil, but either their second or third seat supervisors will clearly inform them of any areas of their performance which have been identified as being likely to benefit from further development. The third seat supervisor shall give particular focus to all areas requiring further development during the pupil's third seat, and members of Chambers who consider that they have work that the pupil could do or see that might assist their development should notify the third seat supervisor (who has ultimate responsibility for deciding what work the pupil should undertake during that seat).

55. During the first week of the 9th month of any pupillage cycle, the Pupillage Committee will consider whether they intend to recommend to Chambers that tenancy be offered to any or all of the pupils in the relevant intake to commence on completion of their pupillage. As noted, such a recommendation is likely to be made if that pupil has in their opinion met the standard required of Serle Court pupils at that stage of their training. If the standard has not been met at that time, Chambers considers it better for the affected pupils to seek probationary tenancies in other sets, and the Pupillage Committee and other members of Chambers agree to use reasonable endeavours to assist any pupil not offered tenancy to find a further period of pupillage or a junior tenancy at another set of chambers.

56. After the meeting referred to in paragraph 55 above, the Pupillage Committee shall circulate a Final Report to Chambers which in the case of every 12-month pupil will address the question of the pupil's development since the Interim Report and how it has enabled the matrix of attributes to be sufficiently satisfied, and will contain the recommendation to Chambers as to whether each pupil should or should not be offered tenancy.

57. In respect of pupils undertaking a 6-month pupillage, the Pupillage Committee may at any time make such recommendation to Chambers as it considers appropriate, but in the event the pupil/s are being recommended for tenancy, they will produce a Final Report which addresses the extent to which the pupil satisfies the matrix of attributes.

58. Any member of Chambers who has any concern over the recommendations made in the Final Report should notify the Chair of the Pupillage Committee at the earliest opportunity, and no later than 7 days from the date on which the Final Report is circulated. In so responding, Members should consider that Chambers has a contractual obligation to pupils to make decisions on objective and fair grounds. The Pupillage Committee will then convene and decide how to deal with the concerns raised, which may involve indicating to Chambers that there will be a delay in voting on the admission/s. The Pupillage Committee has a power to entertain concerns expressed late but only if there is a good reason for the lateness, if they are able to do so without unfairness to the pupil, and if they are significant enough to warrant attention late.

59. In the event that no concerns are raised about the recommendation of the Pupillage Committee in the 7 days following the circulation of the Final Report or in any longer period allowed by the Pupillage Committee, or in the event that such concerns are raised and dealt with to the satisfaction of the Pupillage Committee, the Chambers Director will initiate a voting poll to enable members to vote on the admission of the pupil/s to tenancy within 14 days of the Final Report being circulated. The vote will enable members to decide in accordance with Chambers' constitution whether to implement that recommendation.

60. In the event that the Pupillage Committee do not consider that the concerns have been satisfactorily resolved in relation to any one pupil, the Pupillage Committee will withdraw their recommendation and Chambers will be notified of that fact and that the poll in relation to that pupil will not proceed.

61. The selection of tenants other than those who have completed pupillage or probationary tenancy under the auspices of the Pupillage Committee shall not be the responsibility of the Pupillage Committee.

Probationary tenancies

62. Having first consulted with the Practice Directors about the business needs of Chambers, and those Members of Chambers who may be affected by any such decision, the Pupillage Committee shall from time to time decide whether to recommend that Mancom resolve for Chambers to recruit one or more probationary tenants. The Committee shall inform Mancom of the budgetary impact of making such a resolution on the current or subsequent financial year (if any). If Mancom so resolves, the Chambers Director shall then ensure that an appropriate advertisement is placed on the Bar Council webpage and that a sub-committee of the Pupillage Committee is constituted to process the applications ("the PT sub-committee").

63. Applications for probationary tenancies shall be made by covering letter and Curriculum Vitae addressed to the Chambers Director, who shall pass the same to the PT sub-committee. Any applicants that the PT sub-committee consider to be of sufficient merit shall be offered an interview.

The PT sub-committee shall, if appropriate in view of the seniority of the applicant, also consult the Tenancy Committee before making such an offer.

64. It is recognised that potential probationary tenants may be at different stages of their legal careers and for that reason, the PT sub-committee shall decide on the detail of its interview processes, having regard to the application/s before it, again if necessary consulting or involving the Tenancy Committee. However:

    a. any interview process adopted by the Pupillage Committee shall have regard to the Interview Advice, and shall ensure that all candidates are appropriately assessed against Chambers' matrix of attributes;

    b. those who have recently completed pupillage elsewhere are intended to be assessed during their probationary tenancy against the same standards as applied to Chambers' own pupils;

    c. the Tenancy Committee is likely to take the lead in deciding how to assess those who are senior transferring lawyers, with the Pupillage Committee playing a supporting role;

    d. those who are junior transferring lawyers are likely to be required to demonstrate exceptional academic ability and that they have been developing an exceptional practice and reputation in the market from which they come.

65. The decision as to whom to award any pre-authorised probationary tenancy or tenancies shall be that of the Pupillage Committee acting on the advice of the interview panel/s.

66. Any offer of a probationary tenancy shall be made by Chambers in writing, and the formal contract shall follow so far as appropriate the current pupillage offer letter and address so far as necessary the terms required by the current version of the Bar Council's Best Practice Guidelines for Third Six Pupillages.

67. The Pupillage Committee will consider on a case-by-case basis whether to make a financial award to cover any part of the probationary tenancy period, and/or offer an income guarantee. The overriding principle applied is that those who are not working on their own account are supported by an award, but once junior barristers in Chambers are earning on their own account, Chambers' support is limited to cashflow support subject to the New Tenant Guarantee.

68. The detailed arrangements for probationary tenants will also be set out in writing, but should respond to their particular training needs, and this Policy therefore does **not** require that they must:

    a. Sit with duly qualified pupil supervisors (cf paragraph 42);

    b. Have any particular number of seats or follow any pre-ordained formal training programme (cf paragraphs 39 and 41); or

    c. Be supervised in Chambers' core areas of practice (cf paragraph 43).

69. Further, the question of whether and if so what work the probationary tenant may take on in their own name shall be worked out on a case by case basis (cf paragraph 46). The expectation is that there will be an initial period of monitoring during which the probationary tenant does not take on their own work. Thereafter it will be agreed between the probationary tenant, the supervisor and if necessary the Secretary when a transition period (during which some work may be taken) shall begin, and again when the probationary tenant is fully ready to practice on their own account only. The probationary

tenant shall at all times have their own insurance from the BMIF and comply with all other regulatory requirements.

70. Without prejudice to other provisions within this Policy potentially being applicable to probationary tenants by analogy, the following provisions shall apply, mutatis mutandis, in relation to probationary tenants:

    a. Paragraph 33: interview panellists being duly trained;
    b. Paragraph 35: supplying evidence to the Chambers Director of being formally entitled to take up an offer;
    c. Paragraph 37: data retention;
    d. Paragraph 45: work from members of chambers to be routed through the supervisor;
    e. Paragraph 48: the provision of feedback and assessment to the probationary tenant and the Pupillage Committee;
    f. Paragraph 49: the sufficiency of training in Chambers' core areas of practice;
    g. Paragraph 51: the provision of informal support;
    h. Paragraphs 52, 53 and 56 – 60: the selection of junior tenants.

Equal opportunities

71. Recruitment for and conduct of pupillage and probationary tenancies will be carried out without unlawful discrimination and in a manner fair to all.

72. In making any decision relating to the selection of mini-pupils, pupils, probationary and junior tenants or the conduct of mini-pupillages, pupillages or probationary tenancies, 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.

Issues in Chambers

73. If a probationary tenant, pupil or mini-pupil, or an applicant for any of those roles, or a member of Chambers has any complaint about selection into those roles or the decision to offer tenancy to any pupil or probationary tenant, they shall be entitled to make a formal complaint and shall do so in accordance with the Chambers' Pupillage and Mini-Pupillage Complaints Policy (Appendix 1).

74. If a probationary tenant, pupil or mini-pupil has a grievance relating to their supervisor/s, other barristers, clients, members of staff or pupils, or to their probationary tenancy, pupillage or mini-pupillage, they can use the Pupillage and Mini-Pupillage Grievance procedure (Appendix 2) to help to resolve their grievance. However, where the issue relates to harassment, bullying or victimisation the affected person should refer to Chambers' policy on such matters.

75. If Chambers is considering terminating a probationary tenancy or pupillage pursuant to the provisions in the relevant contract, the procedure at Appendix 3 will be followed.

serle court

Appendix 1

SERLE COURT: PUPILLAGE AND MINI-PUPILLAGE COMPLAINTS POLICY

The following sets out the procedure for handling complaints that concern the treatment of applications for selection as probationary tenants, pupils or mini-pupils, or junior tenants joining from pupillage;

There is a right to complain about any of the above matters. All complaints 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 about selection as above:

- The Chambers Director;
- The Chair of the Pupillage Committee; and/or
- The Head of Chambers.

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 Chambers Director, Chair of the Pupillage Committee or Head of Chambers as appropriate.

Procedure

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

The Chambers Director

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

All complaints will be promptly investigated. The Chambers Director will acknowledge the complaint as soon as possible, and indicate who will investigate it, and the time-frame for dealing with the complaint.

The person/s carrying out the investigation will not be connected with the allegation/s in any way. The Chambers Director will have principal responsibility for investigating any complaints concerning selection decisions made by staff.

In the first instance, the Chair of the Pupillage Committee will have responsibility for investigating any complaints concerning selection decisions made by members of chambers. Where both staff and members are the subject of complaint, the Chambers Director and Chair of the Pupillage Committee will investigate jointly.

The Head of Chambers will have responsibility for investigating any complaint concerning admission as a junior tenant from probationary tenancy or pupillage, and may also be asked by the Chair of the Pupillage Committee to become involved in complaints against members under this policy, if necessary.

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.

Any person or persons against whom the complaint is made shall be given a proper opportunity to respond to the complaint, to put their side of the story, and to make written representation within 21 days.

Our target time for dealing with complaints is 6 weeks from receipt of the complaint, though we may be able to act more swiftly or in complex cases may need longer. You will be notified by the person investigating when you may expect them to deliver a full written response to you. If at the conclusion of an investigation your complaint is found to be substantiated, they will confirm what action will be taken.

If you are unhappy with the outcome of our investigation you may be able to take up your complaint with the Bar Standards Board at the conclusion of our consideration of your complaint. They explain their regulation of barristers and (to the extent relevant) Chambers here. You can report a concern to the Bar Standards Board as follows:

By completing the online form at this link: https://www.barstandardsboard.org.uk/ask-us-a-question-or-report-a-concern-landing.html; or by using this Word version of the form and by sending it by email to contactus@barstandardsboard.org.uk or by post to: The Bar Standards Board, 289-293 High Holborn, London, WC1V 7HZ.

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.

serle court

Appendix 2

SERLE COURT: PUPILLAGE AND MINI-PUPILLAGE GRIEVANCE PROCEDURE

Introduction

It is the policy of Chambers to ensure that probationary tenants, pupils or mini-pupils with a grievance relating either to their supervisors, other barristers, clients, members of staff or other pupils, or to their probationary tenancy, pupillage or mini-pupillage, can use a procedure which can help to resolve their grievances as quickly and as fairly as possible.

Grievances may relate to the conduct of any of the other people listed above, or the service received from staff.

In the remainder of this document, "pupil" or "pupillage" shall respectively be understood as extending to probationary tenants and probationary tenancies, and to mini-pupils and mini-pupillages.

This document sets out the procedure which currently applies in Chambers if any pupil has a grievance. It is not part of whatever agreement governs their time in Chambers, and so we can change it at any time.

At all times, the grievance and the grievance process will be kept confidential by all concerned, so far as it is possible to do so consistently with investigating and resolving it.

Informal discussions

A pupil who considers that they have a grievance:

- about a supervisor or their pupillage generally should discuss it informally with the pupillage committee secretary or chair; or
- about another barrister, a client, a member of staff, or another pupil should discuss it informally with their supervisor. The supervisor may suggest that the affected party either has a direct discussion with the person in question (possibly with the supervisor present), or gives them authority to have such a discussion on their behalf.

If these discussions appear to resolve the dispute, it is good practice for a note to be taken, circulated for agreement, and retained. Chambers hopes that the majority of concerns will be resolved in consequence of the steps taken at this stage. Mediation

Another option to resolve a grievance is workplace mediation. This informal process can be adopted at any stage, but is often fruitful before positions become entrenched.

Mediation is a confidential form of alternative resolution and is entirely optional. It involves an independent, impartial, trained mediator helping two or more parties to reach a solution which is suitable for everyone. The aim of mediation is to restore and maintain a working relationship where possible. This means the focus is on working together to find a way to move forward, not determining who was right or wrong in the past, and then encapsulating that in an agreement. The mediator is a go-between, to facilitate constructive discussion

and the rebuilding of a working relationship, but they are not responsible for delivering an outcome come what may.

Sometimes mediation is suggested as the outcome of a formal grievance or complaint. If you have already adopted the formal procedure, it can be put on hold for a reasonable period of time while mediation takes place.

Formal Procedure

Anyone who considers that their grievance has not been resolved through such informal discussions, should put the grievance in writing to the Chambers Director or, if she is herself the subject of the grievance, to the pupillage committee chair.

Chambers encourages you to take this step whilst memories are fresh. Grievances raised under the formal stage of this policy should be raised within 6 months of the incident arising (or the last iteration of an ongoing incident) and will only be considered after that in exceptional circumstances. Whether exceptional circumstances exist is a question for the Chambers Director (or pupillage committee chair, if in receipt of the written grievance). If you wish to raise a grievance after you have left Chambers, the time limit is reduced to 3 months from your departure date.

The written grievance should include an explanation of the grievance and proposals for its resolution (if any), along with any relevant available evidence.

Chambers is aware that this step can be difficult to take, and we will endeavour to deal with the grievance as sensitively, quickly and fairly as possible. Support is available both internally (any member or senior staff member will either assist the complainant or direct them to appropriate assistance in Chambers), or externally through https://www.wellbeingatthebar.org.uk/assistance-programme/. The Chambers Director (or pupillage committee chair, if in receipt of the written grievance) will then invite the pupil to attend a meeting at a mutually agreed time to consider and discuss the written grievance. At this stage the pupil should indicate what, if any reasonable adjustments are required during the grievance process and necessary arrangements will be made.

If the Chambers Director considers it appropriate, she may delegate her function under this paragraph to a suitable member of chambers, or decide to act jointly with such member. She will notify the pupil of this decision in good time before the meeting. The pupil should take all reasonable steps to attend this meeting. If they wish, they may choose to be represented or accompanied at this meeting by either a member or an employee of chambers (such as the Head of People and EDI). They should inform the Chambers Director (or pupillage committee chair) of this in good time before the meeting and whether the other person's role is as a supporter or a representative. In neither case will the supporter or representative be permitted to answer questions that need to be put specifically to the pupil.

Arrangements will be made for keeping a record of the meeting. No electronic recording shall be taken without the consent of all concerned. It may be that the investigating person will need to appoint someone to take a summary note of the meeting. After the grievance meeting, the issues raised in the meeting and in the grievance itself will be considered and, if necessary, investigated with any other persons involved, directly or indirectly. It may be necessary to hold a further meeting at which each person's version of events is tested by the other and if so, all will be notified and the meeting will be fixed for a convenient time for all (including the pupil's supporter or representative).

If the pupil does not attend the initial meeting, or they or any other person involved does not attend any further meeting, and convenient dates to refix cannot be found, then Chambers may proceed to investigate the grievance in any event to ensure that the issue is handled swiftly for the overall good. Where sickness absence impacts attendance then Chambers will seek alternative ways, appropriate to the circumstances, for the person in question to be involved.

Once the investigation has been completed, a Report will be produced as soon as possible and circulated to the pupil and the person/s involved. Where possible, this will happen within 5 working days of the final grievance meeting. The Report will state whether the grievance is upheld, not upheld or partially upheld, and set out the actions, if any, that will be taken to resolve matters. It will also set out the right to appeal, below. . If the report states that disciplinary action will follow, the pupil does not have the right to know the details of that process.

Appeal

If the matter is still not resolved to the pupil's satisfaction, they should appeal their grievance in writing to the chair of the Management Committee within 5 working days of receipt of the written decision in relation to the grievance. The letter of appeal should explain which parts of the Report are challenged. No further evidence should be included unless it is relevant and was not available during the investigation leading to the Report.

The chair of the Management Committee will then appoint a Grievance Committee, which will consist of any two members of the Management Committee, one of the Practice Directors and may include the Chambers Director (but will not include any person who has dealt with the grievance previously or who is the subject of or witness in the grievance).

The pupil will be entitled to have an appeal meeting with the Grievance Committee to discuss the matter. The time will be fixed to suit all and the pupil must therefore take all reasonable steps to attend this appeal meeting. Should they so wish, they may choose to be represented or accompanied at this meeting by either a member or an employee of chambers (such as the Head of People and EDI).

The provisions above relating to recording, note-taking and progressing the grievance in the absence of relevant parties are repeated.

The Grievance Committee will approach the appeal as a review and not a re-hearing. It will set its own procedure but will allow the appellant and any person who is the subject of the grievance an opportunity to be heard. It will give a verbal indication of the outcome as soon as possible after the meeting, but confirm 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). Grievances raised during an existing grievance or disciplinary process may be suspended or handled concurrently, at the discretion of Chambers. Grievances which are ultimately found to have been deliberately false, mischievous or vexatious are likely to result in disciplinary action.

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Appendix 3

SERLE COURT: PUPILLAGE AND PROBATIONARY TENANCY DISCIPLINARY PROCEDURE

Introduction

It is the policy of Chambers to ensure that a fair and transparent process is available to probationary tenants and pupils who are at risk of Chambers deciding to terminate their probationary tenancy or pupillage.

The circumstances in which Chambers may make such a decision in any case are set out in the relevant contract between the probationary tenant or pupil, and Chambers ("the termination provisions").

In the remainder of this document, "pupil" or "pupillage" shall respectively be understood as extending to probationary tenants and probationary tenancies.

This document sets out the procedure which currently applies in Chambers if any pupil is at risk from the termination provisions. It is not part of whatever agreement governs their time in Chambers, and so we can change it at any time.

At all times, this process will be kept confidential by all concerned, so far as it is possible to do so consistently with investigating it and making a determination.

Formal Procedure

a. The issue which potentially engages the termination provisions ("the Issue") should be set out in writing as soon as possible after it comes to light. The terms of the written summary should be approved by or on behalf of the Chair.
b. The written summary and any relevant evidence should then be provided to the pupil, along with the name of a member of Chambers whom it is proposed, if the pupil agrees, should support the pupil through the process ("the Supporter"). At this stage the pupil will also be provided with any suggestions Chambers may have for external sources of support.
c. When (but not before) the pupil agrees the identity of the Supporter, the Chair or member of the committee acting on their behalf ("the Committee Lead") shall appraise the Supporter of the Issue and confirm that they are content to act. If not, a different Supporter shall be agreed upon and enlisted.
d. A meeting shall be arranged at the earliest possible date between the Committee Lead and at least two other members of the Pupillage Committee, the pupil and the Supporter, at which the Issue will be discussed and all relevant aspects canvassed.
e. Where the pupil's sickness absence seems likely to delay the meeting too long, Chambers may consider alternative ways, appropriate to the circumstances, for the pupil to be involved.
f. The pupil may respond to the summary of the Issue in writing at or before the meeting and supply any further evidence that they wish Chambers to consider. They may ask the Supporter to present their arguments for them. Any necessary reasonable adjustments will also be made.

g. Arrangements will be made for keeping a record of the meeting. No electronic recording shall be taken without the consent of all concerned. It may be that Committee Lead will need to appoint someone to take a summary note of the meeting.
h. The Committee Lead and other Committee members present at the meeting shall take such professional advice and undertake such further investigations as may be required (if necessary seeking the further observations of the pupil and the Supporter on these matters), and then provide a draft Report to the Pupillage Committee, containing a recommendation as to what steps should be taken in response to the Issue, and, in particular, as to whether the pupillage should be terminated and if so, whether repayment of the Award or any part of it should be sought.
i. The final decision is for the Pupillage Committee acting collectively. The Committee will strive in this situation for unanimity.
j. Once the decision has been made, the final Report will be produced as soon as possible and circulated to the pupil and the Supporter. Where possible, this will happen within 5 working days of the meeting. The Report will state the Committee's conclusions on the Issue and also indicate the consequences for the pupil, including whether the Committee has decided to terminate the pupillage and/or seek full or partial repayment of the Award. It will also set out the right to appeal, below.

Appeal

If the pupil is dissatisfied with the outcome of the above process, they may appeal in writing to the Head of Chambers within 5 working days of receipt of the final Report. The letter of appeal should explain which parts of the final Report are challenged. No further evidence should be included unless it is relevant and was not available during the investigation leading to the Report.

The Head of Chambers may deal with the appeal themselves or appoint such other members of Chambers as they think fit to assist in the appeal.

The pupil will be entitled to have an appeal meeting with the panel hearing the appeal to discuss the matter. The time will be fixed to suit those involved and the pupil must therefore take all reasonable steps to attend this appeal meeting. Should they so wish, they may choose to be represented or accompanied at this meeting by their Supporter.

The provisions above relating to recording, note-taking and progressing the matter in the absence of relevant parties are repeated.

The appeal panel will approach the appeal as a review and not a re-hearing. It will give a verbal indication of the outcome as soon as possible after the meeting, but confirm its decision in writing within 5 working days of the appeal meeting. The decision of the appeal panel will be final and binding (subject to any right that may exist to take the Issue to the Bar Standards Board or other relevant body).