



## **PUPILLAGE HANDBOOK**

### **Table of Contents**

|   |           |
|---|-----------|
| <b>1. Introduction</b>                                | <b>3</b>  |
| <b>2. Data Protection</b>                             | <b>5</b>  |
| <b>3. Chambers' Hours of Business</b>                 | <b>6</b>  |
| <b>4. Chambers' Telephone Numbers</b>                 | <b>7</b>  |
| <b>5. Building Security</b>                           | <b>7</b>  |
| <b>6. Fire, Health and Safety</b>                     | <b>7</b>  |
| <b>7. The working week – First Six months' Pupils</b> | <b>8</b>  |
| <b>8. The working week: Second Six Pupils</b>         | <b>9</b>  |
| <b>9. Holidays</b>                                    | <b>10</b> |
| <b>10. Complaints Procedure</b>                       | <b>11</b> |
| <b>11. Equality &amp; Diversity</b>                   | <b>12</b> |
| <b>12. Pupillage at 4 Brick Court</b>                 | <b>12</b> |
| <b>13. Registration of pupillage with BSB</b>         | <b>12</b> |
| <b>14. Pupillage Funding</b>                          | <b>13</b> |
| <b>15. Pupil Supervisors</b>                          | <b>14</b> |
| <b>16. Periodic Reviews</b>                           | <b>15</b> |
| <b>17. Formal Reviews</b>                             | <b>15</b> |
| <b>18. Timetable</b>                                  | <b>16</b> |
| <b>19. Working Practice</b>                           | <b>16</b> |
| <b>20. Threshold Standard and Competences</b>         | <b>17</b> |
| <b>21. Compulsory Continuing Education</b>            | <b>17</b> |
| <b>22. Public Funding (legal aid)</b>                 | <b>17</b> |

|   |           |
|---|-----------|
| <b>23. Work for other Members of Chambers</b>   | <b>17</b> |
| <b>24. Marshalling</b>  | <b>18</b> |
| <b>25. Devilling</b>  | <b>18</b> |
| <b>26. Monitoring progress and formal exercises</b>   | <b>18</b> |
| <b>27. Specific Pupillage Tasks</b>   | <b>19</b> |
| <b>28. Advocacy Training:</b>   | <b>20</b> |
| <b>29. Allocation of Work in the 2<sup>nd</sup> Six</b>   | <b>20</b> |
| <b>30. Work outside Chambers</b>  | <b>21</b> |
| <b>31. Beyond Pupillage</b>   | <b>21</b> |
| <b>32. Tenancy Applications</b>   | <b>21</b> |
| <b>33. Dress</b>  | <b>23</b> |
| <b>34. Etiquette</b>  | <b>23</b> |
| <b>35. Behaviour</b>  | <b>24</b> |
| <b>36. Library Facilities</b>   | <b>24</b> |
| <b>37. Use of Chambers' Telephone</b>   | <b>25</b> |
| <b>38. Use of Chambers' Computer</b>  | <b>25</b> |
| <b>39. Clerks' Room</b>   | <b>25</b> |
| <b>40. FLBA Membership</b>  | <b>26</b> |
| <b>41. Annex – The following is a collection of useful information and advice put together by previous pupils</b> | <b>26</b> |



## PUPILLAGE HANDBOOK 2022

This document is intended as an easy reference guide for pupils. It is by no means an exhaustive guide so if you have any query that is not addressed within it, or you require further information, you should speak to your Pupil Supervisor or the Head or Deputy Head of the Pupillage and Tenancy Committee (Polly Allison will be the Head from 07.10.23 and a new Deputy is to be appointed) without delay.

### ***1. Introduction***

The atmosphere at 4 Brick Court is relaxed and friendly. We try to remember that pupillage is a difficult stage in professional life. The early months of pupillage will provide their own difficulties, as you enter an environment where the other people present have known each other for some time. Everyone in Chambers will do their best to make you feel welcome. However, it will inevitably take some time until each individual pupil feels comfortable in these new surroundings. All the barristers who now seem at home in Chambers and at ease with the demands of practice have undergone a similar process.

Chambers will aim to organise a Welcome Event during the first weeks of pupillage to enable pupils to get to know individual members of Chambers. (This can be more difficult than might be expected as most members of Chambers are out at court during the working week and often have pressing commitments before and after court.)

Pupillage is, inevitably, a period when pupils are under scrutiny and will wish to make a good impression. Be patient if you don't appear to strike up an immediate

rapport with everyone you come into contact with. We all carry our own work distractions and strains, but you can expect everyone to be civil towards others. It is always important to be committed to achieving work deadlines and applying ourselves to the best of our ability, and to maintain a professional approach both outside and inside Chambers. Once you are 'on your feet' you will be doing your own work, and, although mostly you will not be observed by other members of Chambers (unless they are appearing in the same case), a general impression of your competence will emerge from feedback from clients and how well you handle the 'client care' aspects of your practice. Try to remember at all times the importance of how you present both as a barrister in your own right and as a representative of Chambers.

If you can try your best to accept pupillage for what it is: a chance to learn about and experience professional life at the Bar, you will help your own cause. You will observe many different styles of advocacy, approaches to preparing cases and attitudes to life at the Bar. Ultimately, you will develop your own ways of doing things but draw upon the advice and instruction from others during pupillage (and beyond). There can be no guarantee that pupillage will lead to a tenancy at 4 Brick Court or at any other Chambers, but if you approach your time at 4 Brick Court with the right attitude you should at least enjoy your experience as a pupil. Our primary goal is to recruit tenants from our own pupils, so we have a keen interest in your success.

The way your Pupillage is conducted has changed over recent years. One major educational resource for you are the Members. Members have a mainly Court-based practice and due to developments over the last ten years in terms of the internet and paperless working do not come into Chambers as much as they used to. This is particularly so at present. Notwithstanding this you are strongly advised to proactively consider Chambers as a significant educational resource.

## **2. Data Protection**

The EU General Data Protection Regulation 2016 (GDPR) is a privacy and data protection regulation in the European Union which came into effect 25<sup>th</sup> May 2018.

The GDPR imposes new obligations on organisations that control or process personal data and introduces new rights and protections for EU citizens.

4 Brick Court is committed to ensuring that we protect our data and strictly adhere to the provisions of all relevant Data Protection Legislation, including GDPR, ensuring all personal data is handled in line with the principles outlined in the regulation that state.

### **Personal data must be:**

1. Processed lawfully, fairly and in a transparent manner in relation to the data subject;
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and, where necessary, kept up to date;
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

4 Brick Court respect our client's rights to data privacy and protection and as such we have in place internal policies, procedures and working practices in order to meet the requirements of the GDPR. We place a high priority on protecting and managing

data in accordance with accepted standards and indeed helping our clients utilise our services to the same end.

4 Brick Court is committed to compliance with the GDPR as both a processor and controller of personal data.

4 Brick Court's Data Protection Manager (DPM) is Clive Barrett. This is not a statutory role. The DPM has the responsibility of overseeing that 4 Brick Court has in place all the necessary policies and procedures and is GDPR compliant.

The Head of the Pupillage Committee will provide each pupil with our Data Protection Policy and other core GDPR documents. If you should have any questions in respect of GDPR, please speak to your Pupil Supervisor in the first instance (and the DPM).

In the 2<sup>nd</sup> six of pupillage, each pupil will be a **Data Controller** and will therefore need to register with the Information Commissioner's Office prior to commencement of 2<sup>nd</sup> Six. The Practice Manager will complete and submit the applications to ICO on behalf of each pupil. The annual cost is (currently) £40.00 which each pupil will be responsible for paying directly to the ICO via direct debit.

You will also be provided with access to training on GDPR from an organisation called Briefd. This is compulsory and the expenses will be covered by chambers

### ***3. Chambers' Hours of Business***

The Clerks' room is open from 8:30am to 6:30pm Monday to Friday. Staff are currently attending the clerks' room in person on a rota basis though this is being kept under review.

#### **4. Chambers' Telephone Numbers**

|   |  |
|---|--|
| Chambers' main number                     | 020 7832 3200  |
| Out of office hours number (Senior Clerk) |  |

#### **5. Building Security**

The external door to 4 Brick Court is secured by swipe card that needs to be obtained via the Porter's room in Middle Temple Hall. The clerks will complete the relevant application form on your behalf and make arrangements with Middle Temple Hall to obtain your swipe card. The entrance doors to the Clerks' room in ground floor east, ground floor west and the first floor rooms are secured by a combination lock and a key, which the clerks, will provide you with. Please ensure that the entrance doors to ground floor west and the first floor rooms are not left open (i.e.: not left on the latch). All internal rooms on ground floor west and both sides of the first floor are fitted with combination locks to increase security. When you are working in the room there is no need to lock the door, but if you are the last person to leave the room, please ensure the door is closed and locked. It is possible that pupils will have to collect papers out of office hours so our practice is to trust pupils with a key to the outer doors to the ground and first floors. Because of the nature of the material stored in Chambers, whether in terms of value or sensitivity, having access to Chambers carries considerable responsibility. If a perceived stranger asks for access to Chambers, please refer them to the Clerks' room; do not give them access yourselves. Please ensure that Chambers are secure when you leave. If you are required to attend Chambers over a weekend you can obtain access to the Temple via the Tudor Street entrance, which is staffed 24/7. Your swipe card will give access to the gate at the top of Middle Temple Lane (onto Fleet Street) and the side gate towards Essex Street.

#### **6. Fire, Health and Safety**

In the event of a fire or other emergency, the fire alarm will sound continuously. All chambers' people should evacuate the building immediately and muster in Fountain

courtyard. The fire alarm is tested every Tuesday at 9.00am. Chambers' **Fire Officer** is **Clive Barrett** and the **Health & Safety Officer** is Richard Gilham. All pupils are required to provide details of their next of kin to Chambers. These details are necessary so that Chambers can inform a pupil's family in the event of an accident or other serious incident. This information will be treated as confidential and only used in the event of an emergency. The **First Aid Attendant is to be confirmed**. There is a First Aid kit located on the right-hand wall as you walk into the print room from the Clerks' room and on the right-hand wall in the corridor inside first floor east. An **Accident Book** is located in each First Aid kit.

## ***7. The working week – First Six months' Pupils***

Note – the expectations set out below are not likely to apply fully given that many hearings are still remote hearings with fewer in-person hearings. The exact expectations should be discussed with your pupil Supervisor. If possible you should try to work in chambers as often as possible if not physically in court. You may wish to consider attending any remote hearings from chambers, subject to room availability.

On most working days It is expected that you will be with your pupil Supervisor or another member of chambers as arranged by your pupil Supervisor either at Court or considering case material in Chambers. Pupils should work together with their supervisors to ensure that they have met or spent time working with every member of chambers. When not in the company of their pupil Supervisor or other member of chambers, pupils should generally be in chambers / at work during the hours of 8.30am to 5.30pm (with a break for lunch) carrying out work allocated to them by their Pupil Supervisor.

Requests from other members for you to work should be routed through your Supervisor. Please always let your Supervisor know if anyone asks you directly if you will do any work from them. The clerks will be liaising with Supervisors to make

them aware of any attended hearings which you may be able to attend.

Flexible working hours can be arranged if there is a need and account can be taken of personal circumstances such as child or other caring responsibilities, medical issues, disability and so on. Please speak to the Head or Deputy Head of the Pupillage & Tenancy Committee who will support you to devise a suitable schedule.

### ***8. The working week: Second Six Pupils***

Historically pupils obtained a significant part of their barrister education through being in Chambers which on any given day would have been full of barristers who would be working in chambers and collecting their papers for the next day. Even in non-Covid times the use of technology means that it is far less common for barristers to be in chambers and currently social opportunities are limited. Chambers will do its best to generate online opportunities before more normal social occasions can be arranged (social events are occasional and you are encouraged to attend these if possible).

If not instructed to be in court 2<sup>nd</sup> six pupils must be available at short notice. The clerks often receive short notice calls so if you are not in chambers you need to be immediately contactable on your mobile phone so that you can get to chambers or direct to court quickly whenever required. You must ensure the clerks are away of any booked time off and if you become aware during the day that you will not be available for work later in the day (eg because of illness you must let the clerks know immediately).

You must at all times either answer your phone or reply at the earliest opportunity if you have been called by Chambers.

If you are not due to be in court and do not have any written work to prepare, pupils are required to ask the clerks to shadow a member in court. In the alternative you are expected to approach members and ask them for paperwork or papers to

practice paperwork. You should consider drafting Position Statements, Chronologies and threshold criteria documents, particularly documents that may not have been covered during your first 6.

If you have been booked for a case for the next day and you have received your instructions, you can prepare the case whilst you are in Chambers. It is unlikely that you will be asked to conduct an emergency hearing after 3.45 pm. Therefore unless there is a compelling reason to do so, pupils need not stay in Chambers after 4.30pm but you must be contactable on your mobile phone.

If members are coming back to Chambers after Court, it will be around 4.30 to 5.00 pm so you might like to bear this in mind.

When finishing at court and before leaving the court building, or just after finishing a remote hearing telephone the clerks and check in with them. The clerks may have other work for you in that court building or elsewhere.

Pupils can prepare for educational/advocacy exercises at any time that suits them during the working day if not in court and not undertaking work for anyone else and not undertaking other Chambers obligations (such as assisting with seminars)

Pupils are occasionally expected to assist with organising social events.

The bottom line is that Chambers, its Members, its materials and infrastructure provide a unique opportunity to enable pupils to obtain an excellent and comprehensive practice-based legal education. The more a pupil 'puts in' the more they will 'get out'.

## **9. Holidays**

Chambers supports the recommendations laid down by the BSB in relation to holiday entitlement for pupils during pupillage, i.e., 4 weeks (20 days not including bank

holidays) during the 12 months of pupillage and no more than two weeks leave in each period of pupillage. It is worth noting that August in particular can be a very busy period for Chambers. There can be a larger variety of work for pupils in their Second Six in this month and as such, pupils may wish to avoid taking holiday in August. Any additional days off or holidays may be arranged between a pupil and their Supervisor. Please remember, if you arrange a break at short notice, it is your responsibility to tell the clerks. Important advocacy training and shadowing the most junior tenants will take place in February-March and the Inn courses which you will have to do will also need to be factored in. In addition, tenancy interviews may take place in late July to mid-August. Prior to the interviews you will be conducting advocacy and written exercises. Chambers strongly advises that you may wish to organise your holiday to avoid July and August. There will be plenty of time to take holidays at other times. The clerks will assume that you are available for work unless you tell them otherwise. You are encouraged to take time off over the Christmas holiday in your first six, particularly because you may be expected to work over Christmas in the following year. If at all possible in your second six liaise with any other pupils as to time off. If there is nothing in your diary but you have not booked a day off, the clerks will assume you are available for work.

## **10.        *Complaints Procedure***

Pupils should make complaints to their Pupil Supervisor in the first instance. In the event that the complaint concerns the Pupil Supervisor, the complaint should be made to the **Head of the Pupillage and Tenancy Committee, Polly Allison**. If the matter cannot be resolved within 48 hours, then the complaint will be referred to the **Head of Chambers** (also the Complaints Officer). The Head of Chambers will ultimately be responsible for the resolution of a complaint. In the event that the complaint cannot be resolved by Chambers the matter will be referred to the BSB for final arbitration.

## **11. Equality & Diversity**

Chambers is firmly committed to eliminating discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Chambers supports and upholds the Equality and Diversity Rules in the BSB Handbook <https://www.barstandardsboard.org.uk/the-bsb-handbook.html> This commitment extends to all members of Chambers, staff, pupils and mini-pupils and includes both direct and indirect discrimination. **The Equality and Diversity Officer (EDO) is Sarah Barber.**

## **12. Pupillage at 4 Brick Court**

Chambers offers two funded 12-month pupillages each year. All applications are made via the [Pupillage Gateway](#). Pupils are selected using standardised criteria, which are applied to every candidate regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Pupils may be considered for tenancy upon formal application, towards the end of their 12-month pupillage. Pupils will be notified in advance of the date for an application for tenancy to be submitted and also for interviews.

## **13. Registration of pupillage with BSB**

Registration forms are obtainable from the Bar Standards Board via their website at <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/pupillage-forms.html>

It is a Chambers' requirement that pupils must provide chambers with copies of the following documentation **before** the Pupillage Registration form can be signed by the Head of Chambers:

- i) The pupil's original copy of their initial degree if not a Law degree

- ii) The pupil's original copy of their Law degree or conversion Diploma
- iii) The pupil's original copy of their BPTC qualification
- iv) If the Pupil has been called, the original copy of their Call certificate
- v) If the Pupil has not been called, the Pupil must provide the Practice Manager with the original copy of their Call certificate within 14 days of their Call date

Notwithstanding that currently Pupils are responsible for registering their own pupillage with the BSB, Chambers will be involved in the process from the outset:

- a) Once the Pupil has completed and signed the BSB registration form, the Head of Chambers or other person authorised by the Head of Chambers must sign the 'Declaration of pupillage provider' (subject to receipt of the documentation referred to above).
- b) The Head of Chambers or other person authorised by the Head of Chambers will give the original signed registration form to their Pupil Supervisor to submit to the BSB.
- c) A copy of the registration form will be kept for Chambers' file and a copy will be forwarded to the Pupil.
- d) The Head of the Pupillage Committee will submit the registration form to the BSB by email and copy into that email both Pupil and Pupil Supervisor.
- e) 14 days thereafter the Head of the Pupillage Committee will seek confirmation from the BSB that the registration form has been received and provide such confirmation to the Pupil Supervisor and Pupil.

#### **14. *Pupillage Funding***

Funding per pupillage for 2023-2024 will be £22,500. This will be paid in nine monthly instalments of £2,500, directly into the pupils' bank accounts on the 1<sup>st</sup> day (or next working day) of each month. Payments will begin on 2<sup>nd</sup> October 2023 and end on the 2<sup>nd</sup> June 2024.

During your 1<sup>st</sup> six months of pupillage and for months 7-9 inclusive of your 2<sup>nd</sup> six, your pupillage related travel costs outside Zone 6 will be refunded. You are required to provide ticket receipts to the Treasurer (Sarah Haworth) within 7 days following the month's end, who will arrange reimbursement direct to your account by chambers' accountants.

Insofar as 2<sup>nd</sup> six receipts are concerned, pupils will receive their monthly grant payment, as well as fees paid for work done. No percentage will be payable to Chambers during the 2<sup>nd</sup> six. Pupils are responsible for all their professional outgoings, i.e. books, on-line subscriptions (if not already available through Chambers) etc. during their 2<sup>nd</sup> six, and also for their own travel costs in months 10-12 of pupillage. You are strongly advised to instruct an accountant early on to help you form good habits in terms of record keeping and to ensure that you are well-prepared for your first tax return. Members can advise you on reliable firms.

## **15. Pupil Supervisors**

Pupillage is usually divided into 3 periods of 4 months, namely the “non-practising” 1<sup>st</sup> 4 months; combined non-practising and practising “middle” 4 months (upon obtaining a provisional practising certificate); and the “final” “practising” 4 months. Pupils are allocated a separate Pupil Supervisor for each of these 4-month periods. The form ‘*Notification of a material change in pupillage or external training arrangements*’ needs to be completed on each change of pupil Supervisor. The form can be downloaded here <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/pupillage-forms.html> .

Within each period of 4 months you will be encouraged to go to court (or attend remotely) and complete work for other members of Chambers. This will allow you to experience different areas of practice and different styles of supervision. As you enter the final 2 months of your 1<sup>st</sup> six, you will be encouraged to go to court with junior members in order to experience the kind of work you are likely to do when on

your feet. Once you have begun your second six, you may find that keeping in touch with your Pupil Supervisor is more difficult. Pupils are encouraged to liaise with their Supervisor as much as possible, particularly to discuss cases or difficulties. Your Supervisor should be your first port of call when discussing your own work. It is important that your Supervisor is aware of the type of work that you are doing, and that you provide regular feedback to them about what you are doing and any issues you have encountered.

Each pupil will be allocated a Mentor. The role of the Mentor is to be a neutral party for each pupil to have access to if they have any issues that they do not feel able to discuss with their Supervisor, and who can offer support and guidance in confidence. If the Mentor considers that a matter raised with him or her does need to be referred to another member of Chambers, the pupil will be told this in advance.

If you are successful in obtaining Tenancy, a Mentor will be allocated to you as a new Tenant to guide you and offer support through the early months as a fully qualified barrister.

## **16.      *Periodic Reviews***

Each pupil will receive regular feedback from their Pupil Supervisor throughout pupillage.

## **17.      *Formal Reviews***

The review will take place before the end of each 4-month period of pupillage and will be conducted by your Pupil Supervisor. The aim of the review is to discuss the pupil's progress and to identify strong and weak areas. Areas, which need to be worked on, will be clearly explained and suggestions as to how these might be addressed will be offered.

The review is intended as a two-way discussion. Pupils are strongly encouraged to

express any concerns they may have and to comment on their experience of pupillage during the previous 3 months. If matters are of a sensitive nature, they will be treated on an “in confidence” basis if necessary. At the end of the review the pupil should have a picture of how they are progressing and clear objectives to work towards in preparation for the next review.

In addition to the above, 4 Brick Court implements a review with the Head of the Pupillage and Tenancy Committee, which occurs in month 4 of the first six and in month 9 of the second six. These reviews are diarised in advance.

## **18. *Timetable***

**Mid- December 2022– first review with Supervisor**

**January 2023 – review with Head of P and T Committee**

**March 2023 – second review with Supervisor**

**June 2023 – review with Head of P and T Committee**

**July 2023 – final review with Supervisor**

## **19. *Working Practice***

There are a number of points that you need to remember. Firstly, you are here to learn the job. You will spend a lot of time seeing your Supervisor and other members of Chambers in action. It is wise to get used to making notes and timing when work is started and completed. Remember you are not instructed to advise or represent the client, so offer opinions only when invited by your Supervisor (she/he may be liable for any mistaken advice that you give). Do feel free to challenge - in the absence of the professional and or lay client - any advice or action that you observe. If you are for any reason left alone with a client and they ask you a question of a legal nature or which amounts to advice about the case, please just explain that you will take a note and ask the person instructed to deal with it when they can. If you are attending court with a member of chambers please ask them what their expectations are in terms of keeping a note of the hearing and preparing any

documents before and after the hearing.

## **20. *Threshold Standard and Competences***

We will be assessing our pupils in line with the Threshold Standard and Competences, as specified in the Professional Statement for Barristers. This document can be accessed here. <https://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html>

In addition to the above, it is advisable for you to keep a 'Pupil's diary' of the cases you have seen and/ or assisted with. A helpful template will be provided to you.

## **21. *Compulsory Continuing Education***

Pupils are expected to attend their Inn's Advocacy course (a compulsory requirement) during the 1<sup>st</sup> 6 months of pupillage and any other compulsory courses. Chambers funds any compulsory courses. Pupils must liaise in advance with their respective Pupil Supervisor over any other course they wish to attend.

## **22. *Public Funding (legal aid)***

Immediately upon commencement of their second six, pupils should apply to the Legal Aid Agency (LAA) for a Legal Aid Supplier number. The clerks will provide pupils with the appropriate Application Form (AC1B). However, in order to complete their application, pupils must include a copy of the email received from the Bar Standards Board upon completion of their First Six.

## **23. *Work for other Members of Chambers***

Pupils are strongly encouraged to see as wide a range of work during their pupillage as possible. If a pupil wishes to accompany another member of Chambers to court or to assist with a particular case, the pupil should first seek permission from their Supervisor. If a tenant asks you to carry out work for them, the tenant should agree

this with the Supervisor before setting the task. This will prevent a pupil from becoming “overloaded” and ensures that the Pupil Supervisor has a full awareness of the amount and types of work the pupil is undertaking. Work for the Pupil Supervisor will take priority over any other tasks.

## ***24. Marshalling***

Marshalling provides pupils with an opportunity to sit in court with a Judge and to see a case from the judicial perspective. It is a very helpful learning experience. Up to two weeks marshalling can be counted towards pupillage. If a pupil wishes a period of marshalling to be arranged this should be discussed with the Head of the Pupillage & Tenancy Committee who will be happy to assist with arrangements. Marshalling can also be arranged through your Inn. All such arrangements should be discussed with Supervisors.

## ***25. Devilling***

During the first six months pupils are permitted to hold noting briefs for which they may be paid either privately or under a representation order. During the 2<sup>nd</sup> 6 months of pupillage pupils may receive remuneration for work which is considered to be of a standard that merits such payment. Any payments are at the sole discretion of the tenant for whom the piece of work has been completed.

## ***26. Monitoring progress and formal exercises***

Please note the following outline of how Chambers will monitor your progress through informal and formal exercises. The latter will count towards any application for Tenancy that you may make in due course. This is subject to review and may change at short notice.

- (i) During the course of your first 6 you will be expected to participate in our Advocacy Training Programme, the details of which will be given to you separately. This programme is not formally assessed but you

will be given feedback and this will be shared with your Supervisor.

- (ii) **Mid-December 2022:** you will be set a written question by the Head of Chambers, on a fundamental legal principle, the answer will be to identify an authority and prepare a precis of no more than 300 words.
- (iii) **End December 2022:** you will be asked to draft a case summary, (based on the PLO template) and a **Re A** compliant schedule of findings in respect of the threshold criteria and a draft Case Management Order.
- (iv) **One week prior to Tenancy interviews (see also section on applying for tenancy below):**
  - a) case summary, public law and private law cases;
  - b) schedule of findings, public law;
  - c) draft CMO and CAPO4; and
  - d) skeleton argument - eg removal from the jurisdiction.
  - e) a draft article suitable for publication on a topic of your choice.

You will receive feedback on your performance in each of the set exercises.

In addition to the above, there may be additional exercises set during the first 3 months of pupillage.

## ***27. Specific Pupillage Tasks***

Pupils are expected to work together to prepare and distribute to all members of Chambers a monthly joint e-mail (at the end of each Calendar month) attaching the Family Law Week newsletter, setting out two areas each of particular interest arising from the newsletter as bullet points only. For example, a short precis of the identified area of say 100 words with the page references to the newsletter. A template / example will be provided. This working method may need reviewing now

that the FLW is subscription based and you will be updated during October. Pupils may also be asked to contribute material for social media posts.

## ***28. Advocacy Training:***

Advocacy training sessions, will take place with a variety of members of Chambers throughout your pupillage; the aim of the sessions is to help prepare pupils for the type of work they may encounter once on their feet and, once on their feet, to consolidate advocacy skills. The sessions will include advocacy exercises such as an Closing submissions, examination in chief, conferences, cross-examination, advocates meetings, written advocacy, vulnerable witnesses and a mock trial. The sessions held during the 2<sup>nd</sup> six stage can be tailored to any specific issues pupils or Supervisors identify. These training sessions are not formally assessed.

## ***29. Allocation of Work in the 2<sup>nd</sup> Six***

The Clerks will ensure that each pupil receives an equal share of the work allocated to the pupils in Chambers, data is monitored and reviewed by the Equality and Diversity Officer and Head of Chambers. Unless a pupil is asked for by a solicitor by name, and is available, the work will be allocated on a strict rota/availability basis. If the piece of work is a “return”, e.g., the barrister with overall conduct of the case cannot attend a hearing on a particular date, the tenant will be asked whether any particular experience (whether from a previous career or from pupillage) is required before the work is allocated to a pupil. No pupil will receive preferential treatment in the distribution of paid work. Any perceived bias must be reported to the **Head of the Pupillage and Tenancy Committee, Polly Allison**, immediately.

The clerks, in tandem with the Pupil Supervisor, will aim to prepare each pupil for gradually more advanced levels of work. Every practitioner owes a duty to his/her clients, lay and professional, to provide a competent standard of service. Every member of Chambers and pupil owes Chambers a responsibility not to embark upon work that they are ill equipped professionally to undertake. It is of the utmost

importance that no one exposes themselves to actions in negligence arising out of a desire either to “punch above their weight” or a fear that they may appear reluctant or under-confident when approached by solicitors to handle complex, grave or sensitive cases. Always discuss new levels of work with your pupillage Supervisor and do not shy away from refusing work above the level at which you feel confident. Feel free to discuss any case with the clerks and remember that a realistic sense of competence will always be more highly regarded than a misplaced bravado that may have adverse consequences for you individually and for Chambers collectively.

### ***30. Work outside Chambers***

In the past pupils have, with Chambers’ consent, undertaken teaching or other related work outside chambers. This may, in some circumstances, be allowed to count towards pupillage and is encouraged.

### ***31. Beyond Pupillage***

#### **Squatting - Pupils Not Offered Tenancies**

Pupils are allowed a period (to squat in Chambers) of up to three months. Applications for an extension should be made before the end of any period of squatting.

Supervisors are encouraged to advise and support their pupils during this period, and should make themselves available for the writing of references etc. The pupil will have received feedback, on request, from the Committee following their unsuccessful application.

### ***32. Tenancy Applications***

Pupils who wish to be considered as prospective tenants will be required to make a formal application.

Pupils who wish to apply for a tenancy should note the following:

- (i) An application by letter to the Head of the Pupillage and Tenancy

Committee by a date to be communicated to the pupils in advance (usually in July/August) setting out why they wish to apply for a tenancy.

Pupils are to submit with their letter the following examples of written work, namely:

- a case summary;
- a schedule of findings (public law);
- draft case management order (public law) and CAPO4;
- a skeleton argument;
- a draft article on a family law topic.

(ii) The Practice Manager will obtain feedback from instructing solicitors as to the progress of pupils.

(iii) Members of Chambers will be asked to provide specific feedback in relation to any work undertaken by the pupil. Members will feedback in relation to competence and diligence in undertaking work, attitude and time keeping.

(iv) Pupils may be asked to submit a written piece of work, which will be assessed. The exercise details will be handed out approximately one week prior to the interview.

(v) Pupils may also be asked to complete an advocacy exercise before a panel comprising of members of the Pupillage and Tenancy Committee and members of Chambers (up to 5 members in total) before their interview. The details will be handed to the pupils approximately one week before the interview.

(vi) Tenancy interviews usually takes place between late July and

September each year. The Committee reserves the right to determine what, if any, vacancies are available. Any vacancies may also be advertised externally. All applicants, whether internal or external, will be considered on their individual merits and in accordance with Chambers' Equality & Diversity policy. Pupils are encouraged to discuss their decision to make an application and the nature of their application with their Supervisors.

### **33. Dress**

Practising at the Bar is a high-profile profession. Pupils should remember that they are not only ambassadors for Chambers but are also creating an impression with other barristers and solicitors, which may affect their own practices in the future. Further, pupils may be required to attend court at any time during the working day at very short notice, e.g., an Interim Care Order renewal at the Central Family Court can be made up to 4.30pm. Pupils, therefore, must dress appropriately at all times. Men should wear a black, dark blue or dark grey single or double-breasted suit with a toning shirt and tie or a single-breasted suit. Women should wear a black, dark blue or dark grey skirt or trouser suit. A smart tailored dress may be worn as an alternative. Pupils may wish to have their own wig and gown in readiness for the 2<sup>nd</sup> 6 months, but this is optional. It may be possible for pupils to borrow a wig and gown from another member of Chambers if required. Pupils should ensure they have their own bands.

### **34. Etiquette**

It is a tradition at the Bar that barristers do not shake hands on being introduced or first meeting, however, not all barristers adhere to this rule. To avoid embarrassment, pupils are recommended to wait until a hand is offered for shaking rather than offering their own and receiving an indignant refusal! All members of Chambers should be addressed by their first names. The Clerks will address pupils by their first names or as Mr / Miss as they prefer. The Clerks should be addressed by

their first names.

### **35. Behaviour**

Pupils must conduct themselves in a manner appropriate to the Bar at all times.

During conferences and at court with other members of Chambers, pupils must remember that they are not the barrister instructed to advise and therefore should not attempt to do so at any time. However, if asked or invited to contribute, then input would be appropriate. Much of this will depend on the relationship with the Supervisor. Further, pupils in these circumstances are not covered by the terms of the Bar Mutual Indemnity Fund insurance, and to offer advice is in breach of the BSB Handbook and could lead to disciplinary action being taken.

Conduct on social media: you are, of course, free to engage on social media but you should bear in mind that where you are publicly identified as a barrister and pupil of chambers you must conduct yourself appropriately for that role and take care in expressing personal opinions. Please refer to the Bar Standards Board 2023

Social Media Guidance -

<https://www.barstandardsboard.org.uk/uploads/assets/61d13750-880c-4423-a4bf80cf96d3f06c/4590471b-3272-4f66-ad8684a76315cdd0/BSB-social-media-guidance-September-2023.pdf> and related guidance on conduct in non-professional situations.

Complaints about your conduct on social media may result in disciplinary action.

### **36. Library Facilities**

Chambers subscribes to a number of on-line facilities, which will be made available to pupils. Library books **MUST NOT** be removed from the building at any time or for any reason and should be replaced on the shelves immediately no longer in use.

Tenants have private copies of some of the major text and practitioner's books. If a pupil wishes to use these, permission must be obtained from the owner, or, in his/her absence a note must be placed on the tenant's shelf, detailing who has the book and when it was taken. **However, books should not be removed from**

***Chambers without specific permission from their owner.*** The Librarian is Ella Shaw.

Pupils may be asked to assist the Librarian from time to time.

Chambers also subscribe to a number of online library recourses such as Lexis Nexis and Hershman and McFarlane. The Practice Manager will provide you with the log-in details for these on-line resources.

### ***37. Use of Chambers' Telephone***

Chambers' telephone is provided for the use of tenants in the course of their business. Pupils may use the telephone for any calls of a business nature either for themselves or a member of Chambers. Pupils may make occasional, **short** personal telephone calls.

### ***38. Use of Chambers' Computer***

You will have access to computers in chambers. However, it will be essential to use your own laptop when away from chambers. In Chambers there is Internet access via all terminals. The WiFi code [REDACTED]. The use of the chambers' network is strictly for professional use only. Should a pupil have work which is required by their Pupil Supervisor, or is in their own right in their 2<sup>nd</sup> Six, and a tenant is using the terminal for non-professional activities, the pupil is entitled to request access to the terminal for such work.

### ***39. Clerks' Room***

Pupils are not required to answer the telephones in the Clerks' room. However, there may be rare occasions when assistance would be appreciated. This is a working room for others and should not be used by members or pupils. Pupils should avoid the Clerks room – unless specifically asked to enter the room – between 3.00pm and 5.30pm when the Clerks are usually at their busiest.

## **40. FLBA Membership**

Pupils should join the Family Law Bar Association if not already a member. The membership rate is just £25 per year under 3 years of practice. The application and standing order forms are available on the FLBA website <http://flba.co.uk/>

## **41. Annex –** *The following is a collection of useful information and advice put together by previous pupils*

If you have a problem with any aspect of your pupillage you can:

Contact your Supervisor

Contact your Mentor

Contact the Head or Deputy Head of the Pupillage & Tenancy Committee

Contact any member of chambers

Contact the Bar Council's Pupil Helpline on 020 7611 1415 or email [PupilHelpline@BarCouncil.org.uk](mailto:PupilHelpline@BarCouncil.org.uk).

Contact the Wellbeing Hub <https://www.wellbeingatthebar.org.uk/>

### **Useful texts/materials/websites**

#### Books:

**The Family Court Practice** (commonly referred to as the Red Book). This can be accessed through Chambers' LexisNexis subscription.

Dictionary of Private Children Law – published by Class Legal. First edition published March 2021.

Concise Medical Dictionary – there are several available but you could consider the below as a starting reference:

<https://www.oxfordreference.com/view/10.1093/acref/9780199557141.001.0001/acref-9780199557141>

#### Useful Subscriptions

**Bloomsbury** – case law updates/commentary on judgments. This can be accessed through Chambers' subscription.

**LexisNexis** – case law updates/commentary on judgments/articles. This can be accessed through Chambers' subscription.

**Family Law Bar Association** – access to events/newsletters/seminars/articles/daily updates on the function and operation of the family courts/training events (advocacy exercise)/buddy scheme

#### Useful websites

**Family Law Week** – familylawweek.co.uk – some free content but now largely subscription based

**Family Law Hub** - judgments/summary of judgments/updates on new legislation/commentary on new legislation/cases/publication of new texts/podcasts

**Bailii –& National Case Law Archive** - judgments (very useful for important cases, including those which are not always reported)

**LinkedIn:** follow other sets of Chambers as well as colleagues and those you have professional working relationships with. This is a good way to get information on family law developments and/or indicators on pending judgments!

**Courts and Tribunals Judiciary:** publications/judgments/announcements

Inner Temple – newsletters/events & seminars

Family Procedure Rules

Family Justice Council

Local Government Lawyer

Transparency Project

#### Podcasts

The Advocacy Podcast (Founded and hosted by Bibi Badejo. Justin Tadros is also Co-Creator)

### **Things to do, think about and prepare prior to the commencement of you Second Six**

#### Accountant

Organise appointments with accountants and sign up with one. Start considering different accountancy firms early on. Recommendations are a good starting point and a firm specialising in barristers' accounts is recommended. Prices vary.

#### Registering as self-employed/self-assessment

Register with HMRC for self-assessment – the form is very basic and will take no more than 10 minutes. You will have to set up a User ID on the Government Gateway, if you do not have one already. This is a 12-digit number. Once you have received your User ID, you will be able to complete the form for self-assessment. If you have any queries about the content of the application, you can complete, save a draft and send it to your accountant for review. Note – you are self-employed from the day 1 of your Second Six.

Have at least two, ideally 3, bank accounts; 1<sup>st</sup> account for receipt of your fees and business-related expenses; 2<sup>nd</sup> account for your casual spending (do whatever works for you but setting aside 'pocket money/a casual spending pot' will assist in keeping non-business expenses separate); 3<sup>rd</sup> account to hold your tax deductions in (% of each fee received – the recommended figure varies but is usually in the region of 25%).

### HMCTS Professional Users' Court and Tribunal Access Scheme

If not already completed in your first six, register to join the HMCTS Professional Users' Court and Tribunal access scheme. The scheme allows for speedy access to court buildings, no search by security (although a search will be carried out on occasion). Registration is through 'My Bar'. You will need to have a photo available to upload and an electronic 'card' will be issued. See specific photo requirements on 'My Bar'. As at March 2021 there is no fee to join the scheme. 'Card' issued within 24 hours, although this may take longer if the system and demand is busy.

### Templates & other useful documents

Create folders with useful templates. If you have been working on this during your first six, the task will be less daunting. You can simply finesse what you have and add any extras you may not have given thought to. It will be good to speak with your Supervisor, junior members and the clerks about the kind of work you are likely to get. This will then give you a focus on how best to create your folders with the most relevant content.

You may have already started building your library of case law. Put those into subfolders – EPOs, ICOs etc. Have easy access to them.

### Legal Aid

Legal Aid Agency (LAA) remuneration guidelines and having knowledge of this will save time on occasion.

Remuneration of expert witnesses in family cases vary. If you are completely new to the rules around this, read the LAA's guidelines - <https://www.gov.uk/guidance/expert-witnesses-in-legal-aid-cases> - you will hear terms such as Prior Authority, rates and hours and plenty more. Reading the guidance will give you a good foundation of knowledge which will develop over time.

When representing a party who is funded by legal aid, your fee for court attendance is recorded using the Family Advocacy Scheme attendance form. Referred to as a FAS form. This was used prior to remote working. Remote working has led to recording your attendance in the order. However, it is essentially the same information which is contained in the FAS form.

Going forward there is likely to be a mixture of remote and 'in-person' hearings. It is worth familiarising yourself with the form and the various sections. There is a helpful explanation

section on the back/page 2 of the form. It is a good starting point in understanding the various 'bolt-ons' and when they apply. You will also hear the other parties refer to units. This refers to the hours spent at court; units go up in 2.5 hours. Eg up to 11.30 = 1 unit. You enter your second unit from 11.30. You can access the form here:

<https://www.moneyclaimsuk.co.uk/PDFForms/EX506.pdf>

### Technology

For remote working, it is useful to have at least 3 devices: laptop, tablet & mobile. For data protection purposes, it is wise to purchase a laptop which is used for pupillage (exclusively). If using an iPad many in chambers use "PDF expert" when working with bundles.

### Knowledge & skills – are there any gaps?

Start thinking about any gaps of knowledge you may have – try to flag/identify this as soon as possible. Perhaps think about this around month 3 or 4. It may be that you feel more confident in one area of law but less so in another. Eg. You may feel you have had more exposure to private children work and want to develop your knowledge and experience in public children work or financial remedies. Speak with your Supervisor and use the resources available; books, online (Family Law Week, Bailii etc.) to build a basic foundation of knowledge.

There are always things to improve and/or build knowledge on. Dealing with vulnerable witnesses may not be something you have dealt with previously and, even if you have, there are always things to think about as may be required for various different clients. A wide-ranging source of information is available on the Advocates Gateway -

<https://www.theadvocatesgateway.org/toolkits> See also the training materials for the vulnerable witnesses training: <https://elearning.easygenerator.com/dad28370-3a21-41b4-ad75-0afd99ef8e0d/#/>

The FLBA runs an autumn series of seminars, as does the ALC. Chambers runs online seminars

See also the Young Bar Hub: <https://www.barcouncil.org.uk/support-for-barristers/young-bar.html>

### Recording work

It *may* help if you create a spreadsheet to record the work you have carried out during your Second Six. Something basic but sufficiently detailed for future reference, i.e. to support your application for tenancy/to reflect on performance.

