

Pupillage Policy

Introduction

Our aim is to treat pupils and applicants for pupillage consistently and fairly. We invest significant resources in the recruitment process and in the pupillage year itself. Once pupils have been recruited, we are committed to training and then recruiting tenants from our pupils. In all cases, we aim to:

- consider all pupillage applications fairly
- follow well-defined selection procedures
- follow a training programme based upon approved checklists
- ensure that the distribution of work is fair to all pupils
- comply with the Bar Standard Board's pupillage monitoring requirements
- adhere to Devereux's Equal Opportunities and Anti-Discrimination Policy
- recommend to Chambers the selection of tenants from our pupils according to our written criteria.



Kate Balmer
Head of Pupillage

The administration of our pupillage arrangements is overseen by the Devereux Pupillage Committee, which is currently chaired by Head of Pupillage, Kate Balmer. Kate is also the Director of Pupil Training. The Pupillage Committee liaises with pupil supervisors and with other members of Chambers as appropriate, to ensure that all pupils get broad experience during their pupillage to equip them to become effective counsel.

Selection of pupils

Devereux operates an equal opportunities policy in its selection of pupils and adheres to the Equality Code for the Bar. No applicant will be discriminated against on the basis of his or her race, age, sex, sexual orientation, marital or civil partnership, maternity or pregnancy, gender reassignment, disability, religion or belief.



We have selection procedures for pupils which ensure all applications are considered fairly. At all stages extenuating circumstances and the need for reasonable adjustments are taken into account. Devereux uses objective selection criteria. Selection of pupils is through the Pupillage Gateway Scheme in accordance with its rules and timetable. Selection is on merit and particular attention will be paid at the paper sift stage to: qualifications, intellectual aptitude, drafting, work related experience, non-work related experience and motivation.

After an initial moderated sift, all Gateway applications are rigorously scored by a member of Chambers against our criteria, and, thereafter, applicants who progress will face assessment by interview panel. Procedures recommended in the Fair Recruitment Guide are followed, and all committee and interviewing panel members will have received the relevant training in fair recruitment.

Pupils are selected on merit and a high standard of academic achievement is expected. We select about 35 candidates for first interviews and shortlist around 10 for a final interview. At either interview we may ask the candidates to discuss legal case studies which will be provided to them approximately 30 minutes before the interview.

No award pupils are selected by Devereux who have not come through a Devereux selection procedure. We sometimes offer pupillage to those who are not aiming for independent practice (such as those seeking 6 months' sponsored pupillage for the purposes of a career in the Government Legal Service) and occasionally seek third six pupils.

All 12 month award pupillage vacancies, including details of such awards or other financial arrangements as are made for pupils, are advertised on the Pupillage Gateway and in the Pupillage Handbook, to the extent required by the Bar Council. Details are also contained on our website.

Awards

For pupils commencing pupillage in **October 2023**, each 12 month pupillage will carry an award of £65,000 – subject to the following conditions. The first tranche (£20,000) is payable in the BPTC year and will be paid in two instalments of £10,000, the first in December and the second in May. Following commencement of the pupillage, the second tranche (£22,500) will be payable by monthly instalments for the first 6 months, and the third tranche (£22,500) by way of a guaranteed sum paid monthly for the second 6 months. The guarantee operates to ensure a cash income during the second 6 months. Any money actually received by the pupil during the second 6 months for work on their own cases will be offset against the guaranteed sum. However, any money received for work on a pupil's own cases which took place in the second six but where payment is received after the end of the second 6 month period is not offset and will be retained by the pupil, subject to Chambers' usual deductions.

Should the award pupil fail the BPTC or for any other reason fail to take up pupillage (or choose not to complete the full term of the pupillage) all parts of the award already paid will be liable to be repaid on demand.

Pupils in receipt of these awards will not receive any other payment for any work that they do during pupillage for their pupil supervisors or any other members of Devereux.

Pupillage – How it works



John Platts-Mills
Pupil 2017-2018
Tenant from October 2018

A 12 month pupillage is divided up so that the first 9 months are an assessed period, after which a decision on tenancy will be made. The priority during the first 9 months is therefore supervision, training and assessment, rather than a pupil undertaking their own instructions. Nevertheless, there is usually the opportunity for a pupil to undertake some of their own cases from April onwards, that being the ‘second 6 months’ of the pupillage - a pupil is not qualified to undertake their own work during the first 6 months. For pupils who are taken on as tenants in July, the remaining 3 months will be used for the pupil’s own instructions and any further training which is necessary.

Typically, the instructions which a pupil will receive in their own right in the second six will involve interim applications, case management and preliminary hearings and low value trials in the Employment Tribunal and County Court. It may also involve drafting, working on witness evidence and document review.

In terms of pupil supervisors, pupils will have four rotations: three periods of approximately 3 months prior to the tenancy decision (which is taken in July of each year). We think that it is desirable, but not essential, for the award pupils to have the same three pupil supervisors as each other over the course of the first three assessed rotations. Where possible we also try and ensure that the rotations provide each pupil with some time in the Devereux main building and some time in the QEB annex. For the final rotation the pupil will liaise with the Head of Pupillage to determine where the pupil will sit.

Pupils will work in their pupil supervisors’ rooms and will have the opportunity of working on their supervisors’ papers (undertaking legal research, drafting advices, pleadings and skeleton arguments, for example), attending conferences and accompanying them to court. In addition, pupils will see the work of other members of Devereux (in conference or in court) to ensure that a broad range of work is experienced and to enable pupils to be involved in cases that may be of some general interest or importance. Pupils are encouraged to do work for a variety of members of Chambers so that as many people as possible are able to see their work and so that pupils can get feedback from a wider variety of practitioners. Having said that, the tenancy recruitment criteria are focussed on the formal written and advocacy assessments and the pupil supervisor reports, rather than on ad hoc feedback from other members.

Chambers have a Pupil Checklist Policy and works to ensure that each pupil gains the required experience and standard. Every effort will be made to ensure that all pupils are given the opportunity to complete the areas of work encompassed by the list, to the extent that those areas of work are available within Devereux.

Pupil Assessment

As part of the training and assessment process, pupils will be set around five formal written pieces of work, focusing on any of our principal practice areas: tax, personal injury / clinical negligence, employment and commercial (predominantly insurance and professional negligence). Pupils will also normally be required to complete two advocacy assessments, which are usually chaired by judges who are former members of Chambers. A standard time period is set for the assessment to be completed.

The assessment papers must be treated confidentially because, although the names are sometimes changed, they are invariably papers taken from or based on a real case. Instructions are provided and work should be produced in a format and to a standard that would be produced if you were counsel on the case in question, providing it to a solicitor and client to read. Papers should be disposed of in confidential waste at the end of the assessment.

In a year where there are two or more 12 month award pupils, assessments are submitted anonymised so that at the time of marking the assessor does not know which piece of work belongs to which pupil. Written feedback, including numerical scores, are provided in accordance with our standard template. The scoring system is currently: 1 – Exceptional; 2 – Good; 3 – Borderline; 4 – Poor; 5 – Very poor.

The deadline for written assessments is normally a week and your pupil supervisor must ensure that one weekday is kept completely clear for this assessment, although for the other days during the week you will be expected to continue working with your pupil supervisor as usual. This is intended to replicate the conditions of a real piece of work and ensure equality of opportunity. If circumstances mean that you do not get enough time, discuss this with your pupil supervisor who can consider whether an application for an extension is necessary. Such an application should be made to the member of the Pupillage Committee tasked with organising the assessments or, in the absence of that member, to the Head of Pupillage.

It is, of course, important not to discuss any aspect of the assessments with other pupils prior to submission. An assessment must be entirely the pupil's own work.

For advocacy assessments, 48 hours' preparation time is usually provided and pupil supervisors must ensure that this period is kept relatively clear for this assessment. This is intended to replicate the conditions of a real piece of work and ensure equality of opportunity. Assessment is on the quality of the skeleton argument, presentation and advocacy style amongst other matters. The assessment will usually be marked by a panel of three: often a judge and two members of Chambers. You will get oral feedback and a scored assessment form.



Recruitment of Tenants



**Harry Sheehan Pupil 2017-2018
Tenant from October 2018**

We expect to recruit two new tenants every 12 months and it is our policy to recruit new tenants from among our pupils whenever possible. In recent years we have maintained a high retention rate. In the case of 12 month pupils, we make a decision about tenancy in about July each year (pupillage having commenced in October of the previous year). The Pupillage Committee will make a recommendation based on the criteria for tenancy and will recommend for tenancy any pupil who is likely to become a strong and successful practitioner and who has the potential to excel. The final decision on tenancy is made by members in general meeting voting by special resolution (2/3 majority of those voting must vote in favour) after completion of the assessment process. Any tenancy then commences on or around 1 October.

If a pupil is unsuccessful in obtaining tenancy, assistance will be provided in finding other Chambers and in recent years former pupils have all been successful in obtaining pupillage and tenancy with other sets of Chambers (except those who have opted for alternative careers). Exceptionally a candidate may be offered an extension to their pupillage. Those pupils who at the end of the second or third 6 months are not offered a tenancy may be allowed to remain in Devereux as a “squatter”, with no obligation to pay fixed rent, for up to 3 months after their pupillage has expired at the discretion of the Head of Chambers.

For successful pupils who are taken on, the remaining 3 months or so of pupillage will enable completion of the various BSB checklists, obtaining a certificate of completion and practising certificate, registration for BMIF insurance, buying any necessary furniture and equipment and signing the constitution, amongst other matters.

In the first 3 years of practice, all new tenants are required by the BSB to complete 45 hours of CPD, and the New Practitioners’ Programme. Devereux encourages new tenants to participate in the South East Circuit Keble College Advocacy Course which is highly recommended for improving advocacy skills developed during pupillage and beyond. After the first 3 years of practice, they are then required to undertake 12 hours of CPD each year under the Established Practitioner Programme.

Pupils’ Duties

A pupil must register the pupillage with the BSB in advance of starting any period of pupillage at Devereux. The appropriate forms are to be found on the BSB website (www.barstandardsboard.org.uk) or in the BSB Pupillage Handbook and should be sent to the Head of Pupillage at least 14 days before pupillage is due to commence.

A pupil must be familiar with the contents of this Pupillage Policy and have regard to the BSB Pupillage Handbook throughout pupillage. The pupil must obtain from the BSB their provisional practising certificate (Certificate of Authorisation to Practice) in advance of the second six and must inform the BSB of their successful completion of pupillage at the end of the pupillage year, in order to obtain a full practising certificate. Pupils must notify the BSB of the change of pupil supervisor at the end of each seat.

Pupils must familiarise themselves with Chambers’ work. A pupil must maintain the confidentiality of client affairs and those of Devereux and its members. Pupils will be expected

to undertake drafting written work and the writing of opinions and also to engage in research. Pupils will be required to use the Chambers' Checklists and Pupil Checklist Policy and to read the Chambers' Pupil Training Plan which sets out the core elements of the pupils' training. Finally, pupils are required to undertake the continuing education programmes with the BSB and Inns of Court as required.

Pupils will be assigned to a pupil supervisor and will be encouraged to attend court with the pupil supervisor and other members of Devereux where possible. If a hearing or conference takes place some distance out of London, the Expenses Policy provides for reasonable and necessary travel or accommodation expenses to be reimbursed in certain circumstances.

Holidays

We strongly encourage pupils to take their full holiday allowance: Chambers believes in a healthy work/life balance and it is important to take some time out from the intensive pupillage year at appropriate opportunities. The entitlement is 5.6 weeks' holidays (including public holidays) during the course of the pupillage year. It is generally convenient to take about a week at Christmas and New Year, between the first and second 3 months of pupillage (which also coincides with the first change of pupil supervisors). There is normally also an opportunity to take some time over Easter between the first and second 6 months and more holidays after the tenancy decision (normally in July). However, when planning holidays you will need to agree the dates in advance firstly with your pupil supervisor, secondly with the member of the Pupillage Committee responsible for the formal assessment process, and lastly with the Head of Pupillage. You are responsible for completing and keeping up-to-date the holiday record card and providing it to the Head of Pupillage at the end of the pupillage year. Pupils should arrange their holidays with their pupil supervisors in good time to ensure that they do not miss any good learning opportunities.

It is also important for pupils to liaise with other pupils and with the clerks when arranging holidays during the second 6 months, to ensure that the opportunity to do their own work for solicitors is not missed by all pupils being away concurrently.

Hours



Pupils are expected to work such hours as are necessary to complete tasks set by pupil supervisors, attend court with pupil supervisors and undertake assessments. Devereux does not expect or require pupils to regularly work extended hours although there may be some early starts and late finishes, replicating the work patterns of a junior tenant.

Pupils should raise any concerns about their working hours with their pupil supervisor and/or the Head of Pupillage.

Pupils will normally be expected to be in Chambers ready to start by 9am. Pupils will also be entitled to take a reasonable break for lunch. However, it is best for each pupil to agree a work

pattern with the pupil supervisor at the outset. The pupil should let the pupil supervisor (and the Pupillage Committee member responsible for formal assessments) know of external courses or of Inn advocacy training or any other important commitments, especially where preparation time will be needed in advance.

Chambers' approach to flexible working for pupils is set out in its Flexible Working Policy for Pupils. Any application for flexible working should be made to the Head of Pupillage in the first instance.

Expenses

Reasonable and necessary travel or accommodation expenses will be reimbursed at the discretion of the Head of Pupillage – this is primarily intended to facilitate a pupil travelling with their pupil supervisor where the expense involved might otherwise reasonably inhibit this. Expenses will not be paid in relation to a pupil's own case load in their second six.

The level of expenses will be weighed against the benefit of attending a particular hearing or equivalent. Chambers does not pay the expenses of ordinary accommodation or commuting or, ordinarily, of travel within the M25. The pupillage award covers these. Any substantial expenses will require authorisation in advance by the Head of Pupillage. Once authorised, it will often be best for the pupil to pay for the expenses and then reclaim them by sending the tickets or receipts with a signed note from the pupil supervisor to the Head of Pupillage for approval. Where the sums involved are larger it may be possible for Chambers to arrange advanced purchase of tickets.

VAT and Income Tax

Before starting the second 6 months a pupil needs to be registered for VAT. This is a requirement for all members of Chambers and working pupils (not sponsored pupils). More information can be found at <http://customs.hmrc.gov.uk>. Pupils need to be registered before Chambers starts billing work on their behalf and so we encourage pupils to register soon after they start as there can be long delays in processing within HMRC. Pupils will also need to pay income tax on their second six earnings and so will need to set aside money to pay the tax bill. They will also have to register to pay Class 2 National Insurance Contributions. An accountant may be able to help – pupils can ask for a recommendation of an accountant with experience dealing with barristers.

Insurance and Data Protection

A pupil does not usually require professional indemnity insurance as he or she is covered by his or her pupil supervisor's insurance. All barristers with a Full Qualification Certificate (including third six pupils and squatters) must take out their own insurance through Bar Mutual Indemnity Fund Ltd.

Second (or third) six pupils will be a data controller and must register under the Data Protection Act 1998.

One can notify on-line at www.informationcommissioner.gov.uk, by post or by telephone. Notification must take place during the first 6 months of pupillage.



Anna Greenley
Pupil 2018-2019
Tenant from October 2019

Chambers holds and processes data relating to applicants for pupillage in order to carry out its selection procedures and will hold this data for as long as necessary to fulfil the purposes for which the information was obtained, processing (including safeguarding, disposing of and destroying) the data in accordance with the principles of the Data Protection Act 1998 / GDPR.



Sam Way
Pupil 2018-2019
Tenant from October 2019

Equipment

It is essential to have a laptop or notebook computer with business capability in order to connect to the Devereux network and access emails and internet resources and produce your own word-processed work. If you are buying a computer, please consult the Director of Operations to discuss the specification that can join the network. The network supports use of Mac computers although there are specific requirements relating to these which should be discussed. There are also specific requirements about the operating system for Microsoft computers.

You will be provided with a desk and during your second 6 months you may also have access to a telephone for business use only. Stationery and other supplies are available.



Charlie Hill
Pupil 2019-2020
Tenant from October 2020

Dress Code and Appearance

Your appearance and attire should be professional at all times, particularly when attending court or conferences with clients.

Library

Online resources will be provided at the start of pupillage. In addition, you can borrow books from the Reading Room in the main building.

Use of Social Media

It is important to bear in mind that any postings on social media (Twitter, Facebook, Instagram, Snapchat, LinkedIn, blogs, vlogs etc) may be seen by members of the public, fellow barristers including members of Chambers, and clients of Chambers. Even if you do not identify yourself as a barrister or a pupil at Devereux it is usually possible for readers to find out this information. You should give thought to the tone and content of any public posting, for instance to ensure that it would not professionally embarrass you or your colleagues, cause offence to lay or professional clients, or damage the reputation of Chambers or your profession. Failure to maintain professional standards will be treated seriously and may result in disciplinary action.

You may consider, before posting a tweet, Facebook message or the like, whether you would be happy for it to be looked at by members of Chambers.

Payment for work

Where pupils carry out work in their own names on instructions from solicitors, whether during their pupillage or any time during which they stay on after completion of their second 6 months of pupillage (whether or not they have subsequently joined or agreed to join Chambers as a member), they will be entitled to receive and retain any payment which is made in respect of such work, subject to the following:



Hitesh Dhorajiwala
Pupil 2019-2020
Tenant from October 2020

1. Any 12 month pupil who receives a payment during the first 6 months of pupillage for such work done (such as a noting brief) shall be entitled to retain such payment in full and without deduction.
2. Any 12 month pupil in receipt of a pupillage award is subject to a guaranteed minimum monthly payment during the second 6 months: accordingly, any payment for work carried out which is received during the second 6 months of a pupillage award will be debited against that pupil's next monthly award payment, and any amount of such payment left over after such deduction will be debited against the next and any subsequent month's award payment(s).
3. If and to the extent that any pupil carries out work, but only receives payment after having joined Chambers as a member, the contribution payable to Chambers in respect of such payment will be the percentage of such payment currently payable at the time of such receipt by members of Chambers in respect of ordinary work done by them.

Duties of Pupil Supervisors

The pupil supervisor should supervise completion of checklists and compulsory further education required by the BSB and will use the Chambers' Training Plan. Pupil supervisors should conduct pupilages in accordance with the BSB Pupillage Handbook, the Code of Conduct and this Policy. Pupil supervisors will provide a desk or place for the pupil to work in the same room wherever practicable.

Pupil supervisors should keep the progress of their pupils under constant review and provide regular feedback, identifying areas for improvement. The pupil supervisor should complete an assessment form which will be discussed with the pupil at the end of the period of supervision.

Distribution of Work

We try to ensure that the distribution of briefs among working pupils is carried out in a manner fair to all pupils. The Director of Clerking will oversee the distribution of work during the second 6 months of pupillage and will take all reasonable steps to ensure that each pupil is allocated work on an equal basis, subject to any particular demands that a given pupil's pupil supervisor has: the needs of supervision and training take precedence over opportunities to undertake your own instructions, in particular prior to the tenancy decision. Any pupil who feels that he or she is not getting a fair proportion of work available to pupils should discuss the matter in the first instance with his or her pupil supervisor and then the Head of Pupillage.

Pupils will meet with the Director of Clerking (or other senior clerk) and a junior clerk at the end of the first 6 months to discuss procedures and protocols in the clerks' room and the way in which instructions will be allocated and communicated.

Grievances

We have a Pupils' Grievance Procedure (part of the Staff, Tenants' and Pupils' Grievance Procedure). If a pupil has any complaint concerning the conduct of his or her pupillage within Devereux he or she may raise a grievance in accordance with this procedure.

Pupils are encouraged, in the first instance, to discuss any problems or concerns which they may have with their pupil supervisors, the Head of Pupillage, and/or Devereux's Welfare Officer who is also available for consultation by any pupil who wishes to raise any matter (and who for any reason prefers not to do so with his/her pupil supervisor). The written Pupils' Grievance Procedure is kept on the intranet. A copy is supplied to pupils upon the commencement of pupillage, as part of their induction pack.

Discipline

Any conduct issue will be dealt with in accordance with the disciplinary procedure for pupils. Pupils, in common with members of Devereux, are expected to adhere to the highest standards of conduct expected of a member of the Bar, and to comply at all times with the requirements of the Code of Conduct, Devereux's Equal Opportunities and Anti-Discrimination Policy, and other Policies and Protocols. In the event of any alleged misconduct or inappropriate behaviour, we have a Chambers' Pupils' Disciplinary Procedure, a copy of which is kept on the intranet.

Ill Health

If a pupil is ill, he or she should try to contact the clerks or the pupil supervisor as soon as possible. Any lengthy absence will need to be confirmed by an appropriate medical certificate. Any adjustments which are needed due to illness or disability should be discussed with the Head of Pupillage and/or pupil supervisors.

Equal Opportunities

Devereux is committed to the cause of equality of opportunity for all its pupils. We strive to ensure that, in selecting pupils and in their treatment during their time with us, we do not discriminate on the grounds of race, sex, maternity and pregnancy, sexual orientation, religion

or belief, gender reassignment, marital or civil partnership, age or disability. In particular, we are aware of and seek to comply with our obligations under relevant legislation, including the Equality Act as well as effective provisions of European law. Devereux's Equal Opportunities and Anti-Discrimination Policy applies generally across the whole range of our professional activities.

No work should ever be diverted at the request of the professional client if it is believed by the person asked to make such a diversion that the request is based on race, ethnic origin, sex, sexual orientation, marital status, disability, religion, age or political persuasion on the part of the professional or lay client in question. Any request whether expressed or implied by a professional client that work not be given to a barrister on any such inappropriate grounds should be reported to the Head of Chambers or senior member of Chambers present at the time.

Monitoring of the Pupillage System in Chambers

The Pupillage Committee will be responsible for collating and preserving completed Pupillage Files from pupil supervisors. The Pupillage Committee will have meetings to review and to monitor the operation of this Policy. Pupils are invited to give feedback and comment on the quality of the pupillage they have received with a view to enhancing improvements. The Pupillage Committee will furnish an annual report to Devereux.

We are able to make the documentation relating to any of our pupillages available to the BSB, on request, for the purposes of any periodic review of Devereux's pupillages.

Pupillage Committee

Kate Balmer, Head of Pupillage
Laura Bell
Georgia Hicks
Colm Kelly
John Platts-Mills