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## Pupillage Policy

### INTRODUCTION

1. Most of our tenants are recruited from our pupils, and pupillage recruitment is vitally important for the future of Chambers. Chambers is committed to a recruitment and selection process that uses objective and fair criteria to recruit the best candidates.
2. We aim to arrange up to four pupillages per year (including the standard 12-month pupillages, shorter “intermediate” pupillages for those transferring from solicitors firms or the employed bar, and deferred pupillages). We rarely take 3<sup>rd</sup> six pupils.
3. Our pupillage award for pupils commencing in September 2021 is £70,000, paid in 12 monthly instalments. Up to £20,000 may be drawn down at any point in the year preceding pupillage (in which event the remaining sum will be paid in 12 equal monthly instalments during the pupillage year).

### INTERMEDIATE PUPILLAGES

4. Transferring solicitors (or employed barristers) who have been granted a full exemption from pupillage by the BSB but who do not wish to apply as lateral hires are eligible to apply for an intermediate pupillage. This is a bespoke arrangement, to be negotiated between 3VB and the individual applicant, intended to provide more flexibility to candidates already in professional practice. This may include a shorter period of training (for example 9 months of pupillage, rather than the ordinary 12), and the pupillage can also commence at a mutually convenient date, rather than

in the October of the year following the application, as for ordinary 12-month pupillages.

### **APPLICANTS TO 3VB**

5. 3VB is one of London's strongest commercial sets of chambers. Its members are widely recognised as leading practitioners in a variety of the fields that make up international commercial practice: banking, financial services, commercial and contractual disputes, civil fraud, energy, insolvency, insurance, international arbitration, IT and telecoms, media and professional negligence. 3VB prides itself on its professional expertise and the outstanding opportunities afforded to all tenants to build leading commercial practices. It is a forward-looking set, with excellent practice managers and first-class facilities. Our work often involves a balance between drafting advices, pleadings and skeleton arguments and appearing in court in (often long) trials and appeals, frequently with millions of pounds at stake. An interest in commercial law, resilience, and a certain element of commercial common sense are necessary for the type of work we do. It is appreciated that some of our applicants will have limited commercial experience but will have opportunities to develop commercial awareness during pupillage and beyond. The aim of the selection process is to identify those applicants who will make the best commercial barristers given the right learning environment.
6. Pupillage at 3VB is promoted and administrated in accordance with the requirements of the Bar Qualification Manual and BSB Handbook. We publicise our pupillages widely, including in student publications, at Law Fairs and on our website. We encourage applications from all interested and serious candidates, whatever their university and/or professional background. We have no preference for an undergraduate law degree over the one-year conversion course or vice versa. In recent years our new tenants have come from each route in roughly equal numbers.
7. Chambers is committed to upholding its Equality and Diversity policy in recruitment. Further:
  - 7.1. We particularly welcome applications from female, disabled and non-white candidates which groups are, at present, under-represented at the Commercial Bar.
  - 7.2. 3VB operates an equal opportunities policy. No applicant for pupillage will be discriminated against on the basis of their race, colour, ethnic or national origin, nationality, citizenship, age, sex, sexual orientation, marital status, disability, religion or political

persuasion. Recruitment is conducted in accordance with our statutory and regulatory obligations including those arising under the Equality Act 2010 and the BSB Handbook.

- 7.3. The Pupillage Committee and any interview panels are trained in equality and diversity as it applies to recruitment, and Chambers records and monitors its equality statistics (which are anonymously produced through the Pupillage Gateway system).
  - 7.4. We are prepared and willing to make all reasonable adjustments to accommodate disabled applicants, pupils and tenants, and candidates with a disability are asked to indicate during the application process the nature of their disability and any adjustments they think 3VB might have to make to accommodate them as regards the application process and as regards pupillage and tenancy, in order that Chambers can ensure that such adjustments are reasonable and viable. 3VB is wheelchair accessible and has conference rooms and tenants' accommodation available on the ground floor. A copy of 3VB's Reasonable Adjustments policy will be made available to pupils on request.
  - 7.5. We have a Chambers Equality and Diversity Policy and Action Plan, which is regularly reviewed and updated. This is intended to ensure that we abide by our equality and diversity obligations and to reflect our commitment to fairness and open access. The E&D Policy covers, among other matters, recruitment training, practice development, and fair allocation of work. In addition, Chambers has policies on parental leave and flexible working, and reasonable adjustments (referred to above).
8. By the time of commencement of pupillage (not at the time of application) candidates must have completed the vocational component of Bar Training and be in a position to practise at the Bar of England and Wales. This is subject to any different arrangements that may be made in exceptional circumstances such as the current public health emergency.

### **THE SELECTION PROCESS**

9. Chambers recruits its pupils through the Pupillage Gateway ([www.pupillagegateway.com](http://www.pupillagegateway.com)) that opens in the January of the calendar year before the commencement of the pupillage in October. Applicants that are exempt from the Gateway process (such as some transferring solicitors) may apply by CV and covering letter at any time but frequently

such applications will be assessed at the same time as the Gateway process.

10. Selection of pupils from those applicants applying through the Pupillage Gateway is generally undertaken by the following process:
  - 10.1. The short-listing of applications by one or more selection panels, each of at least two members of Chambers, by reference to the Pupillage Gateway application form and records from the applicant's mini-pupillage in Chambers.
  - 10.2. The first round interviews of c.35 applicants for approximately 15 to 20 minutes each. This involves discussion of a particular legal or other issue (the same issue for every applicant) and further discussion generally. Each candidate will be interviewed by one of two panels, each of at least three members of Chambers.
  - 10.3. The second round interviews of c.15 applicants for approximately 30 to 45 minutes each. This involves discussion of a legal problem for which the applicant will have limited time to prepare. Each candidate will be interviewed by the same panel of at least four members of Chambers. References may be called on before or after second round interview. Referees will be asked to provide references in accordance with the selection criteria and to provide an objective assessment of the applicant.
11. Ordinarily the two interview stages will be carried out in March-April each year.
12. No member of Chambers who shares family or close friendship links to an applicant shall sit on any panel evaluating that applicant. Conflicts or potential or apparent conflicts of interest should be identified and dealt with at the earliest possible opportunity.
13. The members of the selection and interview panels will assess the candidates independently on the basis of the selection criteria set out below, and the panels will then make decisions on the basis of discussion and agreement or, where agreement is not possible, majority voting. No member of Chambers shall have a veto over any applicant. Frequently the panel shall include one or both of the Chair of the Pupillage Committee and the Pupillage Secretary.
14. The decision as to whether an applicant progresses through each stage of selection and is made an offer of pupillage shall be made on the basis of the selection criteria set out below:

14.1. High intellectual and analytical ability, and written communication skills, out of 15

The panel will look for an ability to absorb complex information rapidly and to present argument logically and persuasively, and generally to communicate well in writing.

In the first instance, such qualities will frequently be evidenced by degree results (including where applicable GDL and other postgraduate results). Performance in the vocational component of Bar Training may also be relevant (where completed at the time of application). Other relevant experience disclosed by the candidate's CV and/or interview will be taken into account, and, where the candidate has done a mini-pupillage at 3VB, feedback from mini-pupil supervisors will be highly relevant. As a general guide, an applicant will be unlikely to reach the first round interview without a good 2:1 in their undergraduate studies (as well as a good record on the GDL where applicable). Past results suggest that successful applicants for pupillage often have a first class degree or a Master's degree (or both).

In interview, these qualities will be evidenced by the strength of analysis, ingenuity and flexibility of the applicant's arguments.

14.2. Oral advocacy and impact, out of 8

The panel will look for candidates who can take part in discussions and present arguments in an articulate, persuasive and compelling manner. In the first instance, candidates will be expected to show evidence of an interest in and aptitude for advocacy, usually through mooted competitions or debating, or through *pro bono* experience such as the Free Representation Unit. In interview, these qualities will be evidenced by the delivery of the applicant's arguments and their general conversational abilities.

14.3. Temperament, commercial sense and motivation, out of 7

The panel will look for candidates who have a demonstrable commitment to and understanding of the career path they are seeking to follow, i.e. practice at the Commercial Bar and 3VB in particular. These candidates will display an ability to work well under pressure, and to deal with the problem-solving and client-care aspects of practice at the Bar.

In the first instance, this may be evidenced by mini-pupillages undertaken at 3VB or other established commercial sets and/or other relevant work experience, as well as achievement in non-academic fields or in overcoming adversity. In interview, these qualities will be evidenced by the applicant's demeanour and reactions, especially when faced with counter-arguments and unexpected points of discussion. We would expect candidates to display their interest in commercial matters and current issues in commercial litigation when discussing topical issues during mini pupillage or at interview.

(Total score, out of 30.)

15. We will endeavour to give feedback to unsuccessful applicants who reach the second round interview stage where requested.

### **PUPIL SUPERVISORS**

16. Chambers will provide:
  - 16.1. a suitable training programme that enables them to meet the competences in the Professional Statement to the threshold standard, in accordance with the Curriculum and Assessment Strategy; and
  - 16.2. all necessary assistance in complying with their regulatory obligations e.g. registering their pupillage with the BSB, applying for any necessary waivers and obtaining a provisional practising certificate.
17. Chambers has a large number of qualified pupil supervisors (i.e. the majority of juniors who are senior enough to be eligible), and further information as to who is qualified at any particular time is available from the Pupillage Secretary.
18. The formal obligations of supervisors are set out in the Bar Qualification Manual. Pupil supervisors will:
  - 18.1. devote sufficient time and attention to the supervision process to seek to assist the pupils in learning and practising the skills they need to learn and practice;
  - 18.2. give regular guidance, advice and feedback that is sufficiently detailed to be useful on the pupil's work;

- 18.3. oversee the pupil's work-load to ensure that they are not over-worked and have sufficient time for their work for the pupil supervisor, their work for other members of Chambers, their own instructions, their compulsory training courses, and Chambers advocacy exercises;
- 18.4. maintain familiarity with the relevant pupillage rules and guidelines, and perform all compulsory pupil supervision training courses; and
- 18.5. perform all other tasks and responsibilities required by the Bar Qualification Manual.

## **THE PUPILLAGE**

19. The aim of our pupillage is to train our pupils for practice in Chambers as commercial barristers of the highest standard: that is, barristers able to advise on, draft and argue cases that are often factually complex, legally difficult and of high value. Our pupillage process aims to accomplish this by providing four pupil supervisors for three months each, selecting pupil supervisors with different practices but all of whom are among the best juniors at the Commercial Bar.
20. Our expertise and reputation means that, in addition to the usual range of commercial disputes of all sizes (including international arbitration, treaty arbitration, general commercial, professional negligence, civil fraud, insurance, insolvency, financial services and general commercial work), we also generate more opportunity than most commercial chambers for a healthy mix of very large and small pieces of litigation. We would expect our pupils to develop good exposure to many of these practice areas and matters of different sizes.
21. New pupils will take part in an induction meeting and be shown around Chambers. They will be introduced to the clerks and to the Head(s) of Chambers.
22. Prior to commencement of pupillage, pupils are expected to agree to:
  - 22.1. be bound by the terms of their written pupillage agreement, this Pupillage Policy and the further document Notes on Pupillage (supplied at the time of commencement);
  - 22.2. act appropriately, conscientiously and professionally at all times; comply with all applicable rules and regulations; only exercise

rights of audience with his or her pupil supervisor's approval;  
and

- 22.3. maintain absolute confidentiality over all matters learned from reading papers, attending conferences, discussing cases with members of Chambers and attending private court hearings or otherwise.
23. Pupils will normally share their pupil supervisor's room (although during the Covid-19 pandemic, alternative remote-working arrangements have been made to comply with government guidance and to maintain appropriate social distancing). They will have access to the Chambers library, email system and other Chambers facilities. Chambers will provide pupils with an encrypted chambers laptop, an advanced PDF software subscription, and a subscription to the video platforms we use. Pupillage training will involve the appropriate use of remote working practices including remote hearings and conferences.
24. Pupils' hours will depend upon the work their pupil supervisor is doing at any particular time, but pupils are generally not expected to work long hours or weekends.

### **HOLIDAYS, SICKNESS, ABSENCE**

25. Pupils are entitled to a minimum of 20 days' annual leave in addition to Bank Holidays. Annual leave is a matter for discussion with pupil supervisors, except that the Bar Standards Board requires pupillage to be extended if a pupil takes more than two weeks' holiday during each six months of their pupillage.
26. Pupils are generally encouraged to take holidays during the legal vacations and/or at the same time as their pupil supervisor. If a pupil wishes to take a holiday at some different time, this should be cleared with the pupil supervisor or the Chair of the Pupillage Committee or Secretary to the Committee.
27. Short periods of absence due to illness or a bereavement are sometimes unavoidable, and pupils must inform their pupil supervisors. If circumstances require a longer period of absence, the Chair of the Pupillage Committee or Secretary to the Committee and pupil supervisor will determine the impact of longer periods of leave on pupillage and whether the period of pupillage should be extended.



28. If the pupillage is to be extended, Chambers will notify the BSB of the new date that the pupil will be completing pupillage by completing the relevant [Notification](#) of material change in pupillage form.
29. Pupils must apply to the BSB for dispensation if they need to take a substantial break from pupillage and extending the pupillage would not be appropriate in the circumstances.
30. Maternity/paternity leave arrangements should follow our parental leave policy and individual parental leave arrangements should be discussed with the Chair of the Pupillage Committee or Secretary to the Committee and pupil supervisor.
31. Pupils do individual pieces of work for other members of Chambers in addition to the work done for their supervisors. Pupils are also assigned 'shadow supervisors', who are more junior members of Chambers than the pupil supervisors. This is designed to give pupils contact with the more junior members of Chambers.
32. We also conduct assessed advocacy training periodically throughout pupillage, in order to improve pupils' advocacy by practising certain types of interlocutory hearings that they are likely to encounter in the early years of practice.

### **FEEDBACK AND PERFORMANCE REVIEWS**

33. Pupil supervisors and other members of Chambers for whom pupils complete work will give feedback as part of the normal pupillage process.
34. Feedback will be given during the assessed advocacy exercises.
35. At the end of each of the four seats, there will be a review of progress and attainment during the period.
36. Each pupil will receive a six month review by the Chair of the Pupillage Committee or a delegate, drawing on feedback from pupil supervisor and others for whom the pupil has done work to date. At the review meeting, pupils are also encouraged to assess their own performance and progress and raise any issues arising from pupillage. The objectives of the review are to discuss performance, set objectives, identify the pupil's strengths and weaknesses that need to be addressed, encourage improvement where necessary, and enable feedback to be given.

## **THE PUPILLAGE AWARD, FURTHER REMUNERATION AND EXPENSES**

37. As noted above, our pupillage award for pupillages commencing in September 2021 is £70,000, paid in 12 monthly instalments. Up to £20,000 may be drawn down at any point in the year preceding pupillage (in which event the remaining sum will be paid in 12 equal monthly instalments during the pupillage year).
38. If for any reason the pupillage ends early, the pupil will be entitled to the fraction of the pupillage award that corresponds to the number of months of pupillage completed, with any overpayment to be repaid to Chambers. Except in the case of early termination, all pupils (even if not offered tenancy) will complete their 12 month pupillage (unless another agreement is reached). Pupils will not be entitled to stay in Chambers beyond their 12 months unless they have been offered tenancy.
39. Pupils may be instructed (by solicitors or other clients) to undertake their own work (confined to a noting brief during the first six) and will be entitled to retain the remuneration negotiated by their clerks in addition to their pupillage award. This work shall be fairly distributed by the clerks according to availability and expertise, but with an aim to a broadly equal distribution of paid work among the pupils.
40. Chambers will cover the cost of the compulsory training courses and reasonable travel expenses where a pupil is asked to travel by a member of Chambers for a particular matter (the payment of travel expenses incurred by pupils undertaking their own work will be negotiated by their clerks).

## **THE WITHDRAWAL OR TERMINATION OF PUPILLAGE**

41. Pupils may withdraw from pupillage prior to its commencement at any time or terminate their pupillage early on giving not less than 1 months' written notice to Chambers.
42. Chambers is entitled to withdraw the pupillage offer at any point prior to its commencement or to terminate the pupillage during the pupillage with immediate effect (with the consequences for the Pupillage Award described at paragraph 38 above), if a pupil:
  - commits a serious breach of the BSB Handbook;
  - commits a serious or persistent breach of Chambers' policies, procedures or applicable codes of conduct;

- has their pupillage terminated pursuant to Chambers' Disciplinary Policy for Pupils (including termination pursuant to any modification of that Policy);
  - is convicted of a criminal offence (other than an offence under any road traffic legislation in the UK or elsewhere for which a fine or non-custodial penalty is imposed);
  - fails to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of the pupillage training;
  - during the practising period of pupillage, ceases to hold a valid practising certificate;
  - commits acts or omissions (whether or not in the course of the pupillage) that bring or are such as to risk bringing the name or reputation of Chambers or its members into disrepute or to prejudice the interest of Chambers; or
  - assumes an immigration status rendering the pupil ineligible to undertake or complete the pupillage.
43. Chambers may also withdraw or terminate a pupillage on giving 1 month's notice in the event that it ceases, or will cease, to be authorised by the BSB as an Authorised Education and Training Organisation or there is another regulatory, financial or practical impediment to Chambers continuing to provide pupillage training. If, during pupillage, Chambers ceases to be able or authorised to take pupils, Chambers will promptly notify the BSB. In that event, Chambers will use its best endeavours to assist pupils to identify another set of chambers where they can complete their training (Authorisation Framework and Bar Qualification Manual Part 2 C3). In this event, the members of Chambers responsible for assisting are the Head of the Pupillage Committee and the Pupillage Secretary.

## **TENANCY**

44. Pupillage does not entail that an offer of tenancy will be made. The offer of a tenancy is in the sole discretion of Chambers.
45. Tenancy offers are usually made in July, based on the strength of the pupil's performance during the first nine months of pupillage (as recorded in reports by pupil supervisors and by those for whom the pupil has worked) and the recommendation of the Pupillage Committee.

Chambers is not bound to follow the recommendation of the Pupillage Committee, but the recommendation does carry very significant weight.

46. We have no fixed number of tenancies that we will offer to our pupils in a particular year. We expect that any pupil who meets the required standard will be offered a tenancy. 3VB's policy is to offer pupillage only to those candidates with the potential to become tenants in Chambers. 3VB recruits no more pupils than there are available spaces for new tenants. Each pupil is therefore judged solely on his or her own merit; pupils do not compete against each other; they are only unsuccessful in securing tenancy if the calibre of their work by the time of the decision does not meet the high standard expected of a junior tenant at 3VB.
47. Once a pupil has become a member of Chambers, pupils can expect to build up their own practice, both by continuing with smaller hearings and opinions (often in banking and insolvency matters) on their own account, and starting to be led on larger cases.
48. If a pupil is not offered tenancy we have a good record of assisting our ex-pupils to find a 3<sup>rd</sup> six, tenancy or position elsewhere.

### **COMPLETION OF PUPILLAGE**

49. Applicants, pupils and supervisors are referred to the BSB's Bar Qualification Manual,<sup>1</sup> which sets out the obligations and guidance applicable to pupillages generally.
50. Pupillage training is now geared towards an assessment of pupils against the Professional Statement for Barristers Incorporating the Threshold Standard and Competences,<sup>2</sup> which describes the knowledge, skills and attributes that all barristers are expected to have on "day one" of practice. Pupillage in Chambers is designed to ensure that all pupils are in a position to meet the requirements of the Professional Statement.

### **GRIEVANCES AND COMPLAINTS**

51. Chambers has a complaints procedure available to all pupils. A copy of the procedure is available on request. If possible, pupils should raise any

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<sup>1</sup> <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual.html>

<sup>2</sup> <https://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html>

grievance with their pupil supervisors in the first instance. More information can also be found in the Notes on Pupillage document.

## **DATA REVIEW AND RETENTION**

52. Statistics collected during the pupillage recruitment process will be reviewed by the Equality and Diversity Committee and the Pupillage Committee to identify any necessary amendments to advertisements, selection and interview criteria, the practices and procedures of the Pupillage Committee, any other aspect of pupillage recruitment which may seem to require amendment.
53. Chambers is entitled, and in some respects required, to retain data and records for supervision, regulatory and research purposes including relating to:
  - 53.1. pupillage agreements; training records for pupils, pupils supervisors, recruitment panel members; pupil feedback and action taken;
  - 53.2. data arising out of the recruitment process including diversity data, and analysis and action taken upon review of the data;
  - 53.3. grievances and disciplinary procedures and action taken; and
  - 53.4. policies related to pupillage.

## **THE GENERAL DATA PROTECTION REGULATION (GDPR) AND THE DATA PROTECTION ACT 2018**

54. All self-employed practising barristers are Data Controllers. All self-employed barristers, including practising pupils and chambers, are required to comply with the GDPR and Data Protection Act 2018 if they process personal data. Pupils are expected to comply with all applicable laws, including the Data Protection (Charges and Information) Regulations 2018.

The Pupillage Committee  
September 2020