PUPILLAGE TRAINING PROGRAMME

Introduction

1. This document sets out Chambers' Training Programme[1] for all pupils, no matter which specialist pupillage they are undertaking.

2. Appendix A is a "Competency Checklist" which must be completed during the course of pupillage. It is designed to assist pupils and supervisors ensure that the pupil achieves the required competencies identified in the Professional Statement to the necessary standards, and provides evidence of the same.

3. Appendix B contains "Practice Area Checklists" for use by Chambers' different teams for pupillage within those teams. These documents do not set out minimum requirements or an exhaustive list of matters a pupil must gain experience of but contain useful guidance indicating areas of work and the types of tasks a pupil is likely to require experience of by the completion of pupillage. It is not expected a pupil will be able to experience every type of work identified in the relevant Practice Area Checklist, but some exposure to a broad range of the matters identified therein should be possible.

Induction

4. Shortly prior to the commencement of pupillage, on the first day or as soon thereafter as is practicable, the Chair of the Pupillage Committee, the Head of Civil Pupillage, Head of Family Pupillage and/or Head of Commercial & Chancery Pupillage, together with the designated pupil supervisors, as availability permits, will carry out an induction with the new pupils. The induction will normally include:

    a. A general welcome to Chambers;

    b. Contact details for the supervisor, Junior Mentor, clerks, Chambers

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c. An introduction to Chambers' staff and their roles and an explanation of the structure of Chambers;

d. An explanation of the provisions in the Pupillage Policy relating to payment of the pupillage award / expenses and the practicalities of claiming expenses;

e. Hours of work: this will depend on the hours kept by the supervisor but ought not normally to exceed 8.30 a.m. to 6 p.m. during the first six, unless court commitments dictate otherwise;

f. Provisions pertaining to holiday, sickness, maternity and paternity leave;

g. Where the pupil will be physically based during the first six months: where practicable, it is Chambers' policy that pupils should work at the closest desk to that their supervisor is working at;

h. The Junior Mentor Scheme;

i. Use of Chambers resources such as the online library, Chambers computer system, printers etc.;

j. Appropriate attire in Chambers, when attending remote conferences and hearings and when in court;

k. Expected behaviour in Chambers, at conferences, at court and in the presence of clients;

l. Expected behaviour towards other members of Chambers, the clerks, other Chambers staff and when in the clerk's room;

m. Mandatory training during pupillage: the Advocacy Course in the non-practising period; the Professional Ethics examination (for students starting Bar training courses from September 2020); Negotiation Skills (TBC);

n. Completion of a Work Diary and the Pupillage Assessment Checklist (Appendix A);

o. The need to be familiar with the BSB Handbook and Code of Conduct;

p. The requirements of confidentiality, compliance with the GDPR and registration with the Information Commissioner in readiness for the 2nd six;

q. Attendance at Chambers events and mess;

r. Starting to build a professional reputation: establishing an online presence through contributions to the Chambers website, publications in legal journals and establishing contacts can all be started in the first six;

s. The Complaints Procedure.

The Structure of Pupillage

5. The pupillage experience will depend to a large extent on the nature of the pupil supervisor's practice. Every effort will be made to place the pupil with a suitable supervisor taking into account any areas of work in which an interest has been expressed, the availability of such work and the availability of a suitable pupil supervisor.

6. The precise structure of pupillage will depend on the area of practice, the supervisors allocated, the breadth and depth of experience gained during pupillage.

7. Whatever the structure, Chambers will normally ensure the pupil has the chance to be exposed to the working styles of, and to develop strong relationships with, at least two different pupil supervisors.

The First Six

8. The vast majority of first six months will be spent with the pupil supervisor. This allows the pupil and supervisor to get to know each other and each other's methods of working. It allows for a reasonable breadth and depth of work to be experienced. It also allows the supervisor(s) to properly gauge the pupil's progress against the standards set out in the Professional Statement on an on-going basis and at the first and second quarterly reviews at the end of months 3 and 6.

9. During this period, and depending on the workload of the pupil supervisor, pupils will be asked to:

    a. Read papers in readiness for conferences, hearings, advisory or drafting work;

b. Carry out preparatory work for conferences and hearings as required by the supervisor;

c. Draft documents such as Particulars of Claim, Defences, Applications, Schedules, Skeleton Arguments, Grounds of Appeal and other court documents;

d. Prepare Advices and other documents such as Attendance Notes, emails etc;

e. Participate in advocacy exercises / mock conferences arising from the papers which the pupil is asked to consider;

f. Discuss and analyse cases with their supervisor on a regular basis;

g. Read up on legal topics as directed by the pupil supervisor;

h. Participate in informal teaching as and when the pupil supervisor is able to deliver it;

i. Actively engage in feedback sessions;

j. Carry out any or all of the above for other members of Chambers as directed by the pupil supervisor.

10. Given the nature of practice at the Bar, it is not possible to prescribe exactly what the pupil will see and when. The contents and structure of pupillage will need to adapt to changing circumstances. However, in determining what are appropriate cases for a pupil to work on, the pupil supervisor will consider the need for the pupil to gain the necessary skills and competencies set out in the Professional Statement (Appendix A) as well as the matters set out in the Pupillage Checklists (Appendix B).

11. Pupils will not undertake paid work during the first six which is purely a non-practising period. Reserved legal activities cannot be undertaken. Pupils can however do a paid "noting brief" provided that they have the permission of their supervisor, relevant practice area Head of Pupillage or (in their absence), the Chair of the Pupillage Committee or the Head of Chambers. Pupils can undertake other paid non-reserved legal activities so long as that work does not affect their pupillage, is done with the permission of the supervisor and is otherwise consistent with the Code of Conduct.

Junior Mentor Scheme

12. We are acutely aware that pupillage can seem like a daunting prospect and the learning curve is a steep one. Pupils will find that Chambers provides a very supportive learning environment. We have an open-door policy and pupils are encouraged to ask questions of their supervisors and other members of Chambers. In addition, there is a junior's WhatsApp group which provides an easy platform for pupils to ask questions of and interact with our junior tenants.

13. In addition, pupils will be allocated a specific junior tenant as a Junior Mentor. This is a pastoral role, rather than a teaching one. Pupils then have the option of raising any issues they may have with their supervisor or their mentor, as well as members of the Pupillage Committee, Chambers Executive Committee or indeed any member of Chambers they feel comfortable speaking to.

Work Diaries

14. Pupils should keep a daily Work Diary (anonymised so that the names of parties are not recognisable) during pupillage to record work done, the amount of time spent on it and learning points. The Work Diary should also cross refer to the Professional Statement competencies.

15. Pupils will be provided with a template Work Diary as part of their induction. The Work Diary will be reviewed throughout the course of pupillage by the pupil supervisor and during the quarterly appraisals, which will be reviewed by the Pupillage Committee.

Feedback Sessions

16. The pupil supervisor will provide regular constructive feedback on all work undertaken by the pupil during regular "Feedback Sessions". Feedback Sessions should occur as soon as reasonably practicable after a piece of work has been completed, and at least on a weekly basis. The purpose of these Feedback Sessions is to identify strengths and weaknesses in the pupil's work and, in particular, to provide advice about how to effect improvements. These sessions should continue throughout the whole of pupillage.

Informal Teaching Sessions

17. In addition to and/or in conjunction with Feedback Sessions, the pupil supervisor will also provide "Informal Teaching Sessions". This will often follow and arise out of a Feedback Session. Informal Teaching Sessions will often cover:

    a. the 'Core Duties' set out in the BSB 'Code of Conduct' CD1-10;

    b. substantive points of law;

    c. court or tribunal practice and procedure;

    d. tactics;

    e. practice management e.g. what it means to be self employed, organisational skills including recording keeping and diary management, time management, business development etc;

18. The pupil should briefly record the topics covered in such Informal Teaching Sessions in the Work Diary.

19. These sessions should continue throughout the whole of pupillage.

Professional Statement Monitoring Session

20. At least every month, the pupil and their supervisor should schedule a discussion dedicated to an analysis of the progress the pupil is making in signing off the competencies required by the Professional Statement. This will likely require consideration of the Professional Statement and the Work Diary and may lead to informal discussion, teaching or the scheduling of further work / teaching on areas that require work.

21. If a competence has been achieved to the threshold level, the pupil and the supervisor should confirm the same on the Competency Checklist at Appendix A by initialling or ticking the relevant box.

22. It is important that these sessions are not missed because they become increasingly difficult to do with the passage of time.

23. These sessions should continue throughout the whole of pupillage.

Formal Month 3 Review

24. At the end of the third month, a Month 3 Pupillage Review will be carried out by the relevant practice area Head of Pupillage to assess and reflect upon progress and development needs.

25. It will cover, amongst other things, progress with written work and any oral advocacy exercises, strengths and/or weakness, areas on which to focus over the coming three months and strategies for development. The Review will include consideration of the progress made towards achieving the necessary Professional Statement competencies. The relevant practice area Head of the Pupillage will provide documents for the pupil and the supervisor to complete in advance of the review. A key purpose of the appraisal is to assess the progress made in the completion of the Competency Checklist (Appendix A).

26. The relevant practice area Head of Pupillage has a duty to report on the pupil's progress to the Pupillage Committee at its quarterly meetings. The pupil therefore should submit, for consideration of the full Committee:

    a. The appraisal forms;

    b. The up-to-date Competency Checklist completed by the pupil / pupil supervisor.

    c. The up-to-date Work Diary.

Second Half of the First Six

27. During the second three months of the first six, pupils may be exposed to a different supervisor and different type of work / working style. During this part of pupillage, the pupil will be encouraged to spend more time with other members of Chambers, particularly junior tenants. Towards the end of this period in particular, the supervisor will arrange for pupils will accompany junior practitioners to court in order to observe first-hand the kind of work that will be undertaken when the pupil takes to their feet.

28. Supervisors are also encouraged to liaise with junior tenants to ensure that pupils have the opportunity to practice doing junior paperwork.

29. Pupils will, in the ordinary course of events, be provided with the opportunity of spending several weeks at whichever site (Leeds or Newcastle) the pupil is not ordinarily based so that they can spend more time with the other members of Chambers and the staff who ordinarily work in that location. Pupils will be allocated a mentor during such a period.

30. Reports on the pupil's aptitude, willingness to become involved and conduct will usually be fed back to the pupil supervisor by others with whom the pupil sends time.

31. If the pupil is not on course to be signed off at the end of the first six, the supervisor will notify the pupil of his/her concerns well before the Month 6 Pupillage Review. Any weaknesses will be identified and a plan formulated to overcome them.

32. Towards the end of the first six, the pupil's advocacy skills will be assessed by the pupil supervisor and constructive criticism will be offered. The assessment is not intended to be a pass or fail exercise. Supervisors may use papers from cases they are working on or sets of papers provided by the Pupillage Committee specifically for the purpose.

Marshalling

33. Numerous members of Chambers occupy a part-time judicial role. Chambers also has connections to other members of the judiciary. Although it cannot be guaranteed, Chambers will endeavour to arrange an opportunity for the pupil to spend some time marshalling during the course of pupillage. This normally takes place during the first six, if practicable.

Short Secondment

34. Depending on the nature of the pupillage, the opportunities available at the time and the pupil's previous experience, Chambers may arrange for the pupil to spend a week working in one of its instructing solicitors' offices. This will allow the pupil to experience the life of the solicitor, gain a useful insight in what solicitors require of barristers and enable the pupil to make some new professional contacts. Such a placement, if feasible, will be arranged by the Practice Director in conjunction with the relevant practice area Head of the Pupillage and/or the Chair of the Pupillage of Committee. It is preferable for any such placement to take place during the first six.

Internal Advocacy Training

35. In addition to the compulsory advocacy training run by Circuit (or the Inns), Chambers will also arrange for an internal advocacy training session, run by a senior member or members of Chambers, which all pupils are required to attend.

Remote Advocacy

36. Remote advocacy has become increasingly important in recent years, particularly since the start of the pandemic. Before pupils commence their second six, they are required to familiarise themselves with the Inns of Court College of Advocacy "Principles for Remote Advocacy" (https://www.icca.ac.uk/principles-for-remote-advocacy-2/) and to discuss the same with their supervisor.

Clerking / Chambers Administration/ Finance Meeting

37. Prior to the commencement of the second six, a meeting will be arranged with the clerks and/or a member of Chambers' administration team and/or a member of our finance team, in order to discuss the practicalities and logistics of the second six and so the pupil can ask any questions they may have about these different areas.

Month 6 Review and Requirements Before Starting the Second Six

38. At the end of the first six months, the relevant practice area Head of Pupillage will conduct a "Month 6 Pupillage Review". By this stage, the pupil needs to have made sufficient progress to enable the supervisor to sign of a Certificate of Satisfactory Completion of Pupillage (First Six) and confirm that the pupil has reached the requisite standard having regard to the Professional Statement. The Checklist below at Appendix A identifies those competencies which must meet the threshold level by the time second six commences.

39. The Certificate of Satisfactory Completion of Pupillage will allow a Provisional Practising Certificate from the BSB to be applied for. It is the pupil's responsibility to complete the required BSB form, get it signed and sent to the BSB.

40. If satisfactory progress has not been made by month 6, the non-practising period of pupillage may need to be extended. A pupil who does not successfully complete the first six cannot move on to the next stage.

41. The appraisal forms, the Certificate of Satisfactory Completion of Pupillage and the Provisional Practising Certificate ought to be sent to the relevant practice area Head of Pupillage.

42. Once the BSB has certified completion, the pupil will be issued with a Provisional Practising Certificate and can commence the practising stage of pupillage.

43. Before starting in practice, the pupil must register as a "Data Controller", in compliance with the Data Protection Act 1998, with the Information Commissioner's Office: https://ico.org.uk/

44. Although current VAT scheme rules do not require second six pupils to register for VAT, Chambers requires pupils to do so. Chambers can provide some guidance on this process although pupils may wish to obtain separate financial advice.

First Six Compulsory Training and Exams

Compulsory Advocacy Training Course

45. Pupils are required to attend the Pupillage Advocacy Course during the first six. This is usually run by Circuit in the early part of the year. The supervisor should be made aware of the date of attendance and should ensure the pupil has sufficient time to prepare the exercises. Performance is evaluated during the exercises and Chambers will be notified of the outcome. Once the pupil has booked onto the course, the clerks should be notified, as with all courses.

Ethics Exam

46. Pupils who started Bar training courses from 2020 onwards have to sit a Professional Ethics exam during the course of their pupillage. Pupils will already have had some teaching and assessment of Professional Ethics, but only to foundation level, during their vocational training. That knowledge should be developed during pupillage in a "real life" setting.

47. Pupils will be supported to prepare for the exam and given time to study and revise. We will run an "in house" training session giving pupils tips on what to expect from the exam



and how best to prepare. Whilst pupil supervisors are not expected to act as tutors, the BSB expects supervisors to be "active and engaged".

48. The exam is set and marked by the Bar Standards Board. It is a 3-hour open book examination with access to the BSB Handbook in electronic form (online version, not PDF) during the exam. It involves answering a number of short-answer essay type questions with narrative prose. The exam is designed to test the pupil's *application* of ethical principles.

49. Pupils should have completed at least 3 months of pupillage before they take the exam. There is no requirement to have done the exam in the first six though it is recommended to do so if possible.

50. There are currently 3 sittings a year. The first is likely to be in January and needs to be booked well in advance. It would be sensible to aim to do the exam then. If the exam is not passed, a resit can then be done in the second sitting (likely to be around April). As such, thought needs to be given to preparing for the exam in the early stages of pupillage.

51. The BSB do not provide or prescribe any particular prior study but there is much helpful material on the BSB website - https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component/intro-of-professional-ethics-assessment.html - to help pupils prepare including links to :

    a. Instructions for completing the exam;

    b. The current syllabus;

    c. Sample short answer questions and a mark scheme;

    d. A practice paper.

52. It is strongly recommended pupils familiarise themselves with all of the above documents and attempt the practice assessment. The syllabus is a particularly helpful document for pupils and their supervisors, highlighting the areas the pupil needs to be familiar with prior to the exam. Knowledge of, and the ability to quickly navigate, the online version of the BSB Handbook, in particular the Code of Conduct, is essential.

53. The BSB guidance on answering questions states:



Candidates are expected to accurately identify the Core Duties, rules and other materials which are applicable to the question scenario.
While it is helpful to quote rule numbers and other source material, markers are instructed to look for appropriate application of the relevant rules.

54. The Inns of Court College of Advocacy has produced materials to assist pupils prepare for the exam. An account must be created to access the materials and there is a fee to pay, which Chambers will cover.

55. Pupil supervisors ought to ensure their pupils are familiar with the ICCA materials, the BSB guidance above and have done a practice assessment before they undertake the Ethics exam.

56. It is necessary to pass the exam in order to successfully complete pupillage. The exam can be taken more than once although a fee is payable after the second unsuccessful attempt.

The Second Six

57. During the second six months pupils will largely be conducting their own work.

58. It is Chambers' policy that pupils ought generally to have at least one day each week out of Court. This is to allow time for the pupil to continue learning under the guidance of their supervisor. However, given many hearings are now remote and short, it may be unnecessary to ensure a whole day is booked out each week. The supervisor will monitor the situation to ensure the pupil has sufficient time to continue the process of learning.

59. It is the pupil's responsibility to monitor their diary and plan well in advance, together with their supervisor, the days when it is preferable they be out of court. If pupils find their diaries are booked in such a way that they are not getting this time out of court, they should raise it with the pupil's supervisor and/or the relevant practice area Head of Pupillage and/or the Chair of the Pupillage Committee.

60. During the second six, the pupil will also be expected to spend time with other members of Chambers, in particular junior members carrying out similar work to that the pupil can be expected to undertake.

Discussion and Debriefing Sessions

61. During this period, the pupil supervisor will continue to provide regular timely Feedback Sessions and Teaching Sessions as appropriate.

62. In addition, there will also be regular "Discussion and Debriefing Sessions". The focus of these Sessions is on the pupil's own caseload. They do not need to be lengthy but they should, if time permits, take place every day after a pupil has conducted a hearing or at least every couple of days.

63. The Discussion and Debriefing Sessions enable:

    a. a review of the preparation carried out or planned by the pupil for hearings, conferences, advices and drafting;

    b. hearings and conferences to be analysed;

    c. written work to be reviewed and discussed;

    d. a reflective discussion of things that went well, did not go well, things that might have been done differently and improvements that could be made in the future;

    e. the pupil's questions to be asked and answered;

    f. areas of required learning for Informal Teaching Sessions to be identified.

Other Training

64. Pupils may from time to time be asked, or may request themselves, to undertake further training by attending courses, seminars or lectures. Chambers may be able to fund such training if supported by the pupil supervisor, the relevant practice area Head of Pupillage and the Chair of the Pupillage Committee.

65. Chambers also intends to provide pupils with Practice Development Training, covering such things as general business development, use of social media, networking and profile building.



Work Allocation

66. During the second six, if there is more than one pupil, Chambers' clerks will allocate work to the pupils in a fair and equitable manner. The Practice Director and Senior Clerks shall monitor the distribution of the work to ensure that it is being fairly distributed. As part of its financial monitoring, Chambers' Executive Board and the Chair of the Pupillage Committee receive regular reports of the income generated by the pupils, and any required top ups, and will act on any inequality in earnings.

Written Work Assessment

67. Before the completion of pupillage, the pupil may be asked to do an assessed piece of written work. The work will be assessed by the supervisor and/or one or more members of the Pupillage Committee and kept on the pupil's file.

Month 9 and 12 Reviews

68. Three months into the second six the relevant practice area Head of Pupillage will conduct a Month 9 Review. The procedure will be as per the earlier Pupillage Reviews. In the unusual event of a failure successfully to progress, the procedure will be as set out above.

69. Then, towards the end of pupillage, there shall be a final Month 12 Review which ought to take place at the very start of month 12 . The purpose of this Review is to ensure that the pupil can ultimately be signed off as competent, having reached the requisite threshold standard identified in the Professional Statement. To assist pupils and supervisors, the "Pupillage Assessment Framework" (Annex A) provides a checklist for the necessary competencies.

70. As part of this review, feedback ought to be sought from other members of chambers.

<u>Review of Training Programme</u>

71. This Training Programme will be reviewed annually by the Pupillage Committee.

APPENDIX A

COMPETENCY CHECKLIST

Introduction

1. This document provides a checklist for all pupils at Parklane Plowden. It is intended to identify the 'Competencies' and as defined in the Bar Standards Board's ('BSB's') 'Professional Statement for Barristers' and to provide guidance on the methods of support, monitoring and assessment that will or may be utilised to ensure that the competencies are achieved the requisite level.

2. It should be read together with the following BSB documents:

   a. The 'Professional Statement for Barristers'; and

   b. The 'Bar Training: Curriculum and Assessment Strategy'.

3. Under the new provisions for the training of barristers, in Authorised Education and Training Organisations ('AETOs') such as Chambers, it is the responsibility of Chambers as a whole to ensure that pupils are provided with appropriate training and that they meet the necessary 'Threshold Standard' both at the commencement of the practicing stage of their pupillage respect of certain competencies and generally at the conclusion of the pupillage.

4. Therefore, although the pupil supervisor(s) will be responsible for training, ongoing assessment and ensuring that the pupil has achieved the requisite standard, they are doing so on behalf of Chambers as the AETO.

5. The 'Competencies' are universal and are not targeted to any particular practice area and should therefore be assessed and met regardless of the area of specialism of the pupillage or pupil supervisor.

6. It is assumed that the pupil will, prior to commencing pupillage, have satisfactorily met the 'Threshold Standard' for the academic and vocational stage of pupillage. All pupillages will be offered on that basis. Chambers will expect those organisations approved by the BSB as AETOs to provide those Competencies to have appropriately assessed and signed off the pupils prior to them commencing pupillage and pupils shall

be asked to provide evidence of their qualifications in advance of the commencement of their pupillage.

Methods of Assessment

7. In assessing the progress against the 'Competencies' the following tools shall be used by the pupil and pupil supervisor(s). This list is not exhaustive and discretion is therefore given to any further methods of assessment which the pupil supervisor(s) may choose to use.

    - ☐ General day to day discussions between supervisor and pupil
    - ☐ Analysis of the Work Diary
    - ☐ Feedback Sessions
    - ☐ Informal Teaching Sessions
    - ☐ Discussion and Debrief Sessions
    - ☐ Professional Statement Monitoring Session
    - ☐ Informal advocacy exercises within Chambers
    - ☐ Written work assessments
    - ☐ Feedback from the compulsory Advocacy Training
    - ☐ Moots (if undertaken)
    - ☐ Active oversight by the pupil supervisor(s) of the pupil's workload, in discussion with the clerks, and of their practice management. This shall include assessment of the pupils file management system and I.T. usage to manage his/her practice
    - ☐ Observations during the practising period if appropriate
    - ☐ Feedback from other barristers, clerks and other staff, solicitors and members of the judiciary

- ☐ Self-assessment by pupils
- ☐ Quarterly Pupillage Reviews
- ☐ For pupils who started their vocational training after 1 September 2020, the Professional Ethics Examination
- ☐ In due course on a date to be determined, the results of the Negotiation Course

Competency Checklist

8. These are listed under general areas. It is mandatory that all of these are made out at the threshold level at the conclusion of the pupillage.

9. Some of the competencies must be made out in full by the conclusion of the non-practicing stage of pupillage ("the first six"). Those competencies which must be achieved to the 'Threshold Standard' prior to the commencement of the second six are clearly marked in red.

10. **The pupil and pupil supervisor shall confirm each of the criteria have been satisfactorily completed to the relevant standard by way of initial or tick.**

1. BARRISTERS' DISTINCTIVE CHARACTERISTICS

PROFESSIONAL STATEMENT COMPETENCE	PUPIL	SUPERVISOR
Legal Knowledge, Skills and Attributes		
Uphold the reputation of the Bar and observe their duty to the court in the administration of justice		
Have a knowledge and understanding of the key concepts and principles of public and private law		
Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice		

Have an awareness of the wide range of organisations supporting the administration of justice.		
Apply effective analytical and evaluative skills to their work.		
Provide clear, concise and accurate advice in writing and orally and take responsibility for it		
Negotiate effectively		

Practical Knowledge, Skills and Attributes		
Exercise good English language skills.		
Exercise good communication skills, through any appropriate medium and with any audience as required in their work.		
Make sound judgements in their work.		
Ensure they are fully prepared.		
Employ effective research skills		

Advocacy		
Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides		
Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.		
Have persuasive oral advocacy skills.		

Professional Standards		
Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.		
Know how to conduct themselves appropriately in court.		
Only accept work which they believe they are competent to undertake.		

2. PERSONAL VALUES AND STANDARDS

PROFESSIONAL STATEMENT COMPETENCE	PUPIL	SUPERVISOR
Values, Characteristics and Behaviours		
Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.		
Be honest in their dealings with others.		
Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.		
Ensure their work does not incur unnecessary fees.		
Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.		

Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.		

3. WORKING WITH OTHERS

PROFESSIONAL STATEMENT COMPETENCE	PUPIL	SUPERVISOR
At Work		
Understand and exercise their duty to act in the best interests of their client.		
Understand and apply principles of team working where appropriate.		
Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.		
Treat all people with respect and courtesy, regardless of their background or circumstances.		
Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.		

Lay Individuals		
Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.		

4. MANAGMENET OF PRACTICE

PROFESSIONAL STATEMENT COMPETENCE	PUPIL	SUPERVISOR
Personal Practice Management		
As appropriate, possess a strong understanding of the specific implications of being a self-employed barrister		
Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice		
Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made		
Understand the organisational systems or structures within which they work and which support their delivery of a professional service.		

Professional Compliance and Work		
Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate		
Exercise good time-keeping in face-to-face or telephone encounters		
Where necessary, be diligent in keeping good records and files of cases		

APPENDIX B

FAMILY PUPILLAGE CHECKLIST

The list below is intended as a helpful framework. It uses as its template the previously used Family Pupillage Checklist issues by the BSB. It is not intended as an exhaustive list but as a helpful starting point for covering the key areas of principle, hearings and drafting for both Children Law (private and public) and Family Finances.

It is anticipated that pupils at the completion of their first six have an understanding of each of the issues listed below and have familiarity with the hearings and suggested drafting. It is the intention that the pupil supervisor(s) in conjunction with the pupil and the clerks are able to identify such work in chambers and if necessary, arrange for the pupil to spend time with other members of chambers to ensure that all of the areas below are covered in sufficient detail.

This checklist is intended for a general family law pupil. Specialist pupils – Children or Finance will have their pupillages tailored accordingly by their pupil supervisor(s) to ensure that the requisite Threshold Standard(s) relating to knowledge of area(s) of practice are met to the requisite standard.

Children

Private Law

Principles

- The 'welfare principle' – s. 1 of the Children Act 1989 ("CA 1989")
- The 'welfare checklist – s.1(3), CA 1989
- The presumption of 'no order'
- The wishes and feelings of the child
- The presumption that delay is prejudicial
- The concept of parental responsibility



- Section 8 of the CA 1989:
    - The types of order available to the court
    - The jurisdiction of the court to make section 8 orders
    - Who may apply as of right and when leave is required
- Family Assistance Orders – what they are and jurisdiction
- Welfare reports – in particular ss. 7 and 37, CA 1989
- The Child Arrangements Programme ("CAP")
- Practice Direction 12J to the Family Procedure Rules 2010 ("FPR 2010")
- The role of Cafcass
- Rule 16(4) FPR 2010 and the appointment of a children's guardian

Hearings

- First Hearing Dispute Resolution Appointment
- Dispute Resolution Appointment
- Finding of Fact Hearing
- Final Hearing

Drafting

- Skeleton arguments (where necessary)
- Case Summaries



- Chronology
- Schedule of Issues
- Orders – including familiarity with the Omnibus of Children orders and the CAP orders

Public Law

Principles

- Welfare of the child – including the welfare checklist in s.1(3), CA 1989 and the 'enhanced welfare checklist' in s.1(4) of the Adoption and Children Act 2002
- Wishes and feelings of the child – the role of the Guardian and what happens when the child(ren) and guardian are separately represented
- Parental responsibility and the local authority – interplay with care/interim care orders
- The no-delay principle and the 26 week timetable
- Presumption of no order
- Threshold – and the need for proper cogent evidence
- Concept of 'nothing else will do' in cases where there is a plan of adoption
- The rules relating to vulnerable witnesses including PD3A of the FPR 2010
- Placement applications – including the issue of parental consent and considerations relating to post-adoption contact
- Interim care orders and interim removal – the legal test, exclusion orders, s.38(6) CA 1989
- Care Orders – scope and effect
- Supervision Orders – scope and effect



- Placement Orders – scope and effect
- Contact – s.34(4) CA 1989 and post-adoption contact
- The Family Drug and Alcohol Court and Problem-Solving Court
- Designated Local Authority – for care and supervision orders

Hearings

- Advocates meetings – scope and purpose
- Interim Care Order and removal hearings
- Case Management and Further Case Management Hearings
- Issues Resolution Hearings
- Finding of Fact hearings – including when necessary
- Final Hearings
- Care proceedings
- Adoption proceedings – including permission to oppose the making of an adoption order and leave to revoke a placement order
- Discharge of a care order
- Removal under a care order

Drafting

- Case summaries



- Draft orders – Case Management Orders, Annex H orders
- Skeleton arguments – in particular: for interim removal and expert evidence
- Position Statements – on behalf of local authority/ parent/ children
- Threshold documents and responses to threshold
- Chronologies

Family Finance

Chambers (or written) work

- Applications – Form A
- Form E
- Drafting questionnaires and requests for documents
- Drafting schedules of issues and chronologies
- Drafting *Calderbank*, Part 36 and open offer letters
- Attending conferences
- Advising on evidence – including drafting written advices
- Preparing schedules of assets
- Drafting consent orders (together with understanding of rule 2.62 statements)
- Drafting orders after contested hearings – including familiarisation with the Financial Remedies Orders Omnibus
- Drafting summaries, statements of issues, directions/orders sought, chronologies and skeleton arguments



Court work

- First appointments
- Financial dispute resolution hearings
- Application for maintenance pending suit
- Final hearings
- Applications in relation to costs
- Injunction to freeze assets pursuant to section 37 of the Matrimonial Causes Act 1973

Family Law Act 1996 applications

- Non-molestation orders
- Occupation orders
- Without notice hearing
- Return/ on notice hearings
- Duration of orders
- Form of order and undertakings to the court

General

- Expert evidence – including the requirements under s.13 of the Children and Families Act 2014 and Part 25 of the FPR 2010 and funding.
- Rules of evidence within the FPR 2010
- Appeals –

- Routes of appeal
- Drafting Grounds of Appeal
- Drafting Skeleton Arguments
- Drafting Respondents Notices

- Committals and rules relating to such hearings
- Familiarisation with all draft forms of order

Other work

Depending on the availability of work within Chambers, family pupils may also be asked to observe and undertake some non-family law work during their pupillage.

Court of Protection

To be arranged generally by the supervisor(s) in liaison with the clerks and those members who practice in this area of law

General civil work

- Particulars of Claim
- Defence
- Part 20 Claim
- Reply
- Further information
- Disclosure
- Small Claims Track trial

- Fast Track Trial
- MOJ stage three hearing (including attending court with junior member of the civil team)
- Infant approval hearing (including attending court with junior member of the civil team)

CIVIL PUPILLAGE CHECKLIST

The list below is intended to provide pupil supervisors with guidance on the areas of exposure a pupil should ideally have during the course of a civil pupillage, depending on their area of specialism. It is based on the previously used Personal Injury and Employment Checklists issued by the BSB. It is intended neither to be exhaustive nor prescriptive as to essential minimum requirements before a pupillage can be signed off.

It is anticipated that pupils at the completion of their first six have an understanding of each of the topics listed below and have familiarity with the type of hearings and drafting. It is the intention that the pupil supervisor(s) in conjunction with the pupil and the clerks are able to identify such work in Chambers and if necessary, arrange for the pupil to spend time with other members of Chambers to ensure that all of the areas below are covered in sufficient detail.

PERSONAL INJURY / CLINICAL NEGLIGENCE

Paperwork

1. Claim forms
2. Particulars of Claim
    a. RTA
    b. Employer's Liability
    c. Occupier's Liability
    d. Highways Act
    e. Pleading an Admission
    f. Pleading particulars of injury & loss
3. Defences
    a. RTA



b. Employer's Liability

c. Occupier's Liability

d. Highways Act

e. Defence and Counterclaims

4. Part 20 claims

a. Part 20 Claim

b. Part 20 Defence

5. Replies

6. Advice

a. RTA

b. Employer's Liability

c. Occupier's Liability

d. Highways Act

e. Part 36 offer/payment & settlement parameters

f. Assessment of general damages

g. Assessment of special damages including

i. Future loss

ii. Smith v Manchester award

iii. Care claim

iv. Loss of chance

v. Pension claim

7. Schedules of Loss

    a. Special damages

    b. Calculating multiplier/multiplicand using Ogden tables

    c. Loss of pension

    d. Loss of future employment

    e. Loss of recurring expenses

    f. Fatal Accident

8. Case Summary for Case Management Conference/ Trial

9. Applications and Witness Statements in support

10. Skeleton Arguments

11. Draft Orders

12. Draft Directions

13. Notice and Grounds of Appeal (together with skeleton argument)

14. Request for further information under Part 18

15. Provision of Part 18 Further Information

16. Written questions to an expert

Attendance at Court

1. Application to a Master or District Judge

2. Negotiation and settlement at Court

3. Noting evidence, argument and judgment

4. Coroner's Inquest
5. County Court
    a. Small Claim
    b. Fast Track Trial
    c. Infant Approval
    d. CMC / CCMC
    e. Appeal
6. High Court Trial or Appeal
7. Court of Appeal/ Supreme Court

Knowledge Areas

1. Issue and service
2. CPR Part 36
3. Use of Experts & Part 35
4. Statutes & Regulations:
    a. 'Six-pack' Health and Safety Regulations
    b. Occupiers' Liability.
    c. Highway's claims.
    d. Product liability.
    e. Benefit recoupment & CRU
5. Costs & Funding: including Conditional Fee Agreements

6. Fatal Accidents

7. Structured settlements

8. Other areas: CICA claims, Inquests etc.

9. Motor Insurers' Bureau claims

10. Contributory negligence

11. Causation (including Pre-existing conditions)

EMPLOYMENT

Attendance at Tribunal / Court

1. Preliminary Hearing (Case Management)
2. Preliminary Hearing (Open)
3. Applications:
    a. To strike out / for a deposit order
    b. For disclosure
    c. For an adjournment / postponement
4. Employment Tribunal Full Hearing
5. Remedies Hearing
6. Judicial / Other Mediation
7. Hearing in the EAT
8. Hearing in the County Court



Drafting

1. ET1
    a. Unfair Dismissal (Express and Constructive)
    b. Discrimination
2. ET3
    a. Unfair Dismissal (Express and Constructive)
    b. Discrimination
3. List of Issues
4. Chronologies
5. Skeleton Arguments
6. Schedules of Loss
7. Applications
8. Grounds of Appeal

Advisory Work

1. Advice on Liability
2. Advice on Quantum
3. Conference / Advice Post Conference
4. Settlement Negotiations

Knowledge Areas

1. Key statutory jurisdictions
    a. Unfair Dismissal
    b. Breach of contract
    c. Equality Act
    d. TUPE
    e. TULR(C)A
2. Time limits
3. Rules of Procedure
4. Settlement Agreements
5. Restraint of Trade and Injunctions

CHANCERY AND COMMERCIAL PUPILLAGE CHECKLIST

SPECIALIST PUPILLAGE CHECKLIST: CHANCERY

Introduction:

A chancery pupillage should prepare a pupil to a standard which will enable the pupil to deal competently with the work which he or she is likely to encounter in the early years of practice at the Chancery Bar. From 1 September 2019, pupillages are to be assessed by reference to the Threshold Standard and Competences specified in the Professional Statement and the BSB will no longer be requiring pupils to complete the general or specialist checklists.

However, the Chancery Bar Association believes that a specialist chancery checklist (incorporating some parts of the general checklist by reference) will assist in ensuring that pupils at chancery sets are trained to meet those competencies in the context of the core elements of chancery work. Those competences particularly relevant to each section of the checklist are set out in the headings.

A chancery pupil should cover each of the non-asterisked items listed below. If no such opportunity has arisen within chambers or it has otherwise proved impossible to deal with a particular item, it will suffice in those circumstances for the pupil's supervisor(s) to: (i) discuss with the pupil any particular aspects of advocacy or advice which the pupil should consider in relation to that item; and (ii) identify appropriate action for the pupil to redress any such omission, noting the same in the comments section below.

It is desirable but not necessary for all chancery pupils to deal with the items below which are marked with an asterisk.

A. ORAL AND WRITTEN ADVOCACY IN CHANCERY PRACTICE

1. **Observe the following tribunals, become familiar with the practice and procedure of chancery litigation before each, and develop (by observation or practice) the skills of advocacy before them. This should specifically include familiarisation with the relevant provisions of the Chancery Guide.** N.B. References to each of the following include deputies sitting at that level.

   Chancery Division

   1.1. High Court Judge

1.2. Judge in the Interim Applications Court
1.3. Master
1.4. Judge in the Companies Court
1.5. Judge in Bankruptcy

The County Court

1.6. District Judge
1.7. Circuit Judge
1.8. Circuit Judge in the specialist Chancery Business list at the County Court at Central London*

The First Tier Tribunal

1.9. The Property Chamber (hearing any Land Registration, Agricultural Land & Drainage or Residential Property matter)*
1.10. The General Regulatory Chamber (hearing any Charities case)*
1.11. The Tax Chamber (hearing any Tax case)*

2. Become familiar with the following types of proceedings in chancery cases and develop (by observation or practice) the skills of written and oral advocacy for all such hearings, including the preparation where appropriate of skeleton arguments, chronologies, case summaries, minutes of order or other documentation.

Applications

2.1. An application for an interim injunction
2.2. An application for a freezing order*
2.3. An application for any relief made without notice to the other party (with consideration of the giving of undertakings)
2.4. A summary judgment or strike out application
2.5. An application for an unless order or for relief from sanctions
2.6. An application for further information or specific disclosure
2.7. An application for permission to amend a statement of case*

Trials

2.8. A trial under CPR Part 7 or other witness action which includes the cross-examination of witnesses of fact
2.9. Such a trial or action involving the cross-examination of expert witnesses
2.10. A final hearing in a claim under CPR Part 8

Costs and consequential relief

2.11. The handing down or delivery of reserved judgment with submissions on costs, permission to appeal and/or the form of order
2.12. An assessment of damages or the taking of accounts and inquiries*
2.13. Any hearing dealing with the summary assessment of costs
2.14. A costs and case management conference
2.15. An application to enforce a judgment e.g. for a charging order under CPR Part 73

Appeals

2.16. An appeal in the County Court or before a High Court Judge
2.17. An appeal in the Upper Tribunal (Lands or Tax & Chancery Chambers)*
2.18. An appeal in the Court of Appeal*

Bankruptcy and Companies Court Proceedings

2.19. A bankruptcy petition
2.20. A winding up petition
2.21. An application for an administration order*
2.22. An unfair prejudice petition under section 994 of the Companies Act 2006 (or other companies proceedings, subject to CPR Part 49 and PD49A)*

Possession Proceedings

2.23. A residential landlord & tenant and a mortgage possession claim under CPR Part 55
2.24. A possession claim against trespassers under CPR Part 55*

Probate, Inheritance and Trust Proceedings*

2.25. Non-contentious (common form) probate business*
2.26. A (contested) probate claim under CPR Part 57*
2.27. An Inheritance Act claim under CPR Part 57*
2.28. An application by trustees or executors under CPR Part 64 for directions as to whether to bring or defend court proceedings (*Re Beddoe*)*
2.29. An application under the Variation of Trusts Act 1958 or approval of a settlement on behalf of a minor*

Court of Protection (Property & Affairs) proceedings*

2.30. Final hearing of an application for a statutory will*
2.31. Final hearing of an application for authorisation of a gift, investment or other use of P's property*

2.32. Final hearing of an application to remove attorneys/deputies or appoint deputies*

Chancery Litigant in Person Scheme (CLIPS)*

2.33. For pupils at Chambers in London, attend with a member of Chambers while s/he is acting as a volunteer for CLIPS. For pupils at Chambers outside London, this is a recommendation only*

3. Develop (by observation or practice) the skills of written advocacy, oral advocacy and negotiation in relation to a mediation or other form of ADR (e.g. ENE/FDR/DRH) employed in a chancery case, including the preparation of position statements or the equivalent.

B. PLEADING AND DRAFTING IN CHANCERY PRACTICE

4. Develop (by observation and practice) drafting and pleading skills in the context of chancery litigation, including the preparation of the following, in addition to those points set out in the former general Pupillage Checklist (appended) at s 4, paras 2-5:

4.1. An application notice and evidence in support
4.2. A CPR Part 8 claim form and evidence in support
4.3. A statement of case in the First-tier Tribunal*
4.4. A consent order in Tomlin form (with consideration of any formalities issues arising in the chancery context e.g. on the transfer of land or beneficial interests)

C. ADVICE IN CHANCERY PRACTICE

5. Develop (by observation or practice) the following skills as set out in the former general Pupillage Checklist (appended) at ss 3 and 4, paras 1-6, in the context of chancery work:

5.1. legal research
5.2. advising in writing
5.3. advising in conference

D. NON-CONTENTIOUS CHANCERY WORK

6. Develop and practise the skill of non-contentious drafting and in particular:

6.1. Develop and practise an appropriate style
6.2. Understand the proper use of precedents

6.3. Understand the impact of taxation in drafting 6.4. Understand when an accompanying note is appropriate and its function
7. Consider and familiarise yourself with (or, where possible, draft) at least one example of a: 7.1. Contract 7.2. Will 7.3. Trust deed 7.4. Deed of Appointment* 7.5. Conveyance/ Transfer 7.6. Lease 7.7. Guarantee and indemnity 7.8. Mortgage/ deed of charge 7.9. Deed of variation (a.k.a. a deed of family arrangement)* 7.10. Set of filed accounts and the articles of association of a limited company 7.11. Shareholders' agreement* 7.12. Partnership deed **or** LLP members' agreement*

COMMERCIAL PUPILLAGE CHECKLIST

SPECIALIST PUPILLAGE CHECKLIST: COMMERCIAL

Introduction:

A commercial pupillage should prepare a pupil to a standard which will enable the pupil to deal competently with the work which he or she is likely to encounter in the early years of practice at the Commercial Bar. From 1 September 2019, pupillages are to be assessed by reference to the Threshold Standard and Competences specified in the Professional Statement and the BSB will no longer be requiring pupils to complete the general or specialist checklists.

However, a specialist commercial checklist (incorporating some parts of the general checklist by reference) will assist in ensuring that pupils undertaking commercial pupillages sets are trained to meet those competencies in the context of the core elements of commercial work. Those competences particularly relevant to each section of the checklist are set out in the headings.

If no such opportunity has arisen within chambers or it has otherwise proved impossible to deal with a particular item outlined in the list below, it will suffice in those circumstances for the pupil's supervisor(s) to: (i) discuss with the pupil any particular aspects of advocacy or advice which the pupil should consider in relation to that item; and (ii) identify appropriate action for the pupil to redress any such omission, noting the same in the comments section below.

PART ONE: TRIBUNALS TO BE OBSERVED

1.1. A Trial in the Business and Property Court in the:

a. The Commercial Court; or

b. The Business List; or

c. The Admiralty Court; or



d. The Circuit Commercial Court; or

e. The Financial List; or

f. The Insolvency List; or

g. The Companies List; or

h. The Competition List; or

i. The Intellectual Property List; or

j. The Property, Trusts and Probate List; or

k. The Revenue List.

1.2. A contested application before a judge sitting in the Business and Property Courts

1.3. A case management conference in the Business and Property Courts.

1.4. A trial in the County Court.

1.5. An arbitration.

1.6. An ADR hearing.

1.7. The Court of Appeal and the Supreme Court (if feasible).

PART TWO: LITIGATION – ADVOCACY

2.1. A winding up petition.

2.2. A contested application for summary judgment or a strike out application.

2.3. An application for:

a. Special disclosure; or

b. Further information; or



c. An adjournment; or

d. Other case management application.

2.4 A hearing or trial in the County Court

2.5 A hearing in the Business and Property Court

PART THREE –LITIGATION DRAFTING: PLEASE NOTE IN YOUR COMMENTS ANY OBSERVATIONS ABOUT THE STYLE OF DRAFTING, THE PROPER USE OF PRECEDENTS, AND THE MANNER IN WHICH YOUR DRAFTS HAVE BEEN SIGNED OFF IN FINAL FORM.

3.1. Statements of case:

a. Claim form.

b. Particulars of claim (contract/tort/other)

c. Defence/particulars of defence (contract/ tort/other)

d. Part 20 claims/particulars of Part 20 claims.

e. Reply

3.2 Request for further information

3.3 Notice and grounds of appeal to the Court of Appeal.

3.4. Applications (with application notice and supporting witness statement and draft order) for:

a. Summary judgment application or strike out application

b. Freezing Injunction

3.5 Case Management Documents including:

a. Allocation questionnaire

b. Case summary for CMC

c. Cost budgets and Precedent R

d. List of issues (for trial)

e. Schedule of costs for summary assessment

f. Letter before action in accordance with pre-action protocol

3.6 Skeleton Argument for Interlocutory application and or trial

PART FOUR – LITIGATION – ADVICE

a. Written advice on merits covering both fact and law

b. Written advice on quantum

c. Written advice on evidence and preparation of case for trial

d. Notes for advice in conference (face to face or virtually)

e. Attend a conference with client and solicitor

f. Attend a conference with expert witness

g. Listen in to or give telephone advice

h. Attend settlement negotiations or conduct settlement negotiations

PART FIVE: LITIGATION – PROCEDURE

5.1. Familiarise yourself with the following:

a. The Civil Procedure Rules (including pre-action protocols)

b. The Commercial Court Guide

c. The Chancery Guide

d. TCC Guide

e. Arbitration Act