

**Effective for all pupillages commencing from 1 October 2022**

**PUPILLAGE POLICY at BLACK ANTELOPE LAW**

This document sets out the way in which the Entity will deal with all aspects of pupillage, including the application process, the selection of pupils, the conduct of both pupils and their pupil supervisors during pupillage and the grievance procedure in operation at the Entity for pupils.

Pupils commencing pupillage at the Entity will be required to enter into a written pupillage agreement with us.

Our Policy is contained in the following sections:

1. The Pupillage Training Committee
2. Mini-pupillages
3. Pupillages and awards
4. Procedure for applications
5. Selection criteria
6. Supervision Arrangements and the conduct of pupils
7. The duties of a pupil supervisor
8. Review of pupillage progress, employment decision and failure to satisfy the professional competences
9. Grievance procedure
10. Disciplinary procedure
11. Review of pupillage and pupillage application process

**1. The Pupillage Training Committee**

1. A Pupillage Training Committee ("the Committee") will deal with all matters relating to pupillage, subject to these Rules. The Head of the Committee will be the Pupillage Training Principal ("PTP").
2. The Committee should consist of the PTP and at least 2 and up to 4 other full-time members each of whom has been trained in fair recruitment and selection processes (as required by r.C110.3.c of the Code of Conduct). It is desirable that the Practice Manager should be one of the full-time members of the Committee.
3. If insufficient members of the Committee are present at the Entity at any one time, those Committee members who are present, or the Head of Legal, may nominate ad hoc members to the Committee for particular purposes provided that each such member nominated has been trained in fair recruitment and selection process.

**2. Mini-pupillages**

1. The completion of a mini-pupillage is not a precondition to applying for a full pupillage, but all applicants are encouraged to complete a mini-pupillage with us before applying for a full pupillage.

2. Applications for mini-pupillages shall be made on the Entity's Mini-Pupillage Application Form available on the Entity's website (or by request from the Practice Manager).
3. Applications for mini-pupillages shall be supported by at least 1 academic reference.
4. Applications for mini-pupillages should be considered by at least 1 legal member of the Committee as well as the Practice Manager.
5. Mini-pupils shall sign a Confidentiality Agreement in the form prescribed by the Entity and shall have the nature and importance of maintaining confidentiality, the protection of data and legal professional privilege explained to them.

### **3. Pupillages and awards**

1. The provisions of this section 3 and section 4 below shall apply to pupillages offered by the Entity with a view to the pupil obtaining an offer of employment at the Entity thereafter. The pupillages offered by the Entity are the final component of the three-step pathway, the four-step pathway and the integrated academic and vocational pathway as described in the BSB's Authorisation Framework for the Approval of Education and Training Organisations.
2. The Entity shall not be obliged to accept any minimum or maximum number of pupils but shall generally aim to offer 1 pupillage each year.
3. All pupils shall be eligible for an award.
4. The amount of the award shall be fixed each November for the subsequent year. The award for pupillage commencing in October 2022 is £21,000 (part of which can be drawn-down early pursuant to paragraph 3.7 below).
5. All pupils shall be entitled to an award of equal amount (subject to exceptional circumstances, in which the Committee shall determine the appropriate amount).
6. The Entity shall offer pupillages of 12 months duration which shall be divided between a 6-month non-practising period and a 6-month practising period.
7. Pupils shall be entitled to request the early draw-down of part of the pupillage award in writing to the Practice Manager. The PTP will, in conjunction with the Practice Manager, then consider any such request for early draw-down of part of the pupillage award and they may, in their discretion, permit such a draw-down subject to such conditions as they think fit. Save in exceptional circumstances, the maximum amount which can be drawn down early will be 15% of the award and any early draw-down will be repayable in the event that the pupil does not commence pupillage.
8. The Entity may offer such further or other pupillages as the Committee shall in its discretion determine and on such terms as the Committee thinks fit. The procedure for

such applications shall be determined by the Committee. For the avoidance of doubt, sections 4 below applies to such additional pupillages.

#### **4. Procedure for applications**

1. Vacancies for pupillage shall be advertised through the Pupillage Gateway in accordance with the timetable prescribed but may also be advertised on other hardcopy or online publications to encourage applications from underrepresented groups. The Committee shall aim to conduct shortlisting and all interviews before the end of April in the year of application. This timetable is subject to the deadlines imposed under the Gateway which the Entity shall follow save in exceptional circumstances.
2. Vacancies for pupillage will either be for a general pupillage (where a pupil will be expected to cover all the work areas undertaken by the Entity) or a specialised pupillage (where we have a specific need in one or more of our practice areas). Those applying for a specialist pupillage will be additionally scored on their commitment to practising in that field.
3. Applications should be supported by 2 academic references.
4. Application Forms and references should be considered by not less than 2 members of the Committee and wherever possible, will be carried out by a representative sample of members of staff.
5. Applicants shall generally be invited to attend for an interview if not less than 2 members of the Committee consider it appropriate. The PTP shall review the applications of all applicants considered appropriate for interview by at least one member of the Committee.
6. The Entity's aim is that all applicants for any year selected for interview should be interviewed by the same full Committee. Interviews should in any event be conducted by not less than 3 members of the Committee (whether in person or remotely). Final interviews should, absent exceptional circumstances, take place in person.
7. Applicants who are invited for interview shall be requested to provide to the Committee such evidence as the Committee considers reasonably necessary to demonstrate that they meet the mandatory requirements for pupillage. In the event that an applicant is unable to provide such evidence, the Committee shall consider whether it is necessary to report that applicant to the BSB and/or the applicant's Inn of Court and, if so, shall make such a report.
8. Approximately half an hour before any interview the applicant should be given a short problem on which questions will be asked at the interview. The problem should be designed to test the applicant's suitability to the Bar generally, and to the Entity in particular, and not to test the applicant's existing legal knowledge. Applicants shall also be provided with a brief explanation of the format which the interview is expected to take.

9. From those interviewed, the Committee should identify the applicants who appear to be suitable for pupillage. If in any year there are more suitable candidates than available pupillages, the Committee may conduct a second round of interviews and/or set a written test.
10. Subject to compliance with the Bar Standards Board (“BSB”) and/or Pupillage Gateway (“the Gateway”) requirements relating to the making of offers of pupillage, applicants should be notified in writing as soon as possible after any decision is made at any stage of the application procedure. Offers of pupillage shall be made through the Gateway and shall include the information mandated by the Bar Standards Board.
11. The Committee (or a nominated member thereof) shall use its reasonable endeavours to provide feedback where requested by unsuccessful applicants.

**5. Selection criteria**

1. Applicants for pupillages and for employment shall be selected exclusively on the basis of their suitability to the Bar in general and to the Entity in particular using objective and fair criteria as set out below. Shortlisting and interviewing will be carried out by a representative sample of members of staff.
2. The following criteria shall be applied in considering an applicant's suitability:

Criterion	Components
1. Intellectual Ability	<ul style="list-style-type: none"> <li>● Academic ability</li> <li>● Knowledge of the law (but reflecting the specific legal experience of each applicant)</li> <li>● Analytical reasoning</li> <li>● Common sense</li> </ul>
2. Advocacy	<ul style="list-style-type: none"> <li>● Fluency, accuracy and clarity</li> <li>● Persuasiveness</li> <li>● Agility in responding to questions</li> <li>● Sound judgment</li> </ul>
3. Professionalism	<ul style="list-style-type: none"> <li>● Integrity</li> <li>● Application and motivation</li> <li>● Coping under pressure</li> <li>● Working with others</li> <li>● Time management</li> </ul>

3. When considering applicants for pupillage or employment the Committee or the Entity (as the case may be) shall have due regard to the Equality Code.

4. The Entity operates an equal opportunities selection policy for both pupils and employees and we positively encourage applications from underrepresented groups. We aim to treat all applicants fairly, irrespective of race, religion, gender, sexual orientation, marital status, disability and age.
5. Whilst we do not consider that the class of degree obtained by an applicant is a definitive indicator of their potential as a barrister, particularly in the case of applicants with significant post-degree work experience, excellent academic records will be given due weight.
6. The institution from which an applicant has obtained his or her degree is not relevant and will be redacted prior to the shortlisting stage.

## **6. The Supervision Arrangements and the Conduct of Pupils**

1. Pupils shall sign a written pupillage agreement before commencing pupillage. That agreement shall be in the form of the draft agreement developed by the Committee (and itself based on the template prepared by the Bar Standards Board) subject to such amendments as shall be considered necessary by the Committee. Pupils shall also, before the commencement of their pupillage, provide the Entity with the documentation and information referred to in the Entity's draft pupillage agreement in order to satisfy the Committee of their credentials.
2. In the event that such documentation and information has not been provided to the Entity by the required date, the Practice Manager shall immediately notify the PTP and the pupil of that failure. In the event that a pupil is unable to provide the required documentation and information, the Committee shall consider whether it is necessary to report that applicant to the BSB and/or the applicant's Inn of Court and, if so, shall make such a report.
3. Pupils should normally be assigned to 2 successive pupil supervisors during the 12-month period, for a period of approximately 6 months each. Unless the Committee decides otherwise in its discretion, at least two of the pupil supervisors for each pupil should have at least 3 years previous experience of supervising pupils.
4. Pupils should in general work in their pupil supervisor's room (when working at the office) and attend all conferences and Court appearances with their pupil supervisor during the normal working week, unless specific assignments require their attendance elsewhere. However, the Entity recognises the principle of Flexibility as provided for in the Authorisation Framework. This should be explained to pupils and pupil supervisors should have regard to the principle when considering any request from a pupil to adopt a different pattern of working. Where pupils travel with their pupil supervisor, the costs and expenses associated with that travel shall be paid by the Entity and/or the pupil supervisor.
5. It is expected that during the first six months, pupils will be based remotely 3 days a week and at the office for 2 days a week on days to be fixed. During the second sixth

months, it is expected that subject to court and client commitments, pupils will be based at the office 3 days a week and 2 days remotely.

6. A pupil shall be provided with the progress monitoring document developed by the Entity to be completed during the pupillage (a copy of which is appended to this Policy). This has been designed to ensure that the pupil reaches, as a minimum, the standard set out in the Professional Statement for Barristers prepared by the BSB by reference to the areas of work which a pupil should expect to see in pupillage. A pupil should provide any comments on the contents of this document to his or her pupil supervisor in the first instance. At the end of each seat, pupils should provide a completed copy of this document to their pupil supervisor in respect of the seat completed with that supervisor.
7. Pupils are directed to Section 4H of the Bar Qualification Manual (“BQM”) which sets out a summary of the responsibilities of a pupil.
8. The matters which pupils will observe and deal with are confidential and generally privileged. Accordingly, (except where the pupil supervisor confirms otherwise) they are not to be discussed other than with the pupil supervisor. Pupils are expressly subject to rC15.5 of the Code of Conduct relating to confidentiality which applies as if the pupil supervisor’s client was the pupil’s own client.
9. Pupil supervisors shall explain the importance to pupils of complying with best practice for data management and protection.
10. Normal Entity hours for pupils are 9am to 5pm, Monday to Friday. Pupils are entitled to a lunch break.
11. The Entity shall supply each pupil with a laptop, an Entity e-mail address and access to the online library services to which the Entity subscribes. Pupils should be provided with a copy of the Entity’s policy for the use of devices outside of the Entity.
12. If and to the extent that the Working Time Regulations provide for any limitation on the working hours of pupils, each pupil agrees that such limitations shall be waived to the extent that it is permissible to do so.
13. During the period of the pupillage:
  1. Each pupil must complete the courses required by the Bar Council and/or BSB: the advocacy course which must be completed prior to the start of the practising period of pupillage; the compulsory negotiations skills course and the professional ethics examination.
  2. Each pupil may also be required to complete the forensic accounting course (which is no longer compulsory).

3. The courses referred to in paragraphs 6.11.1 and 6.11.2 will be paid for by the Entity to the extent not paid for as determined by the BSB<sup>1</sup> and save that the cost of the third or any subsequent resit of the professional ethics examination shall be paid for by the pupil.
  4. Where pupils are required to attend a compulsory course or other event (such as a Qualifying Session within the meaning of Section 5B of the BQM) during working hours, pupils shall be permitted to attend such courses or events during working hours. Pupils shall notify their pupil supervisors of any such requirements in advance so that the pupil supervisor can make any necessary arrangements.
  5. The Entity also encourages pupils to attend relevant seminars organised by specialist Bar associations dedicated to the work covered by the Entity.
14. All work during the second 6 months will be distributed in conjunction with discussion with the pupil-supervisor and on a fair rotation basis. Such distribution will be reviewed at least every two months by each pupil supervisor to ensure fair and equal access to all pupils.

Absence from training and sickness

15. Subject to the requirements of the Bar Council and/or BSB, pupils are entitled to 10 days holiday per each six-month period in addition to bank holidays. The Entity is flexible as to when holidays are taken, but it is usually better to take them in the court vacations, and pupils should discuss with their pupil supervisor the most appropriate time at which to take their holidays.
16. In the event that a pupil is unable to commence and/or is absent from training for an extended period of time by reason of sickness or any other reason, or the training is otherwise disrupted for some unforeseen reason (including the prolonged absence of a pupil supervisor from the Entity and/or the lack of sufficiently qualified pupil supervisors at the Entity), such that (a) the Entity cannot reasonably and fairly make an employment decision in respect of that pupil pursuant to the usual timetable set out in section 8 below and/or (b) there is a risk that one or more of the competences in the Professional Statement will not be met by the scheduled conclusion of pupillage, the Committee shall as soon as is reasonably practicable and in its absolute discretion consider whether to:
  1. Defer the commencement of pupillage; and/or
  2. Defer the making of the employment decision; and/or
  3. Extend the period of pupillage; and/or

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<sup>1</sup> The BSB has announced that there is no fee for pupils to pay for their first or second attempt, but after that the cost of any resit will be £832 and the pupillage agreement with the Entity should set out who will bear the costs.

4. Take such other steps as the Committee shall consider necessary so as to enable the pupil fairly to complete their training (with the duration of any permitted deferral or extension reflecting the period necessary to enable the pupil to demonstrate competence rather than the period of absence).
17. In determining whether to take any of the steps identified in paragraph 6.16 above and, if so, which ones, the Committee shall be entitled (but not obliged) to consult with the relevant pupil supervisor(s) of the pupil in question and with the pupil.
18. In the event that pupillage is extended pursuant to paragraph 6.14 above, the Committee shall also consider in its absolute discretion whether or not the Award should be increased so as to cover the period of the extension.

## **7. The Duties of the Pupil Supervisor**

1. The purpose of pupillage is to ensure that all pupils understand and satisfy, as a minimum, the Professional Statement for Barristers which identifies the knowledge, skills and attributes which a newly-authorized barrister would be expected to have.
2. The pupil supervisor is the person within the Entity with the primary responsibility for the training and education of his or her pupil and for ensuring the welfare within the Entity of that pupil.
3. In order for an individual at the Entity to act as a pupil supervisor:
  1. unless the Committee decides otherwise in its discretion, that individual should have a minimum of 6 years post-call experience.
  2. that individual shall have received the required training as a pupil supervisor by attending a relevant course run by the Inns of Court or by such other method as shall be approved by the BSB; and shall have completed refresher training at least every 5 years since that initial training (or every three years if the supervisor has not supervised a pupil in that period). The member shall provide confirmation to the Committee of the completion of such training or refresher training as appropriate.
4. The Entity shall take all reasonable steps to maintain at all times a pool of at least 2 individuals who meet the requirements to act as a pupil supervisor set out in paragraph 7.3 above. In particular, the PTP shall encourage individuals who are approaching 6 years post-call experience (and particularly those who have gained experience through the supervision of mini-pupils) to attend a relevant course referred to in paragraph 7.3.2 above.
5. A pupil supervisor shall, when supervising any pupil:
  1. Have regard to the Professional Statement for Barristers referred to above;

2. Take all reasonable steps to provide that pupil with adequate tuition, supervision and experience so as to reach the standard required for employment with the Entity;
  3. Have regard to any pupillage guidelines issued by the BSB and to the Equality Code for the Bar; and
  4. Ensure that the pupil prepares for and attends any further training required by the BSB such as advocacy training provided by the pupil's Circuit or Inn.
6. As regards paragraphs 7.5.1 and 7.5.2 above, pupil supervisors shall have regard in particular to section 4M of the Bar Qualification Manual and shall endeavour to follow the good practice identified in that Manual.
7. In particular, pupil supervisors should:
1. Conduct a formal induction process at the commencement of pupillage to inform their pupils of the matters set out in section 4M, paragraph 2 of the Bar Qualification Manual including the selection criteria utilised by the Entity, the structure of pupillage and the grievance procedure defined herein. The Entity has prepared a checklist for the purposes of this induction which pupil supervisors should use. A copy of this checklist is appended to this Policy.
  2. Ensure that their pupils are provided with and complete conscientiously and accurately the documents referred to above.
  3. Ensure that their pupils complete the courses required by the BSB and also the forensic accountancy course (where pupils are requested to do so).
  4. Ensure that their pupils do all such work and gain all such experience as is appropriate for a person commencing practice in the type of work done by the pupil supervisor. This will include the reading of the pupil supervisor's papers, draft pleadings and other documents as appropriate and accompanying the pupil supervisor to court and to conferences.
  5. Discuss all work done by pupils and provide as much feedback as possible (and at least on a monthly basis). Such feedback should be recorded in writing. The final feedback session at the end of pupillage should, where relevant, include encouraging pupils to reflect on their competence post-qualification and to consider their continuing professional development obligations.
  6. Ensure that their pupils are well grounded in the rules of conduct and etiquette at the Bar.
  7. Ensure that their pupils (and particularly those in the second six) are given suitable guidance on how to build and develop their practice.
  8. If appropriate, provide their pupils with the certificates referred to in section 4K of the Bar Qualification Manual or explain the process by which such

certificates may be obtained in the absence of certification by the pupil supervisor. Where a pupil supervisor is unable to certify that a pupil has satisfactorily completed either the non-practising period (pursuant to section 4A, paragraph 2.10 and section 4K, paragraph 2.5 of the BQM) or the practising period of pupillage (pursuant to section 4K, paragraph 3.11 of the BQM) for reasons other than absence from training (which is provided for in paragraphs 6.14 to 6.16 above), the provisions of paragraphs 8.12 to 8.14 below shall apply.

9. Ensure that, where they take over supervision of a pupil after completion of the non-practising period, the form certifying that completion (referred to in section 4K of the Bar Qualification Manual) has been filed with the BSB.
10. Ensure that notice of a change of pupil supervisor is given to the BSB when required.
11. Encourage their pupils to do occasional pieces of work for other individuals of the Entity who have been trained in fair recruitment and selection processes, but not so as to interfere with the normal course of pupillage with the pupil supervisor.

## **8. Review of Pupillage Progress, Employment decision and Failure to satisfy the Professional Competences**

### Ongoing review

1. The progress of pupils should be overseen on an ongoing basis by their pupil supervisor and feedback should be provided regularly (and at least on a monthly basis). In addition an individual who is not a pupil supervisor should be available on reasonable notice to discuss any particular matters of concern.
2. Pupil supervisors shall, at the conclusion of their supervision of a pupil:
  1. provide the PTP with a report on the pupil using the template report produced by the Committee (a copy of which is appended to this Policy); and
  2. conduct a final review with the pupil of the progress made by the pupil.
3. There should be a review by the PTP and the relevant pupil supervisors of all pupils at the end of the first 6 months period, so that an assessment can be made by the Entity and/or the Committee of the position and progress of each pupil against the competences set out in the Professional Statement and their chances of employment; and so that the relevant pupil supervisor can consider whether to certify that a pupil has satisfactorily completed the non- practising period (pursuant to section 4A, paragraph 2.10 and section 4K, paragraph 2.5 of the BQM). The Committee and pupils should be informed of the conclusion of this assessment. Pupils shall be assessed under each of the 7 headline competences (being (1) Legal Knowledge, Skills and Attributes; (2) Practical Knowledge, Skills and Attributes; (3) Advocacy; (4) Professional Standards;

(5) Working with Others; (6) Personal Values and Standards; and (7) Management of Practice) using the following scale: (i) exceeding expectations, (ii) meeting expectations; (iii) some concerns and (iv) not meeting expectations. The Committee and pupils should be informed of the conclusion of this assessment including where there are some concerns or the pupil is not meeting expectations, what the reasons are for this conclusion and the steps the pupil needs to take in order to meet or exceed expectations.

#### Employment decision

4. The Entity will, unless it is not reasonably possible (and subject to any deferral or extension pursuant to paragraph 6.14 above), consider whether a pupil should be offered employment in the tenth month of their pupillage (i.e in July for pupillages commencing the previous October). Pupils should expect to be informed of the date of their employment decision not less than 1 month in advance of that date.
5. All pupils will be considered for employment unless, prior to the date of their employment decision notified pursuant to paragraph 8.4 above, they inform the Practice Manager that they do not wish to be so considered.
6. Not more than 2 weeks prior to the date for the employment decision, the pupil supervisors who have supervised a pupil during the relevant pupillage year and the PTP shall conduct a review of all pupils to consider whether to recommend to the Entity whether any of those pupils should be offered employment.
7. The decision as to whether or not to make an offer of employment to a pupil shall be taken at an Entity meeting which as many members of the Entity as possible who have been trained in fair recruitment and selection processes shall attend.
8. The criteria to be used in deciding whether to recommend and/or make an offer of employment are those set out in paragraph 5.2 above. When considering applicants for employment, the Entity shall also have due regard to the Equality Code.
9. Where a pupil is offered employment, that employment shall, unless not reasonably possible, commence immediately on the conclusion of pupillage without the need for any additional period of training or assessment.
10. Where a pupil is not taken on as an employee, his or her pupil supervisor and the Committee shall give such assistance to finding such alternative pupillage, tenancy or employment as is consistent with a fair assessment of the pupil's ability.

#### Failure to satisfy the Professional Competences (other than for reasons of sickness or other absence from training)

11. There should be a review by the PTP and the relevant pupil supervisors of all pupils at the end of the second 6 months period, so that the relevant pupil supervisor can consider whether to certify that a pupil has satisfactorily completed the practising period (pursuant to section 4K, paragraph 3.11 of the BQM). The Committee and pupils should be informed of the conclusion of this assessment.

12. Where a pupil supervisor is unable to certify that a pupil has satisfactorily completed either the non-practising period or the practising period of pupillage for reasons other than sickness or absence from training (which are dealt with in paragraphs 6.14 to 6.16 above), the supervisor shall, as soon as is reasonably practicable, notify the Committee of that fact and shall identify the reasons for it.
13. Following a notification pursuant to paragraph 8.12 above, the Committee shall as soon as is reasonably practicable and in its absolute discretion consider whether to:
  1. Extend the period of pupillage; and/or
  2. Take such other steps as the Committee shall consider necessary so as to enable the pupil to complete the relevant period of pupillage.
14. There should be no expectation on the part of pupils that such an extension will be granted or other steps taken where there is no good reason for the inability of the pupil supervisor to provide the relevant certification.
15. If a pupil has not passed the Professional Ethics examination or has not completed any of the compulsory courses before the pupillage is due to be completed the Committee shall as soon as is reasonably practicable and in its absolute discretion consider whether to:
  1. Defer the making of the employment decision; and/or
  2. Extend the period of pupillage; and/or
  3. Take such other steps as the Committee shall consider necessaryso as to enable the pupil fairly to complete their training (with the duration of any permitted deferral or extension reflecting the period necessary to enable the pupil to complete the relevant course(s)).

## **9. Complaints and Grievances Policy**

1. The Entity is committed to providing a working environment:
  1. in which all pupils are treated with dignity, respect and fairness; and
  2. which is conducive to the professional growth of its pupils and to the promotion of equality of opportunity.
2. Pupils have a right to complain if they consider that the pupillage is not being conducted in accordance with their written pupillage agreement or this Policy including paragraph 9.1 above. This shall include any appeal in relation to whether a pupil has met the requirements of the Threshold Standard and Competences described

in the Professional Statement in order for their pupillage, or any part thereof, to be signed off.

3. Any complaints or grievances will be addressed promptly, objectively and fairly, in accordance with the procedures set out below.
4. No-one will be victimised or suffer a detriment because they raise a complaint or grievance in good faith under this policy.

#### Scope of procedure

5. This section is applicable to any complaint, grievance or dispute including but not limited to complaints of unfair discrimination or harassment.

#### Confidentiality

6. Confidentiality will be maintained as far as possible and appropriate in the circumstances.

#### Informal procedures

7. Complaints or grievances are more easily resolved if dealt with at an early stage. Before invoking the procedures set out below, pupils are encouraged to try to resolve any grievances or concerns by discussion with:
  1. their pupil supervisor, if possible and appropriate; and/or
  2. the Practice Manager; and/or
  3. the Head of Legal; and/or any member or members of the Committee.

#### Formal procedures

8. If a complaint or grievance cannot be resolved informally, any formal complaint:
  1. must be made as soon as reasonably possible;
  2. shall in any event be made within 6 months of the act being complained of, or within 6 months of the end of any informal action taken, save in exceptional circumstances;
  3. should be made in writing to the Practice Manager and will be acknowledged within 7 days of receipt unless there are good reasons for delay;
  4. will be dealt with promptly in accordance with this procedure and in particular within 28 days of receipt of the complaint unless there are good reasons for delay; and

5. will be investigated in accordance with standards of natural justice and in particular, where possible, (i) 2 individuals not directly involved in the complaint will undertake the investigation, both of whom will be familiar with the Bar's Code of Conduct and Equality and Diversity Code (and, where necessary, the Professional Statement) and (ii) if there is a hearing, all parties to the complaint will be permitted to be accompanied by a colleague or friend.
9. On the conclusion of the investigation:
  1. the complainant will receive a written response on the outcome of the complaint with a clear indication of the step the Entity will take in the circumstances to remedy the problem if the complaint is upheld; and
  2. solutions which rely on changes to working arrangements which may unreasonably disadvantage the complainant will be avoided.
10. A brief confidential report on all formal complaints and on the outcomes will be made to the Head of Legal and records will be retained for a period of 1 year from the conclusion of each case with a discretion to keep for longer if necessary.

## **10. Disciplinary Policy**

1. The Entity considers the following matters to constitute pupil misconduct:
  1. Committing a breach of the BSB Handbook;
  2. Committing a breach of the Entity's policies, procedures or codes of conduct applicable to you;
  3. Being 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);
  4. Failing to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of your pupillage training;
  5. Ceasing, during the practising period of pupillage, to hold a valid practising certificate;
  6. Bringing or risking bringing the name or reputation of the Entity or its members into disrepute or prejudicing the interest of the Entity through actions or omissions (whether or not in the course of the pupillage);
  7. Being or becoming ineligible to undertake or complete the pupillage as a result of the pupil's immigration status.
2. In the case of misconduct, and subject to clause 10.3 below, the following procedure shall apply:

1. Stage one: In the case of a first minor breach, a pupil may be given an informal verbal warning by their pupil supervisor, who will inform the pupil of the nature of the misconduct, request an improvement in that pupil's conduct and specify a timeframe for such improvement. A file of instances of misconduct shall be kept and a note of the verbal warning may or may not be taken and retained on the file.
  2. Stage two: A second failure to remedy the misconduct or a more serious breach will justify a formal warning by the pupil supervisor, who shall notify the PTP. A file of instances of misconduct shall be kept and the warning will be recorded on the file in writing and copied to the pupil. Where appropriate, the pupil will be given a time in which to improve their conduct.
  3. Stage three: The repetition of breaches previously dealt with at Stage 1 or Stage 2, or a more serious first breach will be dealt with by a final written warning which will be given to the pupil by the PTP after a full investigation of the circumstances. A written copy of the final warning will be issued to the pupil. The final warning will, where appropriate, specify a time for improvement in their conduct.
3. The written pupillage agreement between a pupil and the Entity shall specify the circumstances in which the Entity has the right to terminate a pupillage at any time and with immediate effect. Those circumstances shall include:
1. Committing a serious breach of the BSB Handbook (including any of the matters identified as serious misconduct in gC 96 of the BSB Handbook);
  2. Committing a serious or persistent breach of the Entity's policies, procedures or codes of conduct applicable to you;
  3. Being 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);
  4. Failing to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of your pupillage training;
  5. Ceasing, during the practising period of pupillage, to hold a valid practising certificate;
  6. Bringing or risking bringing the name or reputation of the Entity or its members into disrepute or prejudicing the interest of the Entity through actions or omissions (whether or not in the course of the pupillage);
  7. Being or becoming ineligible to undertake or complete the pupillage as a result of the pupil's immigration status.

4. If the Entity decides to terminate a pupillage pursuant to the terms of the written pupillage agreement, it shall forthwith notify the pupil of that decision and provide the pupil with sufficient information so as to understand the grounds for the decision.
5. Any pupil whose pupillage is terminated shall have the right of appeal against that decision. Any such appeal against the decision of the Entity to terminate pupillage:
  1. Must be made as soon as reasonably possible;
  2. Shall in any event be made within 28 days of the termination of pupillage;
  3. Shall be made in writing to the Head of Legal and will be acknowledged within 7 days of receipt unless there are good reasons for delay;
  4. Will be dealt with promptly in accordance with this procedure and in any event within 28 days of receipt of the appeal unless there are good reasons for delay; and
  5. Will be considered in accordance with standards of natural justice. In particular, the pupil and the Entity shall each have the right to rely on written submissions and, if there is a hearing, the pupil and the Entity will be permitted to be represented if they so wish.
  6. Will, where possible, be considered by two individuals who have not been involved in the decision to terminate the pupillage.
6. On the conclusion of the consideration of the appeal the pupil will receive a written response on the outcome of the appeal.
7. If the appeal is upheld and pupillage is re-instated, the pupillage will recommence within 14 days of the appeal being upheld.
8. The written pupillage agreement shall make provision for the Award and any repayment thereof in the event that pupillage is terminated by the Entity pursuant to that agreement. Such provisions shall include:
  1. The immediate cessation of monthly payments in respect of the pupillage award;
  2. The repayment of any advance payment of the Award in the event that the pupillage is terminated prior to its commencement.
  3. The circumstances in which the Entity may seek repayment of sums already paid in respect of the Award in the event that the pupillage is terminated after its commencement.
9. Where pupil misconduct triggers an obligation to make a report to the BSB under Part 2-C4 of the BSB Handbook, the Head of Legal and/or the PTP shall make a written report of the relevant misconduct to the BSB in accordance with the BSB Handbook.

**11. Review of pupillage and pupillage application process**

1. The PTP (or another nominated member of the Committee) shall carry out an annual review of:
  1. the pupillage application process in order to monitor the compliance of the Entity with the principle of Accessibility as referred to in the Authorisation Framework. In particular the review should consider whether the application process imposes any barriers to entry to the Bar and, if so, what action the Entity should take to remove such barriers. The results of this review shall be discussed by the Committee and shall be provided to the Head of Legal and the Entity Equality & Diversity Committee.
  2. the pupillage training programme in order to monitor the compliance of the Entity with the Principles identified in the Authorisation Framework and, in particular, the principle of High Standards. In particular the review should consider what steps, if any, the Entity should take to improve the programme. Pupils who are about to complete, or have just completed, their pupillage will be invited to give feedback on the pupillage training programme, which should be recorded in writing. The results of this review shall be discussed by the Committee and shall be provided to the Head of Legal.
  3. compliance with this Pupillage Policy. The results of this review shall be discussed by the Committee and shall be provided to the Head of Legal.

Appendix 1: Progress monitoring document referred to in paragraph 6.6 of the Pupillage Policy

Black Antelope Law: Pupillage Monitoring Form

PUPIL REPORT				
Name of Pupil:				
Name of Pupil Supervisor:				
Date that pupil started sitting with Pupil Supervisor:				
Date that pupil ceased sitting with Pupil Supervisor:				

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Items marked \* may require satisfaction through discussion rather than the pupil being exposed to practical application during pupillage.

**Legal knowledge, skills and attributes**

<b>Black Antelope Law Core Skills</b>	<b>Means of satisfaction</b>
Academic ability	<ul style="list-style-type: none"> <li>● Written work in pupillage</li> <li>● Oral presentation in pupillage</li> <li>● Discussion with supervisors</li> </ul>
Knowledge of the law	
Analytical reasoning	
Common sense	
Fluency, accuracy and clarity	
Sound judgment	

SKILL/ CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Upholds reputation of the Bar and observes duty to the Court*	Observation by pupil Discussion with supervisors		
Knowledge and understanding of the key concepts and principles of public and private law (including EU law)	Written work Oral presentations Legal research		

Knowledge and understanding of the law and procedure in Black Antelope Law's areas of practice	Written work Oral presentations Legal research		
Awareness of the wide range of organisations supporting the administration of justice*	Discussions with supervisors		
Apply effective analytical and evaluative skills to their work	Written work Oral presentations Legal research		
Provide clear, concise and accurate advice in writing and orally	Written work Oral presentations		
Negotiate effectively*	Observation by pupil Discussions with supervisors		

### **Practical knowledge, skills and attributes**

<b>Black Antelope Law Core Skills</b>	<b>Means of satisfaction</b>
Academic ability	<ul style="list-style-type: none"> <li>● Written work in pupillage</li> <li>● Oral presentation in pupillage</li> <li>● Discussion with supervisors</li> <li>● Observation</li> </ul>
Analytical reasoning	
Fluency, accuracy and clarity	
Application and motivation	

SKILL/ CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Exercise good English language skills	Observation by supervisors Written work		
Exercise good communication skills	Observation by supervisors Written work Oral presentations		
Make sound judgments	Observation Written work Oral presentation		
Ensure they are fully prepared	Observation by supervisors		
Employ effective research skills	Observation Written work Oral presentation		

### Advocacy

Black Antelope Law Core Skills	Means of satisfaction
Persuasiveness	<ul style="list-style-type: none"> <li>● Advice in writing</li> <li>● Advice through oral presentation</li> <li>● Draft pleadings</li> <li>● Skeleton arguments at first instance</li> <li>● Skeleton arguments on appeal</li> <li>● Legal research</li> </ul>
Analytical reasoning	
Fluency, accuracy and clarity	
Agility in responding to questions	

SKILL/ CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Draft court and other legal documents which are clear, concise and accurate.	Written work		
Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner	Written work		
Have persuasive oral advocacy skills	Oral presentations		
Respond well under pressure when on their feet	Oral presentations Advocacy classes		

### **Professional standards**

<b>Black Antelope Law Core Skills</b>	<b>Means of satisfaction</b>
Integrity	<ul style="list-style-type: none"> <li>● Discussion with supervisors</li> <li>● Observation by pupils</li> <li>● Observations/feedback from clients and solicitors</li> </ul>
Application and motivation	
Coping under pressure	
Working with others	
Time management.	

SKILL/ CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Comply with the requirements set down by the BSB including the Code of Conduct*	Observation by pupils Discussions with supervisors		
Know how to conduct themselves appropriately in Court*	Discussions with supervisors		
Only accept work which they are competent to undertake*	Discussions with supervisors		
Effectively manages their time and workload	Observation Discussions with supervisors		

### Working with others

Black Antelope Law Core Skills	Means of satisfaction
Working with others	<ul style="list-style-type: none"> <li>● Written work in pupillage</li> <li>● Oral presentation in pupillage</li> <li>● Discussion with supervisors</li> <li>● Observation</li> <li>● Interactions with Solicitors</li> </ul>

SKILL/ CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
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Understand and exercise their duty to act in the best interests of their client*	Discussion with supervisors		
Understand and apply principles of team working	Discussion with supervisors Observation by pupils		
Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances	Observation by supervisors		
Treat all people with respect and courtesy	Induction Observation by supervisors		
Keep clients informed of case progress in a clear and timely manner*	Discussion with supervisors		
Demonstrate a good awareness of the additional responsibilities in cases involving direct access/litigants in person*	Discussion with supervisors Attending CLIPS		

**Personal values and standards**

<b>Black Antelope Law Core Skills</b>	<b>Means of satisfaction</b>
Integrity	<ul style="list-style-type: none"> <li>● Induction</li> <li>● Observation</li> </ul>
Sensitivity to the audience	

SKILL/ CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK
Act with the utmost integrity and independence at all times	Induction Observation by supervisors		
Be honest others in dealings with	Induction Observation by supervisors		
Be aware and active in the pursuit of equality and respect for diversity	Induction		
Ensure work does not incur unnecessary fees*	Induction		
Adopt a reflective approach to their work	Induction Observation by supervisors		
Ensure that they practise with adaptability and flexibility	Induction		

### Management of practice

Black Antelope Law Core Skills	Means of satisfaction
Application and motivation	<ul style="list-style-type: none"> <li>● Talk from Practice Manager</li> <li>● Observation during pupillage</li> <li>● Completion of GDPR course online</li> <li>● Induction</li> </ul>
Coping under pressure	
Time management	

SKILL/ CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Possess a strong understanding of the specific implications of being a self-employed barrister	Induction checklist Discussions at start of each period of supervision Observation		
Possess sufficient understanding of organisational and management skills	Induction checklist Discussions at start of each period of supervision Observation		
Plan their workload and absences to as to deliver on work commitments	Induction checklist Discussions at start of each period of supervision Observation		
Understand the organisational systems and structures at the Entity	Induction checklist Talk from the Practice Manager		
Maintain client confidentiality (and data protection issues)	Induction Checklist Pupillage policy GDPR online course		N/A
Exercise good time-keeping	Observation		
Be diligent in record keeping	Observation		

Appendix 2: Induction checklist referred to in paragraph 7.7.1 of the Pupillage Policy

**BLACK ANTELOPE LAW**

**PUPILLAGE: INFORMATION AT INDUCTION and CHANGE OF SUPERVISOR**

1. The following document forms an important part of the Entity’s pupillage training programme. It is intended to provide a framework for the introduction of a new pupil to the Entity and for a pupil to be provided with the necessary information when there is a change of supervisor. It should be adhered to unless not reasonably possible.

**Actions at the start of pupillage**

2. A new pupil’s first supervisor should provide the pupil with:
  1. A tour of the office including annexes, printer rooms, stationery cupboards, kitchens (and told they can help themselves to tea/coffee/biscuits/fruit, etc), WC and
  2. Introductions to:
    - (a) all members of staff (with an explanation of their roles) to make sure that the pupils meet everyone within the first week;
    - (b) the pupil’s “buddy”. The buddy should periodically take the pupil out to coffee/lunch to give the pupil an opportunity informally to ask questions which it may not be easy to bring up with pupil supervisors.

3. Login credentials for all the electronic library resources and shown the physical office library and the sign out sheet.
4. A laptop with an explanation how to use the various systems and softwares, and the printers.

### **Information at the start of pupillage**

3. The pupil supervisor should explain the general structure of pupillage:
  1. There will be at least 2 supervisors;
  2. The likely identity of the supervisors;
  3. The sequence in which pupils will see supervisors;
  4. Pupils swap supervisors at the end of March;
  5. Pupils will mainly work for their supervisor;
  6. If another member of staff wants a pupil to do work, then the member should ask the supervisor; if they do not, the pupil should check with the supervisor who will decide if the pupil has capacity for the work and will inform the other member of staff if not;
  7. All work is looked at critically and there may be more formal assessments in the second six;
  8. It is normal that at some point in the year where we have multiple pupils that both pupils will be given the same piece of work by their supervisors and/or a member of staff. Where pupils are doing the same piece of work, they should not discuss that piece of work with each other;
  9. Pupils should complete all the compulsory training courses during pupillage and should book up as early as possible. The Entity covers the costs of these courses; and will allow pupils sufficient time to prepare for them.
  10. Pupils should maintain a diary of the work done in pupillage. Pupils should record in the diary when they have received feedback on pieces of work and keep a note of the feedback given. They should also understand that the diary enables them to reflect on the work they have done and, on their progress, and to identify areas where they consider that further development towards the Professional Competencies is required.
  11. Pupils need to obtain (and file with the BSB) forms from the relevant pupil supervisor at the end of the non-practising and practising periods of pupillage certifying satisfactory completion of that stage of pupillage.
4. The first pupil supervisor should provide an explanation of the professional rules and the Entity's policies in relation to legal professional privilege, confidentiality and data protection; and the particular importance of ensuring the security of data.

5. An explanation should be given as to how and when the employment decision will be taken:
  1. the employment decision is in July and is done by way of an Entity meeting;
  2. the criteria for assessment are set out in the pupillage policy;
  3. The Entity has no set quota for taking on employees: the hope is that pupils will make the grade and will be taken on if (as is likely) there is sufficient work for new employees.
  
6. The first pupil supervisor should also explain:
  1. Office social arrangements and encourage the pupil to attend even when their supervisor does not.
  2. That there is a “buddy” assigned to pupils to assist with their integration into the Entity;
  3. How and when the pupillage award will be paid.

**Information at the start of pupillage and each subsequent seat**

7. Each supervisor should provide the following information when starting to supervise a pupil:
  1. the type of tasks the supervisor is likely to give the pupil over the course of the seat;
  2. that, for each piece of work, the supervisor will indicate the urgency of the work/indicative time for how long it is likely to take/any deadline;
  3. the general hours the pupil is expected to be at the Entity (whether physically or remotely);
  4. when a pupil can take lunch and whether their supervisor is happy for them to eat at their desk;
  5. how the pupil is to behave at conferences and court (whether to sit next to supervisor, whether to keep out of the way and sit at back of court/end of table, whether to contribute to discussions, whether to take notes, whether to follow supervisor when having “quiet chats” outside court etc);
  6. arrangements for taking holidays; and
  7. who to contact in event of illness/running late.
  
8. In discussing the working arrangements for pupils, supervisors should explain that (a) one of the principles which underlies the provision of pupillage is flexibility; (b) that if a pupil considers that s/he requires alternative working arrangements to meet their personal needs, they should make a request for such arrangements; and (c) such a request will be considered by the supervisor (if necessary in conjunction with the PTP) and accommodated where consistent with the provision of an effective pupillage.

9. Pupil supervisors should also check, at the start of each seat, that the pupil has completed their diary/checklist and any forms required by the Bar Standards Board, and particularly those referred to in Part 4 of the Bar Qualification Manual.

### **Documents**

10. Pupils should be provided with the following documents when they start pupillage:
  1. Pupillage Policy;
  2. Bar Qualification Manual, Part 4;
  3. Professional Statement for Barristers;
  4. Map of the office; and
  5. The Entity's Equality and Diversity Code and the Staff Handbook.

Appendix 3: Template report referred to in paragraph 8.2.1 of the Pupillage Policy

**CONFIDENTIAL**

**PUPILLAGE REPORT ON**

PUPIL SUPERVISOR REPORT	
Name of Pupil:	
Name of Pupil Supervisor:	
Date that pupil started sitting with Pupil Supervisor:	
Date that pupil ceased sitting with Pupil Supervisor:	
Date of Report:	
INTRODUCTION	

**INTELLECTUAL ABILITY**

academic ability  
knowledge of the law  
analytical skills  
common sense

Academic ability: Knowledge of the law: Analytical skills: Common sense:

**SKILLS**

fluency, accuracy and clarity (in writing and orally)  
persuasiveness  
agility in argument  
sound judgment

Fluency, accuracy and clarity in written advocacy:

Fluency, accuracy and clarity in oral advocacy:

Persuasiveness:

Agility in argument: Sound judgment:

**PROFESSIONAL QUALITIES**

integrity and compliance with professional standards  
application and motivation  
sensitivity to the audience  
working with others

Integrity and compliance with professional standards: Application and motivation:  
Working with others:

**PARTICULAR QUALITIES**

understanding of the job of a barrister  
efficiency  
coping under stress

Understanding of the job of a barrister: Efficiency:  
Coping under stress/time management:

**POTENTIAL**

**CONCLUSION**

IF THE SUPERVISOR IS UNABLE TO PROVIDE A SIGN-OFF REQUESTED BY THE PUPIL THE REASONS FOR THAT SHOULD BE RECORDED HERE