
nexus

THE CHAMBERS OF

MICHAEL MANSFIELD Q.C.

Pupillage

Policy

Document

Pupillage Recruitment Procedure Policy
Nexus Chambers
Nexus Chambers Management Committee
Nexus Chambers Pupillage Committee

2017

Introduction

Nexus, the Chambers of Michael Mansfield QC ('Nexus' or 'Nexus Chambers'), is committed to the Equality & Diversity and Fair Recruitment & Selection.

We advertise pupillage vacancies in accordance with the requirements of the BSB Handbook, in particular the Pupillage Funding & Advertising Rules, the Bar Training Rules, and the Equality & Diversity Rules.

The pupillage application process is taken very seriously by Nexus Chambers; we select and recruit pupils fairly. We are committed to: establishing and following well-defined selection procedures, ensuring that all pupils are funded in accordance with the Pupillage Funding & Advertising Rules; establishing and following a written training programme based upon a written and approved checklist; ensuring the fair distribution of work between pupils; complying with pupillage monitoring requirements; and upholding our Equality & Diversity policy.¹

¹ Nexus' Chambers' Equality & Diversity Policy can be viewed on our website and our Equality & Diversity

Pupillage Offered

At present, Nexus offers two 12-month pupillages per year. From 2018 onwards, our pupillages will carry an award of at least £14,000 per year. This is made up of a guaranteed £7,000 for the non-practising period (the first 6 months of pupillage) and guaranteed minimum earnings of £7,000 for the practising period (second 6 months of pupillage).

The successful applicant, thereby becoming a pupil of Nexus Chambers, will be both allocated and told of their pupil supervisor at least 10 days before the start of their pupillage.

Nexus operates and runs its pupillage scheme in accordance with the BSB Handbook² and the BSB Pupillage Handbook³.

² https://www.barstandardsboard.org.uk/media/1901336/bsb_handbook_version_3.1_november_2017.pdf

³ https://www.barstandardsboard.org.uk/media/1841538/bsb_pupillage_handbook_2017_1.8.17.pdf

Pupillage Committee

The Pupillage Committee will be made up of three members of Nexus Chambers (appointed by Chambers' Management Committee) including the Head of Pupillage, who sits on Chambers' Management Committee and will chair the Pupillage Committee.

The Pupillage Committee will be responsible for pupils' training and support during pupillage. The Pupillage Committee will also be responsible for advertising any pupillages offered and the arrangement and conduct of the interviews of the candidates. This will include:

- (a) setting the interview questions and marking system that will be used to assess the candidates;
- (b) setting and organising the procedure and timetabling for interviews, together with convening the interview panel;
- (c) formulating an appropriate topical problem together with model answer and agreeing the marking system to be used to assess the candidates.

All members of the Pupillage Committee must have attended Equality & Diversity Training and Fair Recruitment & Selection Training and must keep themselves abreast of developments in this area.

The Pupillage Committee will also be responsible for:

- (a) setting and assessing periodic paperwork and advocacy tests for the pupils as set out in the training section below;
- (b) providing regular feedback and guidance to pupils;
- (c) establishing in-house advocacy training;
- (d) ensuring that at the end of each period of pupillage the certificate of satisfactory completion of pupillage is signed and submitted to the BSB by the pupil;
- (e) at the end of the year submitting an annual return in the prescribed form to the BSB; and
- (f) reviewing and revising this Pupillage & Recruitment Policy Document.

Selection Procedure

Nexus Chambers aims to ensure that the opportunity to undertake pupillage is open to all and that selection is based upon merit, ability, and potential. We are looking for pupils with proven academic ability and with a character that we believe will fit in and work well at Nexus.

We do not accept applications through the Pupillage Gateway; rather applications are to be made on our application form which can be downloaded here: <http://nexuschambers.com/nexus/pupillage/>.

All pupillages at Nexus are advertised on the Pupillage Gateway at www.pupillagegateway.com.

The Head of Pupillage will convene a selection panel. The selection panel will conduct the process of selecting pupils, with the procedure being overseen by the Head of Pupillage. Except in unforeseen and exceptional circumstances, the person with lead responsibility for the selection panel and at least one member of the selection panel (who may be the same person) will have received recent and appropriate training in fair recruitment and selection processes. Save in exceptional circumstances, every member of all selection panels must be trained in fair recruitment and selection processes. The recruitment and selection processes use objective and fair criteria.

We understand that the selection process is generally very demanding and stressful to candidates, so it is conducted with efficiency and courtesy.

Initially, all applications received are reviewed by more than one member of Chambers. Each application is assessed in accordance with relevant pre-determined selection criteria which will be applied consistently to all applicants. No application is rejected unless at least two members of Chambers have reached the same conclusion; any discrepancies/disagreements are passed to the Head of Pupillage whose decision will prevail.

We encourage applications from suitably qualified candidates, including those yet to undertake the BPTC. Applicants must be able to demonstrate:

- (a) educational achievement;
- (b) hard work and enterprise;
- (c) advocacy ability or potential;
- (d) a commitment to chambers' practice areas; and
- (e) a desire to join a growing and forward-looking set.

It should be noted that Chambers would usually require a minimum of a 2:1 classification at undergraduate degree.

Following this initial stage, a shortlist will be drawn up from all applications of those who are to be invited for a First Interview. All interviewees will be directed to view this Policy, available on chambers website www.nexuschambers.com. We regret that we are unable to cover expenses for candidates to attend for interview.

Those who are invited for a First Interview will be informed of the date and time of their interview. We regret that it will not normally be possible to accommodate requests from interviewees with regards to the time and date of interviews.

Candidates will be required to arrive 15 minutes prior to their First Interview. The purpose of the interview is to gain a general understanding of each applicant's reasoning, analytical skills, oral advocacy, and character.

Following this First Interview, successful applicants will be invited for a Second Interview. Interviewees will be required to attend 30 minutes prior to their interview time and will be given a short advocacy exercise to prepare.

The advocacy exercise will usually entail either a bail application or plea in mitigation. Following the advocacy exercise, applicants may be asked some questions in order that the interviewing panel may gain more of an understanding of the applicant.

At the conclusion of the selection procedure, the successful applicants will be notified in writing and will be asked to respond to the offer as soon as possible and in any event within 14 days. A reserve list will also be created and those on the reserve list will be notified in writing.

Records of all applicants and documentation relating to selection decisions will be kept for a period of two years. All paperwork will then be securely disposed using Chambers' ordinary method of disposing of confidential paperwork.

Chambers will require the details of two referees to be provided, at least one of whom must be an academic referee. These referees will not be called on to provide references until the final stage of the selection process.

Pupillage

A successful applicant, thereby becoming a pupil of Nexus Chambers, will be both allocated and told of their pupil supervisor at least 10 days before the start of their pupillage.

The responsibility for registering pupillage (and any material change during pupillage) is with the pupil, who must register his/her pupillage (and any material change) with the BSB in accordance with the Rules and Regulations and on the prescribed form.

Chambers will endeavor to arrange an induction visit before the start of pupillage in order that the prospective pupil may be shown around chambers and introduced to other members of chambers and staff.

On the first day of pupillage, pupils will, if not already received, be provided with or directed to:

- (a) this Pupillage & Recruitment Policy document; and
- (b) an introduction to the general layout of Nexus Chambers, including details of the location of the clerks' room, photocopier/printer, internet passwords and finally the Nexus locks and security systems.

Over the course of pupillage, it is likely that pupils will rotate through different pupil supervisors. This is so that pupils are able to see a range of different work and methods of practise.

From 2018, pupils will be paid a total of £7,000 over the course of their non-practising period ('first six'). This will comprise six monthly payments of £1,166.66, together with any such further sum as may be necessary to reimburse expenses reasonably incurred by the pupil on travel for the purposes of his pupillage during that month.

During the practising period of pupillage ('second sixth'), pupils will receive guaranteed minimum earnings of £7,000, although it is anticipated that pupils will bill substantially more than this. Chambers will guarantee that practising pupils will receive monthly payments totaling no less than £1,166.66.

We will pay travel expenses for pupils travelling for the purpose of their pupillage. We do not pay travel expenses for pupils for travel for the purposes of practice as a barrister, *i.e.* for work for which they will receive fees.

The pupillage award or remuneration during pupillage is paid to pupils in lieu of payment for any individual item of work.

During pupillage, pupils are not charged any chambers rent, nor are they required to contribute towards photocopying or chambers' other administrative costs. During the practising period of pupillage, pupils are required to pay clerks' fees at the reduced rate of 10%, which will be levied on all fees collected by chambers during the practising period of pupillage. If pupils undertake a noting brief during first six they will be required to pay clerks' fees at 10% on those fees if they are collected by chambers during first six or second six. In the event that pupils leave chambers during pupillage or at the conclusion of second six, work done through Nexus Chambers must be billed and collected through Nexus Chambers and clerks' fees will remain payable on fees collected.

Pupils' working hours will, ordinarily, be 9am – 6.30pm. It will be necessary, from time-to-time, to start earlier than 9am or finish later than 6.30pm. Pupils will sometimes be required to do research or paperwork in the evenings, either in chambers, in the library, or at home.

During the non-practising period of pupillage, pupils are not required to work on Saturdays (although they will be required to assist at the Bar Council's Pupillage Fair, which usually takes place on a Saturday in October).

During the practising period of pupillage, pupils are required to be available to go to court on Saturdays and Bank Holidays. It is unlikely that a pupil will be required to go to court on a Bank Holiday, but if they are then they will be afforded an additional day of holiday in lieu. Pupils must be contactable by telephone on Friday evenings/nights and on Saturdays so that they can be instructed to go to court on Saturday if necessary. It should of course be noted that it is not only pupils who attend Saturday and Bank Holiday courts – tenants also do from time-to-time.

Although pupils are not employees, we consider it a matter of good practice that pupils are permitted to take up to four weeks' leave per annum (*i.e.* 20 working days per annum, not including Bank Holidays). According to the BSB, pupils should take no more than two weeks' leave in each period of pupillage and it would be necessary to apply to the BSB for dispensation from the regulations in the event that a longer break is anticipated.

All requests for holiday must in the first instance be made in writing (by email) to the pupil's pupil-supervisor. If approved, the pupil should then notify the clerks by email (copying in the pupil-supervisor) with the holiday dates. Holidays taken on Saturdays during second six will count towards the four weeks' annual leave permitted.

Nexus Chambers adopts and uses the BSB's pupillage checklists. At the end of pupillage, pupils are required to lodge with the Pupillage Committee copies of their completed checklists, signed by their supervisor(s).

Pupillage Training

Pupillage Training at Nexus Chambers focuses on the knowledge and skills that are required for practice on day one of authorisation as described in the Professional Statement, Threshold Standard and Competences and meet the requirements of a barrister's professional service to their client.

By the end of pupillage, pupils will have a thorough understanding and appreciation of the operation in practice of rules of conduct and etiquette at the Bar and achieve a working knowledge and understanding of the BSB Handbook and Code of Conduct.

A fundamental objective of pupillage is that the pupil should develop and practise the skills necessary to be an effective advocate. Pupils must pass the Advocacy Training Course provided by their Inn or Circuit in the non-practising period of pupillage. Pupil Supervisors will ensure that their pupil is given sufficient time to prepare properly for their Advocacy Training Course.

Pupils can expect to participate in our in-house advocacy programme consisting of practical exercises aimed at developing up to date knowledge of the law, court procedure, professional ethics, and advocacy.

Pupils will sit in on conferences and negotiations and will develop their skills in this regard, largely through observation and discussion with the pupil supervisor. Pupils will also develop writing and drafting skills through feedback on written example of work, and their legal research skills will also be further enhanced. Pupils will be given the opportunity of producing their own work and receiving constructive feedback from their pupil supervisor.

Throughout pupillage, pupils must maintain a record of relevant work done and issues considered, demonstrating the outcomes that have been met and making reference to the relevant checklist.

At the end of the two periods of pupillage an appraisal of skills will take place and a written record should be kept.

Support and Complaints

Nexus Chambers is committed to wellbeing at the Bar. Resources relating to this important topic can be found here: <https://www.wellbeingatthebar.org.uk>

The wellbeing of pupils during pupillage will be the responsibility of their pupil supervisor and the Pupillage Committee.

At the start of pupillage, pupils will be allocated a ‘buddy’ who will be a junior tenant in chambers. The idea of this is to provide an informal and friendly point of contact for questions or issues that the pupil may wish to raise to someone other than their pupil supervisor.

We hope that pupillage will be a positive and constructive experience for all pupils. If a pupil has a complaint about pupillage and/or their pupil supervisor, which cannot be resolved through discussion with the pupil supervisor, then the complaint should be referred to the head of the Pupillage Committee, or if not available, one of the other members of the committee. If the complaint is still not resolved it should be referred to the Management Committee. Any complaint or grievance within the terms of Equality & Diversity Policy should follow the procedures described in that document.

Pupil Supervisors

The formal obligations and functions of Pupil Supervisors are set out in the BSB Handbook and the BSB Pupillage Handbook.

If at any stage the Pupil Supervisor is informed or becomes aware of any weakness in the pupil's performance, then the Pupil Supervisor, together with the Pupillage Committee, will provide such extra support as is needed.

General duties of the Pupil Supervisor include organising regular appraisals and feedback of the Pupil's work.

Pupils will often be required to read their Pupil Supervisor's papers and draft pleadings and other documents, including opinions, where applicable. The Pupil will regularly be required to accompany their Pupil Supervisor (and likely another member of Nexus), to court. The purpose of this is to allow the pupil the opportunity to observe all such work and gain all such experience as is appropriate for a person commencing practice in the area of work undertaken by the Pupil Supervisor, and in particular to enable the pupil to complete the checklist. Pupil Supervisors will ensure that the pupil has sufficient experience:

- (a) to understand and appreciate the operation in practice of rules of conduct and etiquette at the Bar;
- (b) of advocacy in order that the pupil is able to prepare and present a case competently;
- (c) of conferences and negotiation in order that the pupil is able to conduct the same competently; and
- (d) of legal research and the preparation of drafts and opinions in order that the pupil is able to undertake the same competently.

All Pupil Supervisors at Nexus Chambers are familiar with Equality & Diversity, the Pupillage Handbook, and the guide to Good Practice in Pupillage as well as any material that the BSB and/or Bar Council publish from time-to-time.

All Pupil Supervisors at Nexus Chambers satisfy themselves that all reasonable steps are taken to ensure that, during pupillage, no pupil is discriminated against on the grounds of any of the protected characteristics.

During the practising period of pupillage, the Pupil Supervisors will review the distribution of work to pupils to ensure that the pupils are given a fair and equal access to all opportunities that are offered to pupils during pupillage. Prompt remedial action will be taken where required.

With respect to undertaking work for other members of Nexus Chambers, all pupils will be given an opportunity to work for other members of Chambers, subject to gaining the permission of their pupil supervisor. Any requests for work to be undertaken by pupils for anyone other than their Pupil Supervisor must be made through the pupil's Pupil Supervisor; this is so that the Pupil Supervisor is aware of the work being undertaken, can adequately supervise the pupil, ensure that the pupil has sufficient time to undertake all work expected of them, and protect the pupil's wellbeing. Feedback

will be provided by any Member of Chambers that has had work conducted by the Pupil, to both the Pupil, Pupillage Committee and Pupil Supervisor.

The Pupil Supervisor will be available to provide guidance and feedback to the Pupil, particularly during the practising period when the pupil will be practising ‘on their feet’. All members of Nexus Chambers will be available to provide informal support and guidance.

The Pupil Supervisor will ensure that the pupil is provided with and retains the appropriate checklist and completes it conscientiously and accurately. The Pupil Supervisor will sign and date the checklist at the end of the period for which s/he has responsibility for the pupil.

At Nexus Chambers, pupils are encouraged to discuss any problems and questions relating to practice with any member of Chambers, not just their Pupil Supervisor.

On completion of the practising period of pupillage, a pupil who has satisfactorily completed the practising period of training will be signed off by their pupil supervisor. On completion of their practising period, the pupil must submit another form to the BSB to confirm satisfactory completion, together with a copy of the completed relevant checklists. The pupil should copy their pupil supervisor and the Head of Pupillage into this correspondence with the BSB so that chambers can retain copies of completed checklists as required.

In the event that a Pupil Supervisor is not satisfied that the pupil has satisfactorily completed pupillage and they will not sign the certificate, they must:

- (a) notify the pupil of their options (*i.e.* a certificate may be accepted from the pupil supervisor’s Head of Chambers, the head of the Recruitment Committee, or another person acceptable to the Masters of the Bench and the BSB); and
- (b) notify the Recruitment Committee so that it can decide whether to certify the pupil’s satisfactory completion of a period of pupillage.

If a pupil remains unable to obtain a relevant certificate the pupil may apply to the BSB to be issued with a Full Qualification Certificate, despite the pupil supervisor declining to sign the certificate. If the BSB refuses to do so, the pupil may appeal to the BSB.

If the pupil supervisor leaves chambers s/he should where possible make arrangements to ensure the continuity of the pupillage in conjunction with the Pupillage Committee.

Tenancy

Towards the end of the practising period of pupillage, pupils may be invited to apply for tenancy at Nexus Chambers. It is possible that, at the conclusion of the practising period of pupillage, pupils may be asked to undertake a 'Third Sixth' (a further period of practise) prior to any tenancy decision being made.

Pupils who wish to apply for tenancy at Nexus Chambers will be invited to put together a tenancy application file comprising: the pupil's pupillage work diary; a sample of work undertaken; and confidential references from a solicitors and a Pupil Supervisor. The exact procedure for tenancy applications shall be a matter for the Tenancy Committee.

The decision as to whether a pupil is offered tenancy at Chambers will be based on their performance as a pupil. This will include, *inter alia*, the pupil's performance in any training exercises undertaken, the pupil's commitment to Chambers, feedback from all members of Chambers, and any feedback from instructing solicitors.

The decision to offer tenancy is initially made by the Tenancy Committee who then pass this recommendation on to the Management Committee. If ratified at Management Committee, the decision is put before the whole of Chambers. A secret ballot is held with each Member of Chambers having one vote. A 75% majority of the votes cast in favour of approving the offer of Tenancy being made is required before moving onto the final stage of an offer being made.

In the event of a pupil receiving less than 75% of the vote in favour of an offer, a Chambers Meeting is called in order to discuss the future of the pupil (wherein a decision will be made on whether a tenancy can be offered, a further third sixth pupillage offered, squatting rights or a rejection).

In the event of over 75% being obtained in support of an offer for Tenancy, the final stage is that during a period of one week (7 days) from the result of the secret ballot during which all Tenants are informed of the outcome of the result of the secret ballot. Each member of Chambers is then asked whether they agree with the majority consensus that tenancy should be offered. If during this one week period any member of Chambers opposes the offer of tenancy ('A Veto') then a whole Chambers Meeting is called in order to discuss the future of the pupil (wherein a decision will be made on whether a tenancy can be offered, a further third sixth pupillage offered, squatting rights or a rejection). In the event that either 100% of the vote in the secret ballot is to offer tenancy, or during the one week period following the >75% result there is not a 'Veto', the pupil will be offered tenancy at Nexus Chambers.

For those pupils not offered tenancy, Chambers will provide assistance in finding a third six elsewhere, or in a firm of solicitors if the individual prefers. References will be supplied upon request. Applications for squatting are not usually entertained but would be considered on a case-by-case basis.