



Pupillage Policy

ABSTRACT BACKGROUND

Abstract background with wavy lines in shades of green and white.

9 King's Bench Walk
Lower Ground South
Temple
London
EC4Y 7DX



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PUPILLAGE POLICY 9 KBW 2023/2024

INTRODUCTION TO YOUR PUPILLAGE AT 9 KBW

9 KBW is a common law set which specialises in particular in Criminal and Regulatory law.

9KBW fully supports and adheres to the Bar Code of Conduct, the Equality, Diversity and Inclusion Code for the Bar, The Bar Council's Fair Recruitment Guidance, The Bar Standards Professional Statement and the Pupillage Funding and Advertising Requirements.

Chambers are always looking to recruit pupils that will embrace the core values upon which Chambers was founded almost 50 years ago and to which we still adhere;

- Belief in the rule of law
- The right of all individuals to be expertly represented
- The administration of justice.
- The integrity of our members, pupils and staff

9 KBW will offer applicants the opportunity to gain wide experience of life at the Bar generally and to develop skills that will enable them to develop a first class practice in not only their preferred areas of law but also in others that they may not previously have considered.

Hard work, commitment and dedication are what we expect and are what we will reward.

Chambers advertises, but does not manage, its recruitment of pupils through the Pupillage Gateway. We adhere strictly to the timetable set by the Gateway. We use a 9KBW application form, which candidates must download from the Recruitment Page/Pupillage page of our website. This is to be completed and returned to christine@9kbw.com and again in adherence to the timetable set by the Gateway. Applications received outside of the Gateway timetable will not be accepted.

THIS POLICY SETS OUT THE FOLLOWING:

Equality, Diversity and Inclusion Measures

1. The number and type of pupillages on offer;
2. The funding available for each pupillage;
3. Procedures for the selection of pupils;
4. The role and duties of pupils and pupil supervisors;
5. The general pattern of pupillage;
6. Procedures for providing pupils with an objective assessment of their progress at regular intervals throughout pupillage;
7. Chambers Training Programme for Pupils;



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8. The procedure for the recruitment of tenants from pupillage, established practitioners and third six pupils;
9. Flexible working;
10. Misconduct or Poor or Inadequate Performance during pupillage
11. Withdrawal and termination of pupillage
12. Termination of Pupillage Process
13. Chambers' complaints and grievances procedures;
14. Policy in the event of the dissolution of Chambers.
15. Review of this Policy

1. EQUALITY, DIVERSITY AND INCLUSION MEASURES

- 1.1 9 King's Bench Walk will not discriminate against any pupil, probationary tenant, or any applicant for pupillage, for a probationary tenancy or for tenancy, on the grounds of race, sex, gender reassignment, disability, marital status, sexual orientation, religion, age or (save to the extent that it is incompatible with the foregoing) political persuasion.
- 1.2 All members of the Tenancy and Pupillage Committee ("the Committee") shall be familiar with the Equality, Diversity and Inclusion Code for the Bar¹ and the Bar Council's Fair Recruitment Guide. New members must ensure that they comply with this rule within 28 days of joining the Committee. All members should attend a diversity-training course every three years and inform Equality, Diversity and Inclusion Officers and Chambers Managing Consultant when they have done so.
- 1.3 A Chambers' Equality, Diversity and Inclusion Officer shall attend and observe each interview for pupillage, for probationary tenancy or for tenancy (without participating). After the interview they shall report to the interview panel any findings they may make regarding the conduct of the interview (including the decision-making process after the candidate has left), or of any member of the panel.
- 1.4 A member of the Committee shall not at the same time be an Equality, Diversity and Inclusion officer or an Equality, Diversity and Inclusion Data Officer.
- 1.5 Before a pupil completes their first six, Chambers Managing Consultant (or a clerk chosen by the Managing Consultant) must meet the pupil or probationary tenant to discuss their supervision and progress.



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- 1.6 Before completing a second six Chambers Managing Consultant (or another member of the Tenancy and Pupillage Committee) will meet with each pupil to discuss work allocation, clerking and supervision, future financial requirements related to any application for Tenancy and to discuss whether any Equality, Diversity and Inclusion issues have arisen.
- 1.7 Where pupils undertaking a probationary tenancy have completed their first twelve months elsewhere, Chambers Managing Consultant (or a member of the Tenancy and Pupillage Committee) will meet with those pupils before completion of their probationary tenancy to discuss work allocation, clerking and supervision future financial requirements related to any application for Tenancy and to discuss whether any Equality, Diversity and Inclusion issues have arisen.
- 1.8 A member of the Tenancy and Pupillage Committee and an Equality, Diversity and Inclusion Officer shall meet with any pupil who is not offered a probationary tenancy, or who turns down an offer of a probationary tenancy, and with any probationary tenant, who is not offered a tenancy, or who turns down an offer of a tenancy, to discuss whether any equality or diversity issues have arisen.
- 1.9 Chambers Equality, Diversity and Inclusion Officer and Equality, Diversity and Inclusion Data Officer are responsible for undertaking annual reviews of the monitoring data which results from this Policy, in order to determine where or if action needs to be taken to further the aims of Equality, Diversity and Inclusion in recruitment and selection.
- 1.10 If any such review determines that, there are inequalities in recruitment processes or appointments the Equality, Diversity and Inclusion officers will bring this to the attention of all Tenancy and Pupillage Committee members.
- 1.11 The EDIO will supply full written details of the reviews and concerns raised and any proposals for action to correct such inequalities.

2. TYPES OF PUPILLAGES ON OFFER

- 2.1 9 King's Bench Walk offers up to three funded twelve month pupillages per year (subject to the Management Committee approving funding) Pupils are selected on the basis that they are a potential member of Chambers. Chambers also offers three unfunded probationary tenancies.
- 2.2 The Management Committee has approved three funded pupillages commencing in October 2023
- 2.3 Applications for a probationary tenancy shall be made in writing by way of our Pupillage application form on our website and emailed to christine@9kbw.com. At this stage applicants will be assessed on literacy,



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qualifications, persuasiveness and enthusiasm for areas of law in which Chambers undertakes work. Successful applicants will be invited to an interview.

- 2.4 Reviews of all applications for probationary tenancy will be undertaken by all members of the Tenancy and Pupillage Committee, who will select the applicants to be invited to interview in accordance with our recruitment policy. No applicant shall be refused an interview by a single member of the Committee alone.
- 2.5 Applications for a probationary tenancy may be made at any time by those looking for a probationary tenancy with a view to Tenancy at 9KBW.
- 2.6 Taking on a probationary tenant will have no bearing upon any applications for tenancy made by those undertaking a 12 month full pupillage with 9KBW.

3. PUPILLAGE FUNDING

- 3.1 The funding of pupils from October 2023 is £21,000 plus travel and mandatory training expenses for a twelve-month pupillage. This is in the form of a £10,500 award for the first six months and thereafter a guaranteed income of £10,500 for the second six months when it is anticipated that pupils will be in court regularly. Chambers will comply with the Bar Council's rules for compulsory funding of pupillage and increases that are to take place in the future. From October 2024 funding will be £24,000 paid by way of £12,000 award for the first six months and thereafter a guaranteed income of £12,000 for the second six months. Our pupils can however expect to earn considerably more than the minimum guaranteed earnings during the second six months.
- 3.2 During the first six months pupils will receive a non-refundable grant of £10,500 payable at £1750.00 per calendar month. From October 2024 that will be a non-refundable grant of £12,000, payable at £2000 per calendar month
- 3.3 During the second six months pupils will receive £10,500 guaranteed income payable at £1750.00 per calendar month, refundable from fees received during the second six months of pupillage. From October 2024 During the second six months pupils will receive £12,000 guaranteed income payable at £2000 per calendar month, refundable from fees received over and above the £2000 award during the second six months of pupillage.
- 3.4 In the event that a pupil receives fees to a value greater than £1750.00/£2000 in the second six months, chambers will deduct commission (currently 12%) from the surplus above £1750.00/£2000 when the fees are received.
- 3.5 Chambers will pay the cost of travel expenses during the non-practising 6 months for zones 1-6.
- 3.6 Chambers will also meet travel expenses where pupils in their first six accompany their Pupil Supervisors to courts or venues outside of the specified travel zones.
- 3.7 Chambers will meet the costs of any mandatory training and for any training deemed necessary by a supervisor.
- 3.8 Chambers has put in place a fund to support applications for loans from pupils in order to purchase essential equipment such as court dress, IT equipment, mobile phones, lockable cases, essential security software.
- 3.9 The maximum loan will be £500.00. Any sum requested that exceeds £500.00 will be subject to a written application with supporting reasons to Chambers Management Committee.



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- 3.10 Such loans will be repayable during the second six and will be deducted monthly from fees received over and above the minimum funding at a rate to be agreed, subject to the level of the loan. Repayment must be made in full before the completion of the 12 months pupillage term.
- 3.11 Chambers pupils are encouraged to apply for and are supported in applications for additional funding such as the Pupillage Support Grant, now the Emergency Assistance Fund for Students and Pupils. In earlier years our pupils have applied, with letters of reference from Chambers and were successful in obtaining funding. Details can be found at <https://www.middletemple.org.uk/education-training/emergency-assistance-fund-students-and-pupils>

4 PROCEDURES FOR THE SELECTION OF PUPILS

- 4.1 The criterion for selection for Pupillage is whether the candidate has demonstrated the necessary skills and commitment to be a Pupil at 9KBW.
- 4.2 Chambers will have regard to the candidate's abilities and performance during the application process, including two interviews, an advocacy and a written exercise in line with the criteria as follows:
- Oral Communication and Advocacy Skills.
 - Written Communication skills.
 - Interpersonal skills.
 - Commitment to a career at the Bar.
 - Academic achievement.
 - Non-academic skills and achievements.
- 4.3 Chambers selects Pupils from those who apply through the application form on Chambers website as advertised above and in accordance with the deadline set therein.
- 4.4 Chambers selection procedure for Pupils is as follows:
- 4.5 On receipt of all written applications for Pupillage Chambers Managing Consultant will forward each to admin support for acknowledgment and attachment of an Equality, Diversity and Inclusion Data Monitoring form.
- 4.6 Chambers Managing Consultant appoints three or four teams comprised of members of the Tenancy and Pupillage Committee (the number is dependent upon the number of applications received) and forwards either one third or one quarter of the applications to each team.
- 4.7 At this stage, the applications are checked only in so far as to establish that they can be opened and read by the teams.
- 4.8 Each team selects up to eight candidates from their batch of applicants who meet Chambers selection criteria. More may be selected if applications are of an exceptionally high standard.
- 4.9 Those candidates selected are invited for interview by admin support.
- 4.10 At interview, (or via Zoom if candidates are interviewed remotely) each candidate is given or sent a copy of an advocacy exercise and given 20 minutes to prepare.
- 4.11 On completion of the advocacy exercise each candidate is given up to 30 minutes of questions from the panel, one of which is law based.
- 4.12 Following completion of all first round interviews up to 12 candidates will be invited for second round interviews (the panel have discretion to invite more or less).



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- 4.13 Second round interview candidates will be sent a written exercise with a deadline for completion of at least two days prior to the second round interviews. If an applicant requires reasonable adjustments that require more time to complete the written work this will be made available upon written request.
- 4.14 On return of the completed written exercise from the candidates, the selection teams will score the written work in accordance with an agreed criteria and scoring system.
- 4.15 At the second round interviews, candidates will be questioned on the merits and skill of their written application followed by a round of general questions.
- 4.16 On the day of the interview and not more than 10 minutes prior to the start of the interview the candidates are given a topic upon which to advocate for a period of two minutes. If an applicant requires reasonable adjustments that require more time to prepare this exercise, this will be made available upon written request prior to the second round interview
- 4.17 The Pupillage Committee will determine which candidates most clearly meet the criterion and standards for a 9KBW pupillage and make offers to the top three candidates accordingly.
- 4.18 Should any candidate not accept Chambers offer, offers will then be made to the candidates who were placed behind them in terms of meeting the criteria.
- 4.19 The Pupillage Committee will make Pupillage offers via e mail and in strict accordance with the Gateway Timetable.
- 4.20 Chambers will keep written records of each step set out above. Feedback can be provided upon request
- 4.21 Chambers will ask Candidates to complete Equality, Diversity and Inclusion monitoring forms for review by Chambers.

5. PUPILLAGE; WHAT TO EXPECT IN TRAINING

- 5.1 A 9KBW Pupillage comprises four periods of 3 months with four different designated Pupil Supervisors. Pupils will rotate to "seats" with alternative Supervisors every three months.
- 5.2 When there is a change of Supervisor notice **must** be sent to the BSB on notification of that change of supervisor.
- 5.3 If a designated supervisor is not available through holiday, long distance court commitment or sickness, the pupil will work with another of Chambers Supervisors. Chambers supervisors who do not have an allocated pupil during one of the three month rotations will be designated as "floating". Floating supervisors will stand in for designated supervisors whenever needed.
- 5.4 Chambers has a comprehensive bespoke Training Programme, which addresses each of the competences in the Professional Statement with plans as to how each competence will be met throughout the 12 months.
- 5.5 Both pupil and supervisor must work with the Training Programme, the Professional Statement and the Curriculum and Assessment Strategy to ensure that the pupil has the opportunity to achieve meeting each of the competences well and in good time to begin both the practising period and tenancy should that be applied for and offered
- 5.6 The Pupil will be expected to participate fully in the work of his or her Pupil Supervisor. In addition, Chambers organises written exercises and advocacy training.
- 5.7 During their first six pupillage pupils will;



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- 5.8 Attend and observe proceedings at the Crown Court and Magistrates' Courts, as well as the Court of Appeal if possible.
- 5.9 They will attend Regulatory Tribunals and Extradition hearings.
- 5.10 A pupil will observe complete proceedings in all types of hearing in each of those courts.
- 5.11 A pupil will be expected to learn how to prepare a brief, both in relation to pre-hearing work such as, but not necessarily limited to, drafting indictments, defence case statements, opening notes, grounds of appeal and skeleton arguments and preparation for the hearing itself, such as preparing examinations in chief, cross examinations, speeches and any legal submissions.
- 5.12 Undertake legal research (including tasks within areas of law and practice never previously encountered by the pupil).
- 5.13 There will be introductions to solicitors, CPS representatives (both law clerks and lawyers), other members of the Bar, and wherever possible members of the judiciary.
- 5.14 Further advocacy training in the conduct of small applications will be given by members of Chambers (again not the pupil supervisors) at various stages during the first and second six months.
- 5.15 Pupils are required to maintain and complete their own diaries on self-reflection and the Individual Work Assessment Records, setting out case details, time spent and comments to be discussed with their supervisors
- 5.16 Receive regular feedback from their pupil supervisors.
- 5.17 Take part in Chambers OIC Roadshow and Mock Trial Programme.
- 5.18 Participate in social and charity events.
- 5.19 All pupils will be given a copy of this Policy, Chambers' Pupillage Agreement, Absence from Training Policy, Credential Checking Policy, Chambers Pupillage Handbook, Chambers Reasonable Adjustments Policy, Chambers Equality, Diversity and Inclusion Policy, Chambers Dignity at Work Policy and Chambers Anti-Harassment Policy on commencement of their pupillage.
- 5.20 During a Pupillage, his or her Pupil Supervisor, will assess the Pupil and with a view to selection criterion for Tenancy, following Pupillage set out above.
- 5.21 The Pupil Supervisor will give feedback to the Pupil at the conclusion of the Pupil's period with the Pupil Supervisor and may submit a written report to Chambers Tenancy and Pupillage Committee, in standard form at the end of each 3 month period.
- 5.22 For each piece of written work, which is assessed, the assessor(s) will give oral feedback to the Pupil regarding the work and may submit a written report to Chambers Tenancy and Pupillage Committee.
- 5.23 Chambers will keep records of all reports and feedback.
- 5.24 Further details of Pupillage in Chambers are set out in Chambers' Pupillage Handbook, Pupillage Agreement and our Recruitment Policy.

6. WORKING HOURS

6.1 Since barristers do not work fixed hours, the pattern of the working day is something about which each pupil should liaise with his or her pupil supervisor.

6.2 In general terms, however, a pupil would not normally be expected to be in Chambers before 9am or after 7pm, or to work at weekends (subject to the Saturday court rota). There will however be occasions when conferences after court will not finish before this time, and a pupil supervisor may occasionally ask a pupil to



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do a piece of work which could involve working late or during part of a weekend. Practising pupils will be required occasionally to attend Magistrates' Courts on Saturdays on a rota basis.

- 6.3 Chambers will try to accommodate holiday arrangements wherever possible. This should, however, be discussed with the pupil supervisor to see whether there are any particular periods (such as when the pupil supervisor will be involved in a trial which may be of particular interest) when it would be desirable for the pupil not to be away from Chambers.
- 6.4 A pupil is entitled to take 20 days of holiday during a 12 month pupillage. However, a pupil who takes more than two weeks of holiday (in addition to statutory holidays) in either the first or the second six months of pupillage must make up that time at the end of that period of pupillage. Chambers Absence from Training Policy must be read and complied with by each pupil.

7. ROLES AND DUTIES OF PUPIL SUPERVISORS

- 7.1 The formal obligations and functions of pupil supervisors are summarized Section 4 of the Bar Qualification Manual. Pupil Supervisors must read and abide by the clauses and guidance in the Bar Qualification Manual.
- 7.2 Pupil Supervisors will familiarise themselves this Policy and with Chambers' Pupillage Training Programme, Our Chambers Pupil Supervisors Qualification and Guidance Handbook, the Professional Statement and the competences contained therein, the Curriculum and Assessment Strategy, the Equality Rules for the Bar and the documents set out in the Required Reading List for Pupils.
- 7.3 Pupil Supervisors will read and act in accordance with the guidance contained within the Pupil Supervisors Handbook.
- 7.4 In the first few days of pupillage, pupil supervisors are expected to introduce pupils to as many members of Chambers and staff as possible, and to explain to them the working routine of Chambers.
- 7.5 After the pupil has completed the first three months of pupillage, pupil supervisors are expected to arrange for their pupils to do work for other members of Chambers as well as for themselves. It is the pupil supervisor's duty to ensure that the work given is suitable for the pupil to undertake, and that sufficient notice of the work is given to the pupil concerned.
- 7.6 Pupil supervisors shall ensure that during the period in which they are supervising a pupil, instruction shall be given in:
- general conduct and etiquette at the Bar;
 - ethics;
 - oral and written advocacy;
 - undertaking conferences and negotiation skills;
 - case analysis;
 - Court proceedings.
 - This list is not exhaustive.
- 7.7 Supervisors are also required to ensure that their pupils are provided with a copy of the Training Programme and its appendices, setting out the competences to be met and that these competences are noted as and when met.
- 7.8 Supervisors must ensure that their pupils undertake the self-reflection and assessment required to meet the competences and that they keep accurate records.



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- 7.9 It is for the pupil supervisor to satisfy himself or herself that it is proper to provide their pupils with the appropriate certificate required by the Bar Training Regulations at the end of each relevant period of pupillage, and to sign the pupil's certificate, if appropriate to do so. To this end, the pupil supervisor shall ensure that the pupil has received appropriate training and experience to meet the competences set out in the Professional Statement.
- 7.10 If a supervisor takes the view that insufficient training has been given to the pupil in order to satisfy the necessary competences in the Professional Statement then he shall immediately notify the Heads of Chambers and the Secretary to the Pupillage and Tenancy Committee.
- 7.11 If the pupil supervisor is unable or unwilling to provide a certificate that a pupil has satisfactorily completed a period of pupillage, then the members of the Pupillage Committee may conduct their own investigation to determine whether the pupil has been diligent in receiving the instructions given to him during the relevant period of pupillage and whether he has achieved the minimum level of competence required of a pupil at the end of that period. It shall be the duty of every member and clerk of Chambers to co-operate fully and promptly with such investigation.
- 7.12 The investigating members of the Committee shall report their findings to the Heads of Chambers together with their recommendation (or, if they do not agree, their recommendations) as to whether the Head of Chambers should issue or withhold such a certificate. The Heads of Chambers shall decide in their sole and absolute discretion whether to sign and provide such a certificate, and their decision shall be final.
- 7.13 The Heads of Chambers are the Heads of Pupillage Training. Whether or not he or she is a pupil supervisor, he/she shall have undergone the same training as a pupil supervisor, and shall have at least three years' experience of practice. He/she shall be in overall charge of pupillage training in Chambers, and shall keep in regular contact with the pupils and their supervisors. He/she shall ensure that changes to any pupillage are promptly notified to the Bar Standards Board.

8. SELECTION OF TENANTS FOLLOWING PUPILLAGE

- 8.1 Chambers Policy is to offer Tenancies to all Pupils who are determined by a meeting of Chambers Tenancy and Pupillage Committee to have met the Selection Criterion for Tenancy following Pupillage.
- 8.2 At 9 King's Bench Walk, we aim to select junior tenants from the ranks of our own pupils and probationary tenants. We aim to ensure that the selection procedure for all new tenants works in as fair and objective a way as possible.
- 8.3 During the course of the year, reports are given to the Committee at three-month intervals on the work performed by each pupil. Each pupil supervisor also provides to the Committee an assessment of the pupil(s) who have sat with him through the year.
- 8.4 Prior to any application for tenancy the pupil shall meet with the Senior Clerk for a practice development meeting and to discuss their earnings potential in the first year of tenancy and where practical for the following two years thereafter.
- 8.5 Following an application, as fully set out in our Recruitment Policy and Pupillage Handbook, the pupil will be interviewed at the end of their twelve months. The interview will include an advocacy exercise and may



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include a written exercise as well. At least four members of the Committee shall be present at the interview. Any members not present shall be provided with all written reports and consulted before a final decision is made.

- 8.6 On occasions, following a pupil's application for tenancy, the Pupillage and Tenancy Committee will consider offering a pupil a "Probationary Tenancy" rather than immediate Tenancy, for a period of up to six months. This will not be considered where the pupil has failed to meet the competencies set out in the Professional Statement as that would require consideration of an extension to the 12 months pupillage.
- 8.7 A Probationary Tenancy will be considered in certain circumstances where, for example, the Committee takes the view that the Pupil has not had sufficient opportunity to observe or experience some of the work in the areas of law in which Chambers specialises or perhaps requires further opportunity to join a panel, such as the CPS Advocates Panel, before committing to Tenancy.
- 8.8 In those circumstances, the Committee are likely to offer a period of three months Probationary Tenancy initially, following which an application for full tenancy will be reconsidered by the Committee. This will not require a new application but updated reports will be provided by the Supervisor and Senior Clerk.
- 8.9 It will only be on rare occasions that a Probationary Tenancy following pupillage will be for longer than a three month period
- 8.10 Pupils not taken on as tenants or as probationary tenants at the end of their second six shall be allowed to remain practising in Chambers for two weeks after having been notified of the Committee's decision, or for such longer period as may be agreed with the Management Committee.
- 8.11 Probationary Tenants are not required to pay any rent towards Chambers expenses during the probationary period. They will be required to pay commission of 12% on all gross fees received, over and above the minimum funding level of £1750.00, exclusive of VAT and expenses.
- 8.12 In order to assist with and decide upon applications for Tenancy from Pupillage the following will take place;
- 8.13 The Tenancy Committee will collect and assess all reports from Pupil Supervisors, Chambers Managing Consultant, Chambers Senior Clerk and any members who may have worked with the pupil concerned.
- 8.14 The Committee will be given any feedback from Instructing Solicitors, members of the Bar the Judiciary and any sources where the information may be of assistance.
- 8.15 Applications will be decided upon by way of a majority vote.
- 8.16 In the event of a tie, Heads of Chambers will have the casting vote (need to discuss this in light of above if H of C is a Supervisor of the Candidate and possibly not at the meeting).
- 8.17 Applicants will be invited via e-mail to join Chambers as a Tenant. That e-mail will detail date tenancy begins and will contain all necessary documentation by way of attachment with hard copies to be signed and retained by Chambers. If documents cannot be supplied with the offer of tenancy, they will be supplied within 7 days of that offer
- 8.18 Candidates will be given copies of Chambers Pupillage Policy, Pupillage Agreement Pupillage Handbook and all other documents specified in the Handbook.
- 8.19 Chambers will keep a written record of the steps set out above.
- 8.20 Probationary Tenants who apply for tenancy are considered on the basis of their professional performance while in Chambers, based on feedback from the clerks, from their instructing solicitors, and from members of Chambers who have seen their performance in court.



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- 8.21 Probationary Tenant applications for tenancy will be considered by at least four members of the Committee. Applicants will be interviewed and may be asked to undertake either an advocacy exercise or written work or both.

9. THE THREE YEAR RULE

- 9.1 The “three year rule” means paragraph rS20 of the Bar Standards Board Handbook. The Committee shall ensure that the “three year rule” is complied with by ensuring that each probationary tenant and junior tenant who has been entitled to exercise full rights of audience for less than 3 years is assigned to a member of Chambers who has practised for at least 6 of the previous 8 years and who has been entitled to exercise full rights of audience for the previous 2 years.
- 9.2 Such a member shall not be responsible for more than two such probationary tenants or junior tenants at a time.
- 9.3 The member need not be a member of the Committee, but must be somebody approved by the Committee.
- 9.4 The member must be readily available to provide guidance to the probationary or junior tenant for whom he is responsible, or (as the case may be) to each of them.
- 9.5 If the member becomes unable to act under this paragraph then he must notify the Heads of Chambers or Chambers Managing Consultant immediately
- 9.6 The BSB must be notified of the name of the Qualified Person and of any change of Qualified Person.

10. FLEXIBLE WORKING

The terms of the availability for Flexible Working can be found in Chambers Flexible Working Policy, available on request from Chambers Flexible Working/Equality, Diversity and Inclusion Officer or Christine Eadie

11. 9KBW POLICY REGARDING MISCONDUCT AND POOR OR INADEQUATE PERFORMANCE BY A PUPIL.

For this section of our Pupillage Policy, we have in mind the Bar Qualification Rules on the signing off of pupillages in both the non-practising and the practising period of pupillage. Namely;

Remedial work and extension of pupillage

1.30 Where it is not considered that the defined standards and competences have been met, your pupil supervisor must not sign you off as having completed the non-practising or practising period of pupillage.

In order to comply with this we take the following action;



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11.1 Before a pupil reaches the end of pupillage and where pupillage is not going to be signed off, steps will already have been taken to inform the pupil of where competences are not being met, or inadequate client care is being provided or where there has been a failure to meet the standards required and of any other failings that mean that the pupillage cannot be signed off.

11.2 Each pupil will have had a monthly review with their supervisor and in second six there will also be practice development meetings with the senior clerk. They will also meet with the Managing Consultant at the end of both periods.

11.3 If there are concerns about a failure to meet the competences or standards required, during the first six, these concerns will have been addressed at each review meeting and reports will have been provided by the supervisors to the Pupillage and Tenancy Committee.

11.4 Where standards are not being met or competences not fulfilled, the pupil will have been set targets to meet addressing the areas of concern.

11.5 If, by the end of the non-practising period, a pupils performance is such that it is felt that they are still not ready to begin the practising part of their pupillage then this will be addressed formally with the pupil, a record kept of the meeting and Heads of Chambers and the Pupillage and Tenancy Committee informed..

11.6 The pupil will be informed that the competences and targets set for the first six months have not been met and what action is to be taken. This is likely to be one of the following;

- Where the pupil's performance is of such a low standard that the supervisor cannot foresee that there can or will be any substantial improvement, then the supervisor will recommend to Heads of Chambers that the pupillage be terminated. If the Heads of Chambers agree with the recommendation, then the pupil will be informed that the pupillage will be terminated and of the right of appeal against that decision.
- OR the supervisor may decide to extend the non-practising period for a short period, with a maximum of three months being allowed, to give the pupil further time to meet the competences and standards that have so far not been met. The pupil also has the right to appeal that decision.
- In either case the decision will only be made after discussion with all supervisors that have had the opportunity to work with the pupil, and with Heads of Chambers agreement.
- In both circumstances of either termination or extension, the BSB will be informed as will Chambers Pupillage and Tenancy Committee.

11.7 In the practising period monthly reviews will continue with monthly feedback also being provided by the clerks, those who observe the pupil in court and most importantly solicitors who instruct the pupil. Any negative feedback will be referred immediately to the supervisor and must be discussed as soon as it is practical for pupil and supervisor to meet. Discussions will not be delayed until the monthly review.

11.8 All discussions will be recorded and an immediate report provided to the Pupillage and Tenancy Committee, if concern is such that the pupillage may need to be terminated before the end of the practising period.

11.9 If the concern can be addressed by setting a target for the pupil to meet or if it is clear that the negative feedback relates to an isolated incident, it can be recorded as such. The supervisor will closely supervise the pupil to ensure that any remedial action is being or has been taken.

11.10 If poor performance or an error proves to be more than simply a one off incident and further negative feedback is received, the pupil will meet with the supervisor and where appropriate a written warning will be given by Heads of Chambers.

11.11 This must be acknowledged and signed by both pupil and a Head of Chambers.



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11.12 Where performance is so poor that it amounts to possible misconduct, the supervisor may recommend that the pupillage be terminated early. This will be decided upon by Heads of Chambers.

11.13 If, after a written warning, performance remains of a low standard, the supervisor can refuse to sign off on the practising period of pupillage and the same action can or will be taken as that set out above on refusal to sign off after a non –practising period. The pupil will be informed of the refusal to sign off their practising period, that the BSB will be informed and of the right of appeal.

11.14 In either case, if the pupil wishes to appeal, then they will be advised to act in accordance with Chambers Grievance and Disciplinary Policy.

In addition the following is included in our Pupillage Policy and Agreement.

12. TERMINATION ON THE GROUNDS OF POOR OR INADEQUATE PERFORMANCE

12.1 Chambers reserves the right to terminate a pupillage at any time and with immediate effect in the event of a serious breach of Chambers rules or the Bar Council Code of Conduct. This includes any instance where the pupil engages in unprofessional conduct.

12.2 Where a supervisor refuses to sign off either the non-practising or the practising period of pupillage or tenancy is not to be offered because of poor performance, the pupil must already have been given a written formal warning and at the earliest opportunity. Monthly reviews will ensure that performance is regularly monitored. Feedback from solicitors and the clerking team will be vitally important in these circumstances and must be relayed to the supervisor concerned as soon as any negative feedback is received or clerking concerns arise.

12.3 On receipt of negative feedback, the supervisor must meet with the pupil to discuss the concerns that have arisen and to ascertain whether the negative feedback arises from just a one off error or “bad day” that can be rectified or will not be repeated or whether there is a wider concern about performance or client care or attitude towards the work or individuals. The results of the discussions and any form of oral warning on performance improvement must be recorded and included in a report to the Pupillage and Tenancy Committee.

12.4 Where there is a pattern of negative feedback from solicitors or the clerks, colleagues, other members of the Bar or members of the Judiciary, and after a review between supervisor and pupil, a formal written warning must be issued by Heads of Chambers

12.5 Acknowledgment of a written warning must be signed by both the pupil and a Head of Chambers.

12.6 In the event of a written warning, a further review will be scheduled for 4 weeks thereafter at which reports will be obtained from the clerking team, where possible any solicitors who have instructed the pupil and any supervisors, or other members of Chambers, with whom the pupil has worked in the previous 4 weeks.

12.7 If performance has not significantly improved and the consensus of opinion of supervisors, Heads of Chambers, the senior clerk and managing consultant is that further training will not assist or improve performance, the pupillage may be terminated.

12.8 A pupil may appeal either the termination of pupillage, or the refusal to sign off a period of pupillage because an extension is recommended, through the use of Chambers Grievance and Discipline Procedures. Any appeal against the termination or extension of a pupillage will however be heard by members of the



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Pupillage and Tenancy Committee, rather than the Management Committee members. But procedures will remain in line with Chambers Grievance and Discipline Policy.

12.9 In the event of an appeal, the pupillage will be suspended, not terminated, until the appeal grounds are presented and investigated, the pupil is interviewed and a final decision is made.

12.10 In the event that a pupillage is terminated because of poor or inadequate performance the clauses of the Grievance and Discipline Policy remain applicable.

12.11 However, any appeal shall be heard by members of the Pupillage and Tenancy Committee and not the members of the Management Committee

13. TERMINATION OF PUPILLAGE PROCESS

13.1 A pupillage or probationary tenancy may be terminated by:

- mutual agreement between the pupil and Chambers;
- Chambers in the event of:
- serious misconduct by the pupil; or
- poor performance by the pupil provided that at least one formal written warning about performance has been given prior to the termination; which in either case shall, if disputed, be determined by the Bar Standards Board; or
- one month's notice given by the pupil in writing.

13.2 In the event of termination of the pupillage, Chambers shall no longer be liable to pay any further sums as set out above, except expenses properly incurred.

13.3 Where a pupillage is to be terminated because of a serious breach of Chambers rules or serious misconduct as a barrister, the procedures in our Grievance and Discipline Policy come into force.

13.4 Relevant extracts are set out below.

13.5 Pupils are given a full copy of Chambers Grievance Policy, on commencement of their pupillage, and must familiarise themselves with the contents.

14. DISCIPLINARY AND GRIEVANCE PROCEDURES

14.1 The formal complaints and grievances procedure applicable to pupils and probationary tenants is that which applies generally to Chambers' clerks and staff. Full details are contained within Chambers Disciplinary and Grievance Procedures Policy.

14.2 This procedure relates to all complaints or grievances, including those of discrimination, harassment and unfair allocation of work. However, pupils and probationary tenants are also encouraged to raise any grievance or complaint less formally, if they would prefer to do so.



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14.3 The less formal procedure is as follows (and applies to a probationary tenant as it applies to a pupil). If any difficulties arise during pupillage, or if the pupil is dissatisfied with the way in which he or she is being treated, he or she is encouraged to raise the concern, and to do so promptly.

14.4 Initially, the problem or complaint should be raised with the pupil supervisor, or (if the pupil prefers or the complaint is against the supervisor) with our Managing Consultant. If the problem cannot be solved in this way, and the pupil wishes to pursue the matter further, he or she may request the Managing Consultant to arrange an investigation. An Investigating Committee consisting of two members of Chambers Management Committee, or two senior members of Chambers, one of whom may be the pupil's choice, will carry this out.

- 14.5 Where Heads of Chambers determines that the complaint relates to or includes an allegation that Chambers, or a member or clerk of Chambers, has breached Chambers' Equality, Diversity and Inclusion Policy, or the Equality, Diversity and Inclusion Code for the Bar, he shall appoint as the third member an Equality, Diversity and Inclusion Data Officer.
- 14.6 The Investigating Committee may interview the pupil and any other member of Chambers, clerk or other witness it sees fit. Such interviews may be formal or informal, and may be conducted by the whole Investigating Committee or by such member or members, as the whole Investigating Committee shall designate. It shall be the responsibility of every member, pupil and clerk of Chambers to cooperate fully and promptly with such investigation.
- 14.7 The Investigating Committee shall notify the pupil of its findings and decision in writing without undue delay.
- 14.8 The pupil may appeal against the decision of the Investigating Committee by writing to Heads of Chambers within 7 days of being notified of the decision.
- 14.9 Heads of Chambers shall determine the appeal in such manner as they think fit, while taking care to ensure that the pupil is treated properly and fairly.
- 14.10 Their decision shall be notified to the pupil within 10 days of the pupil writing to them, and shall be binding on all members, pupils and clerks in Chambers.
- 14.11 This procedure is not intended to preclude the pupil from informally discussing any problems with other members of Chambers. Nor is it intended to preclude a pupil from deciding to use our formal complaints and grievances procedure in place of the procedure described above.
- 14.12 Whichever procedure is used, a pupil will not suffer any detriment as a result of making a complaint in good faith.

15. DISSOLUTION OF CHAMBERS

In the event that Chambers dissolves, those barristers who were members of Chambers at the time of its dissolution shall use their best endeavours to:

- secure an alternative pupillage for the pupil at another chambers; and
- apply to the Bar Standards Board for a waiver of advertising and funding requirements for such a pupillage.



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16. ANNUAL REVIEW OF THIS POLICY

This policy was reviewed By Christine Eadie Chambers Managing Consultant

Date 30th September 2021

Reviewed and amended by Christine Eadie Managing Consultant

Date 15th January 2022.

Reviewed and amended by Christine Eadie

Date June 6th 2022.

Reviewed and amended by Christine Eadie

Date 5th September 2022

Reviewed and amended by Christine Eadie

Date November 16th 2022

This Policy was reviewed and amended by Christine Eadie Managing Consultant

Date August 25th 2023

This Policy was reviewed and amended by Christine Eadie Managing Consultant

Date November 20th 2023