

## **25 Bedford Row Pupillage Policy**

### **AUGUST 2016**

1. 25 Bedford Row runs and implements an equal opportunities pupillage policy. This runs throughout the selection process to the training and finally to the selection of tenants. Chambers takes all steps to ensure that proper arrangements are made for dealing with pupils and pupillage and that the affairs of Chambers are conducted in a manner, which is fair and equitable for all pupils.
2. Chambers operates the following policy with regard to the conduct of pupillage:

#### **Number of pupils**

3. Chambers offer two or three 12-month pupillages, terminable at the end of the twelve months by either Chambers or the pupil, but this policy is reviewable each year by the Pupillage Committee in consultation with the Management Committee of Chambers.
4. Depending upon workload, Chambers accommodates 3rd six month pupillages each 6-months (some of whom may have completed 12 months pupillages with 25 Bedford Row, some of who may be external candidates).

#### **Advertisement of pupillages**

5. In accordance with Section B5 of the Bar Standards Board Handbook all 1st and 2nd six month pupillages offered by Chambers are advertised through the Pupillage Gateway website.
6. Section B5 of the Bar Standards Board Handbook does not apply to 3rd six month pupillages. However, vacancies in respect of 3rd six month pupillages may be advertised on Chambers' website, the Bar Council website, on the notice-boards situated in the Library and Common-room of each Inn or on notice-boards at court.

## Recruitment / choice of pupils

7. NO pupil will be accepted in Chambers who has not come through the Chambers selection procedure.
8. It is Chambers' intention to ensure that the opportunity to undertake pupillage is open to all upon merit and ability. We have developed a system of selection over the years that we believe helps us recruit the pupils whom we believe will be able to work with us and at the same time is open and fair. We are looking for candidates with proven academic ability and with a character that we think will fit in and work well with Chambers. Selection will be made from Pupillage Gateway applications as follows:
  - i. **Initial Selection:** The Chair of the Pupillage Committee oversees the selection process. The whole of Chambers is involved in the initial consideration of paper applications forms. Two members of Chambers, using a standardised scoring procedure, independently review each application form. No application is rejected unless at least 2 members of Chambers have read the application form and reached the same conclusion. In the event of disagreement between the 2 members, the Chair of the Pupillage Committee will assess the application and his/her decision will prevail. A random selection of application forms, together with the scores awarded by the allocated 2 members, will be further reviewed by the Chair of the Pupillage to ensure the consistency of approach to candidates in the selection process.
  - ii. **First Interview:** We try to interview as many candidates as possible. This usually amounts to approximately 60. The candidate is asked to arrive 30 minutes prior to the allotted interview time, and is given a short piece of advocacy to prepare, such as a plea in mitigation or bail application. Each candidate will then be asked a topical and/or legal question(s) following the advocacy exercise. This is to ensure consistency, yet gives the applicant an opportunity to display individuality and originality. Each interview lasts a maximum of 15 minutes and requires no specific preparation on the part of the applicant in advance. Interviewers will be drawn from the whole of Chambers with a minimum of two members.
  - iii. **Second Interview:** A short-list of between 10 and 15 applicants will be invited for a second interview. Again, the candidate is asked to arrive 30 minutes beforehand, when they all will be asked to perform a further pre-arranged

advocacy exercise. The advocacy exercise is followed by a 3-minute speech to the Pupillage Committee on any non-legal subject of the applicant's choice, which should have been prepared in advance. Candidates will be advised in advance of the interview as to its structure but will not be provided with the advocacy exercise until they arrive. Interviewers will be drawn from the whole of Chambers with a minimum of 4 members including one Silk.

9. Throughout the interview process interviewers will use a standardised scoring procedure approved by the Pupillage Committee, again to try to make the process as fair as possible. The Chambers Administrator keeps the marks for each candidate at each stage in confidence.
10. Following the second interviews, a shortlist of candidates is invited to meet a cross-section of Chambers and working pupils in a more informal environment.
11. In the event (and only in the event) that Chambers fails to locate suitable applicants through the Pupillage Gateway system, or a pupil 'pulls out' for whatever reason, Chambers may invite and accept non-pupillage gateway applications (in accordance with the regulations, procedure and timetable). Such applications will be assessed and interviewed in the same manner (and upon the same terms) as Pupillage Gateway applicants.
12. From time to time, Chambers will also invite applications for 3rd six pupillages. Such applications will be assessed and interviewed in the same manner (and upon the same terms) as Pupillage Gateway applicants.

## **Funding of pupillages**

13. It is Chambers' intention to ensure that the opportunity to undertake pupillage is open to all upon merit and ability; it would be contrary to that intention, were offers based upon the ability and/or willingness of a particular candidate to fund themselves through pupillage. Accordingly, Chambers provides awards of £30,000 to each of its two or three 12-month pupils.
14. Chambers will make a grant towards the living expenses and food requirements incurred during the 1st six months of pupillage. The total payment will be £15,000, paid in monthly installments, payable in arrears. This payment is made on the basis that the pupil continues as a pupil in Chambers during the 1st six months but, should that arrangement cease, for whatever reason, the payments will be stopped.

15. During the 2nd six months, Chambers guarantees earnings up to a figure of £15,000. In the unlikely event that a pupil's earnings do not exceed this sum in any given month, Chambers will pay the pupil the difference. During the 2nd six months period of pupillage, Chambers does not seek to recoup any fees on monies earned, unless they exceed the guaranteed minimum, in which case any recoupment will be limited to the amount in excess of the monthly minimum (£2,500) and only to the maximum amount that has already been advanced. Again, this payment is made on the basis that the pupil continues as a pupil in Chambers during the 2nd six months but, should that arrangement cease, for whatever reason, the payments will be stopped.
16. Chambers does not fund 3rd six month pupillages. By way of clerking and Chambers' fees, 3rd six month pupils are charged 10% of their income. 3<sup>rd</sup> Six pupils are expected to secure their own insurance with the Bar Mutual Indemnity Fund (BMIF).

## **Travel expenses**

17. Chambers' travel policy for pupils is as follows:
  - i. Travel outside of London - Chambers will reimburse travel costs to those courts listed in paragraph 33 below (in accordance with LAA regulations as to courts deemed to be covered by the London Bar) subject to compliance with conditions as set out at paragraphs 22-23 below.
  - ii. The cost of travel to courts *not* within zones 1-6 or listed in paragraph 33 is to be met by individual Pupil Supervisors. Supervisors are encouraged to arrange placements within London for their pupil, should work commitments involve travel beyond the courts listed.
  - iii. Travel Warrants - These will be issued only upon request in exceptional circumstances, for example where the ticket cost is particularly high or, due to financial hardship, a pupil cannot buy the ticket and reclaim the cost later.

### Travel outside of London

18. It is Chambers' policy that pupils are never sent to far-flung courts and expected to meet the costs of their travel from the court fee, unless it is to cover their own cases. However, it does mean that the tenant whose case it is meets the cost and there is a need to ensure costs are kept to a minimum.
19. Pupils are expected to book all long distance travel in advance. *Tickets should be purchased by 6pm on the day prior to travel.* Tickets can be purchased from any of the following sites:

[www.raileasy.com](http://www.raileasy.com)

[www.thetrainline.com](http://www.thetrainline.com)

[www.redspottedhanky.com](http://www.redspottedhanky.com)

20. Pupils are required to keep and log all receipts for travel; otherwise Chambers will not reimburse travel. Upon proof of travel, Chambers administrator will ensure money is transferred electronically to your account or a cheque will be provided within 5 working days.

#### Travel Warrants

21. Travel warrants are the most expensive way of paying for a ticket.
22. Nevertheless, they have an important role to play in assisting pupils that are unable to meet the initial travel cost due to cash flow difficulties.
23. We are very keen to ensure that Chambers' travel policy does not contribute to financial hardship. It follows that, if a pupil genuinely requires a travel warrant for a case outside London, one will be provided by Chambers administrator or by one of the clerks.
24. However, please note that this cost is to be met directly by the tenant, or in the alternative by Chambers. If Chambers is required to meet the costs, it is deducted from the Pupillage budget.
25. Like any area of an organisation, we have a limited budget that we wish to stretch as far as possible.

26. It follows that where possible, we would encourage you to purchase your ticket directly and utilise travel warrants only as a last resort.

### General Travel Guidance

27. For all legal aided Magistrates Court appearances, pupils are paid a fixed fee and travel is paid on top. Accordingly, for the vast majority of your court appearances, you will get your travel repaid when you receive your fee.
28. Privately paid court appearances are paid normally at a higher rate and travel costs are not billed separately . Your travel is therefore deemed included unless separately negotiated by the clerks.
29. In respect of Crown Court appearances within London/M25, the travel costs are not paid by the court and are therefore usually paid by the individual practitioner. In pupillage, these costs will be met by Chambers and charged to the tenant whose case you are covering.
30. It is possible to claim back travel costs in respect of the Crown Courts listed below. It is essential that travel receipts are submitted to David Kirton, the Fees Clerk, together with the fee note for the hearing.

Aylesbury  
Basildon  
Cambridge  
Canterbury  
Chelmsford  
Guildford  
Huntingdon  
Lewes  
Luton  
Maidstone  
Oxford  
Peterborough  
Reading  
Southend  
St Albans

31. The rationale is that we as an organisation and as a committee reduce our costs. Tenants costs are kept to a minimum (when you cover a hearing in Birmingham for example, the tenant will pay your appearance from their brief fee and then pay your travel costs too, irrespective of whether they can reclaim it back). Lastly, as pupils you will learn how to be efficient in keeping costs down, skills you will utilise when you are tenants in your own rights.
32. If there are any questions or queries over pupil travel policy, please do not hesitate to contact the Chair of the Pupillage Committee. Ultimately, if you can afford to buy a train ticket and reclaim the cost back, please do so as it is the cheapest method to purchase tickets. If you cannot afford to do this, please use the travel warrants system as that is what it is there for.

### **Recoupment of payments made to pupils**

33. Chambers will not seek or accept repayment from pupils of any of the sums referred to above (or payment made for attendance at compulsory training courses), whether before or after their fixed departure date, save in the case of misconduct on the pupil's part.

### **Pattern of pupillage**

34. All three 12-month pupillages are general criminal pupillages.
35. During the **First six** months, pupils will be allocated to a single Pupil Supervisor.
36. At an induction held during the week prior to commencement of pupillage, all pupils receive a comprehensive written guide to pupillage at 25 Bedford Row. As well as welcoming the pupil, it sets out guidance and material in advance of the pupil's arrival in Chambers to help them get the most out of pupillage with us. In addition, during the first week in Chambers, we arrange a meeting for all pupils with the Chair and the other members of the Pupillage Committee, together with fellow pupils, to answer any further queries and to ensure that pupillage has begun smoothly.
37. All 1st six-month pupils are also expected to spend some time with 3<sup>rd</sup> six-month pupils and / or junior tenants to ensure experience is gained in the Magistrates Court prior to the commencement of 2<sup>nd</sup> six pupillage.

38. **Second six** month pupils will be allocated to a (different) single Pupil Supervisor for the duration of the 2nd six-month period that they will shadow and assist. Pupils will also attend Court in their own right. Pupils are moved to different rooms so they get to know as wide a range of members of Chambers as possible. The association between pupil and Pupil Supervisor is necessarily less strong during the 2nd six months as the pupils are in court on their own account every day. But the Pupil Supervisors keep a close eye on the work their pupils are doing, especially during the first few weeks.
39. **Third six** month pupils will be allocated to a (different) single Pupil Supervisor for the duration of the 3rd six-month period that they will shadow and assist. Pupils will also attend Court in their own right. Pupils are moved to different rooms so they get to know as wide a range of members of Chambers as possible. The association between pupil and Pupil Supervisor is necessarily less strong during the 3rd six months as the pupils are in court on their own account every day. But the Pupil Supervisors keep a close eye on the work their pupils are doing, especially during the first few weeks.

## **SOCIAL MEDIA**

40. We recognise that social media is a relevant and increasingly important area for practice development and promotion. However, pupils should not post/tweet/blog or otherwise refer to any case or client in their social media profile(s) without the express and written consent of the appropriate instructing solicitor and chambers.

## **Holidays**

41. Under the Working Time Regulations, all pupils (whether 12 month pupils or 3<sup>rd</sup> six pupils) are entitled to 2 weeks' holiday per each 6 months as of right. Chambers does not consider Bank holidays to count towards this entitlement. Chambers' funding continues during holiday periods. Any additional holiday period is entirely at the discretion of Chambers and must be discussed and approved in advance with the Pupil Supervisor and the Senior Clerk and will necessitate (pursuant to Bar Standards Board Regulations) prior approval from the Bar Standards Board to extend pupillage for that period.
42. All working pupils are expected to make themselves available to cover work at the busiest times, namely over the Christmas period, Easter period and other Bank

holidays. Requests for holiday leave at these times will *not* be approved unless *exceptional* circumstances apply, and prior approval has been requested in writing and granted by the Pupil Supervisor, Chair of Pupillage and Senior clerk.

43. Unauthorised and unexplained absence by the pupil will be treated as voluntary termination of pupillage with immediate effect and will be considered misconduct on the pupil's part (thus rendering the pupil liable to repay all pupillage awards paid to date).

### **Obligations of pupil supervisor**

44. The Pupil Supervisor of a **1st six month** pupil will regularly review the Pupillage Check List during the course of the pupillage and will report to the Chairman of the Pupillage Committee as to the pupil's progress at the conclusion of the period of pupillage. The same obligations apply to a **2nd six-month** pupil.
45. The Pupil Supervisor will ensure that the pupil is exposed to and adequately instructed in the conduct of all matters and procedures set out in the Pupillage checklist.
46. The Pupil Supervisor will afford adequate and repeated opportunity to the pupil to:
  - i. Read and discuss the Pupil Supervisor's work,
  - ii. Practise their own paperwork, attend conferences,
  - iii. Observe the Pupil Supervisor in Court,
  - iv. Observe other members of Chambers in Court,
  - v. Receive regular and constructive feedback upon the pupil's progress,
  - vi. Receive thorough training in the field of professional ethics, paperwork and court work.
49. The same opportunities will be afforded to the pupil during the practising period (**2nd and 3rd six months**) of pupillage. Additionally, the Pupil Supervisor will afford adequate and repeated opportunity to the pupil to undertake court work in his or her own right.

### **Checklist used**

50. A Check List, outlining the roles and duties involved in pupillage, as provided by the Bar Standards Board entitled “Pupillage Checklist”, will be used by Chambers.
51. Pupils will not be certified as having completed their pupillage until the list has been finally discussed, signed and handed to their Pupil Supervisor. In addition, the submission of signed and completed checklists is a compulsory part of any tenancy application the pupil may make to these Chambers.

### **Continual assessment**

52. Chambers views prompt, regular and constructive assessment of pupillage not only as good practice but also as vital. On an informal basis, pupils are encouraged to continually monitor their progress by informal discussions with their Pupil Supervisors. In addition the Pupillage Committee meets all of the pupils on a regular basis so that any problems or complaints can be talked over and dealt with.
53. On a formal basis, and in addition to the Bar Standards Board checklists, Chambers operates an in-house training and assessment procedure.
54. At the conclusion of the pupil’s 1st and 2nd six month periods, the pupil and Pupil Supervisor will complete an in-house pupillage appraisal form based upon their own appraisal and the feed-back they have had from other members of Chambers, clerks, solicitors and other members of the Bar. The form deals with a comprehensive range of the pupil’s abilities and capabilities and also makes suggestions for the future development of the pupil. This is intended to assist the pupil to know how they are progressing in pupillage and identify those areas requiring improvement. The contents of the form will be discussed with the pupil within a month of him/her finishing that stage of their pupillage. Completed appraisal forms are held in confidence by the Chair of the Pupillage Committee.
55. The Appraisal Forms constitute an integral aspect of the pupil’s training and will form an essential part of any application the pupil makes to Chambers for further pupillage and/or tenancy.

### **Compulsory training courses**

56. Pupils are required to attend and successfully complete all compulsory training courses run by the Bar Council and their respective Inns during their 12 months' pupillage. These include:
  - i. The Practice Management Course,
  - ii. The Advocacy Training Course, run by the Inns and the South Eastern circuit,
  - iii. The Forensic Accountancy Course (completion required within 3 years but advised to complete during the 12 months of pupillage).
  
57. Although not compulsory, Chambers also views the Criminal Bar Association Lecture series (held at the Central Criminal Court Bar Mess) as invaluable training and treats them as compulsory.
  
58. Chambers will pay for pupils' attendance at all the above-mentioned courses. Chambers operates a simple and speedy procedure for obtaining payment (whether in advance or by means of reimbursement).

### **In-house advocacy training**

59. Pupils are encouraged to take part in any advocacy training offered by their Inns or the Circuit.
  
60. Additionally, throughout the twelve-month period, pupils take part in a rigorous in-house advocacy-training programme, delivered by experienced practitioners and on occasion, judges and other legal professionals. The programme is a mix of seminars and practical exercises aimed at developing up to date knowledge of the law, court procedure and advocacy skills.
  
61. Mock courts are regularly used to test the growing knowledge and confidence of our pupils. The training programme culminates with a number of written and oral assessments.
  
62. The training programme lasts approximately 70 hours in total. Workshops are conducted along the lines developed by Gray's Inn and are run by members of Chambers. The sessions usually take place on the first and last Wednesday evening of each month. The training material has been compiled by members of Chambers and covers all of the ground that young members of the Criminal Bar can expect to encounter in their first few months on their feet and beyond. It is an intense course

as we are able to have a very high ratio of Trainers to Pupils. We also have the advantage of being able to call on junior members of Chambers, who themselves have gone through the same course, to act as the witnesses/clients.

63. At 25 Bedford Row we are confident and proud of the fact that we offer our pupils among the most comprehensive advocacy training available at the Criminal Bar. By the time they get on their feet in their 2nd six months our pupils will have completed many hours of intensive advocacy training. Pupils must pass this course to the satisfaction of the Pupillage Committee in order to take up the 2nd six months and to attend court in their own right representing Chambers.

### **Allocation of work**

64. During the pupil's practising (2nd or 3rd) six months, they will be allocated work on a daily basis. Work will be allocated without discrimination and in a manner fair to all. Allocation will take place according to:
- i. Availability of work, and
  - ii. The pupil's perceived ability and progress (relative to other pupils) at that time, having regard to solicitors' feedback etc.
65. Assessment of a pupil's readiness to conduct different types of hearing is the sole responsibility and remit of the clerks (under the overall supervision of the senior clerk and 1st junior clerk), who are best placed and best informed to be able to make this assessment, in liaison with the Pupil Supervisor.
66. The Chair of the Pupillage Committee (through liaison with the senior clerk, 1st junior clerk and the Pupil Supervisors) monitors the distribution of unnamed work received by Chambers and re-distribution of work between members of Chambers to pupils. Should the pupil feel at any stage that work is being allocated on an unfair or discriminatory basis, Chambers operates a scheme whereby the Pupillage Committee investigates any such complaints as a matter of urgency and a full report made to the aggrieved pupil.

### **Feedback**

67. No-one is perfect, and Chambers welcomes confidential feedback from pupils upon the pupillage that we offer. Accordingly, the in-house assessment forms are also

designed to enable the pupil to provide any feedback that he or she deems appropriate at the conclusion of each period of pupillage. Chambers takes this process seriously and undertakes to look into any comments or complaints made.

68. Additionally, pupils are invited to complete the anonymous Bar Standards Board questionnaires provided with each of the Bar Standards Board checklists. These may be sent directly to the Bar Standards Board or, if they wish, be returned to the Pupillage Committee who will forward them on their behalf.

## **Recruitment of tenants**

69. No pupillage at 25 Bedford Row is offered with a guarantee of (or with a view to) further pupillage or tenancy at its conclusion. All pupils must apply for such further pupillages and/or tenancies as may be available.
70. Chambers' policy in respect of pupil recruitment is that ***applications for tenancy will not be considered until completion of a 3<sup>rd</sup> six-month pupillage***. Within one month prior to the conclusion of a twelve-month pupillage, pupils can apply to for a further extension for six months, by means of a written letter to the Chair of the Pupillage Committee.
71. Applications will be considered by the Pupillage Committee, with regard to the views expressed by the clerks and Pupil Supervisors.
72. Junior tenants may be recruited from in-house pupils at the conclusion of their 3<sup>rd</sup> six pupillage. They may be considered alongside any external candidates (as to which Chambers will advertise generally for prospective junior tenants before making any decision).
73. Chambers is committed to a process that is fair, comprehensive and includes on-going assessment. The purpose is two-fold.
  - i. To ensure that pupils are given every opportunity to demonstrate their skills over the period of their pupillages.
  - ii. The ultimate aim is that chambers' recruits the talented pupil(s). The standard expected of pupils is a high one. Chambers' recruits pupils who are "exceptional".
74. The assessment process consists of:

- i. Three advocacy assessments (normally at the 9, 15 and 18 month stage)
  - ii. Three drafting assessments (normally at the 8, 14 and 17 month stage)
  - iii. One ethics interview (18 month stage, before the Management Committee)
75. The process is comprehensive with on average 20 different tenants, including Silks, involved in assessments or supervisor reports.
76. Applications are invited towards the end of the 3<sup>rd</sup> six pupillage and take the form of:
- i. Covering letter.
  - ii. Schedule of notable cases.
  - iii. Schedule of work undertaken in chambers.
74. The material is collated and presented to the Management Committee for consideration by the Chair of the Pupillage Committee. The “material” includes:
- i. Supervisor’s report(s) [dealing with set criteria]. Supervisors are invited to attend to add to their report if they wish. In practice, the written reports are comprehensive and deemed sufficient.
  - ii. Clerks report [dealing with feedback from solicitors, relationship with clerk’s room and the views of the clerks room are set out in the conclusion]
  - iii. On-going drafting and advocacy assessments summary.
  - iv. Ethics assessment [part of the Management Committee interview].
75. There are three possible outcomes:
- i. Rejected application
  - ii. No indication
  - iii. Recommendation made for tenancy
76. *Whatever the outcome*, the pupils and tenants are not informed in advance of the Chambers meeting.
77. ‘Rejected application’: Where the committee after considering all “the material”, votes unanimously to reject an applicant, the application will not go before the full Chambers meeting.
78. The meeting will be informed of the decision of the committee and an oral summary of the reasons for the decision will be provided.

79. There will be no further consideration of the pupil's application unless at the next meeting 50% of the meeting vote for the application to be re-opened and reconsidered. In those circumstances, the material would be made available for the full meeting to consider and a further meeting be held to facilitate this.
80. 'No indication': Where the committee makes no indication, the application will go to the full meeting with the material provided. Chambers will vote in the usual manner. Members of the management committee are entitled to express their individual views and vote accordingly.
81. 'Recommendation': The committee may recommend an application and the meeting will be informed of this. This is not binding on the meeting but is of course persuasive.
82. Prior to the Chambers meeting, members are provided with an electronic copy of the pupil applications (letter and schedules). A hard copy of all "the material" is left with the Senior Clerk, so that any member of Chambers who cannot attend can make an informed vote.
83. Bundles are prepared of all the material and provided at the start of the meeting.
84. At the meeting, a summary of the information is presented to Chambers by the Chair of the Pupillage Committee. Members discuss the application. A successful applicant requires two thirds of the votes (including proxy/written votes). Discussions within a meeting remain confidential.
85. If unsuccessful, Chambers are keen to ensure that a pupil in that situation has a grace period where they can continue to practice whilst they make arrangements. Three months is the normal period granted but that can and has been extended. Chambers as a whole, including the clerks' room strives to be supportive. The clerks' room in particular prides itself on its ability to assist placing pupils elsewhere.
86. Ultimately, Chambers will not offer a tenancy to any pupil who is not deemed to have the ability, determination and potential to make an outstanding Barrister, advocate and ambassador for 25 Bedford Row and to create and sustain a successful practice.

## Complaints procedure

87. Our aim is to ensure that all pupillages meet the highest standards at all times. We will not directly or indirectly discriminate against pupils on grounds of their sex, race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, age, marital status, disability, religion or political persuasion.
88. Chambers has a system that is intended to deal with matters before they become problems. We have found that regular meetings and liaison with members of the Pupillage Committee at the advocacy workshops all constitute an excellent way of ensuring, as far as possible, that the pupils have someone to talk to and discuss their worries and problems. However, in the event that the pupil needs to take the matter further and if a problem cannot be resolved by the Pupil Supervisor, then Chambers provides a procedure whereby the pupil can take the matter to the Chair of the Pupillage Committee, the Head of Chambers, and if they wish, the Bar Standards Board.
89. Chambers recognises that this is a particularly sensitive area where embarrassment, fear of causing a fuss, of being labelled, or of adverse judgment may prevent a complaint being made in the first place. It is Chambers' policy, therefore, that as far as is practicable, names of complainants will not be released (save to those persons conducting the investigation and to the person complained against) without their consent. Equally, complainants will not be victimised or suffer detriment because of a complaint made in good faith. A number of situations which may give rise to complaint are as follows:
- Selection of pupils, tenants and staff from internal or external applicants
  - Conduct of pupillage.
  - The working relationship with pupil and Pupil Supervisor.
  - Distribution of work in Chambers.
  - Pressure or instruction to discriminate in the distribution of work.
  - Sexual or racial discrimination/harassment.
  - Harassment or other discrimination originating within or outside Chambers.
90. A person subject to discrimination in any of these situations may, at their choosing, deal with the matter in a number of ways:

91. **Voicing a Concern:** Where an aggrieved person merely wishes to voice their concerns and no more, they can approach either the Chair of the Pupillage Committee (Neil Baki) or a member of the Pupillage Committee (Kathryn Arnot-Drummond, Laurie Anne Power) for a confidential discussion. This is primarily intended to provide support and advice without the matter going any further.
92. **Informal Complaint:** The second option is the lodging of an informal complaint. This can be done orally to either the Chair of the Pupillage Committee or a member of the Pupillage Committee. An informal complaint is designed to act as a method of resolving disputes without the need for a formal investigation to determine the issue. If the complaint concerns the conduct of a person in Chambers, it may be that such a person can be made aware that they are causing offence and so cease the offending behaviour. Alternatively, where the complaint concerns a decision taken within Chambers, it may be that such a decision can be reviewed or, if appropriate, overturned. An informal complaint may also be made for the purposes of seeking advice.
93. **Formal Complaint.** The third option is the lodging of a formal complaint. This must be in writing and must set out the allegation(s) complained of so as to enable Chambers to carry out a thorough investigation of all the matters concerned. If actual or potential discrimination has been found, remedial steps will be taken immediately. These may include a re-evaluation of a decision, a further opportunity to be considered for an interview or a pupillage, tenancy, brief or post as the case may be, a change in working practices, further advice, training or support, comparative monitoring of work allocation and any other action, including disciplinary steps against the offender, that appear to the panel to be appropriate.
94. In the conduct of formal complaints, the following grievance policy shall have effect:
- i. If you have a complaint or grievance you are invited to let us know as soon as possible. All formal complaints should be in writing.
  - ii. Your complaint should be raised initially with your Pupil Supervisor. Where the complaint is related to an issue arising with your Pupil Supervisor, you should raise the matter with the Chair of the Pupillage Committee.
  - iii. If the matter cannot be resolved, or requires further investigation, the matter will be referred to a panel jointly headed by Paul Mendelle QC and George Carter-Stephenson QC and made up of experienced members of Chambers and the Senior Clerk, which considers any complaint.

- iv. Within 14 days of your complaint being received, one of the joint heads of the panel will appoint a member of the panel to investigate it. If your complaint is against the one of the joint heads of the panel, the next most senior member of the panel will investigate it. In any case, the person appointed would be someone other than the person you are complaining about. The panel will consist of at least one representative of each sex.
- v. The person appointed to investigate will write to you as soon as possible to let you know he/she has been appointed and that he/she will reply to your complaint within 14 days. If he/she finds later that he/she is not going to be able to reply within 14 days he/she will set a new date for the reply and inform you.
- vi. His/her reply will set out:
  - The nature and scope of the investigation;
  - The conclusion on each complaint and the basis for the conclusion; and
  - If he/she finds that you are justified in your complaint, proposals for resolving the complaint.
- vii. If it is necessary to conduct a hearing in order to determine in any issue, the panel in accordance with the rules of natural justice and fairness shall determine the manner of the hearing. The complainant has a right to make representations and/or to be independently represented, as does the person against whom the complaint has been lodged. The parties shall be informed in advance as to how the panel intends to conduct the hearing,
- viii. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure will be limited to the Heads of Chambers, Chair of the Pupillage Committee, Senior Clerk, members of our Management Committee and to anyone involved in the complaint and its investigation. Such people will include the barrister member or staff who you have complained about, the head or relevant senior member of the panel and the person who investigates the complaint.
- ix. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.
- x. As part of our commitment to our pupils, we make a written record of any

complaint and retain all documents and correspondence generated by the complaint for a period of six years. Our Management Committee inspects an anonymised record regularly with a view to improving services.

xi. If you are unhappy with the outcome of our investigation, or you feel unable or unwilling to resolve the matter within Chambers, you may take up your complaint with the Bar Standards Board.

95. The Pupil is entirely free to choose which avenue of problem resolution he or she wishes to adopt.

96. For a comprehensive text on Equality, e-mail Jacky Chase, the Chambers Administrator.

Neil Baki  
Chair of the Pupillage Committee  
August 2016