



BMS SOLICITORS PUPILLAGE POLICY DOCUMENT

1. BMS Solicitors are applying to become an approved pupil training organisation. This pupillage policy has complied with the Bar Standards Board Guidelines for Authorised Educational Training Organisations ('AETO's') and encompasses our general policies such as, the method of applying for pupillage; the duties and expectations of pupils and their supervisors; the duties and functions of the pupillage committee. The Bar Standards Board's guidance and Code of Conduct provides a framework within which our policy is interpreted.
2. The Policy may be updated and amended by BMS Solicitors at any time. This policy will also be reviewed at least every 6 months.

The number and types of pupillages on offer

3. We intend to offer two funded 12 month pupillages for the year 2020 – 2021 specialising in criminal law and with some aspects of medical negligence and Immigration law.
4. The number of pupillages in future years will depend on the availability of work but is not expected to exceed more than one at anyone time and more than a frequency of one every two years
5. It is anticipated that any pupillage offered will be a 12-month pupillage.
6. All pupillages are offered on a 12-month fixed-term contract basis. There is a desire to offer pupillages with a view to employment, but this cannot be guaranteed as it depends upon the caliber of the individual pupil and on strategic business plans of the advocacy unit which would shape the availability of work at an appropriate level.

Advertising

7. In accordance to the Bar Standards Board/Bar Council regulations, Advertising Requirements

and the guidance set out in the Diversity Equality Code for the Bar, all pupillage vacancies will be advertised on the firms' website and on the Bar Council designated website, namely www.pupillagegateway.com. Although the firm will not be utilising the full application and clearing facilities, those who wish to apply for pupillage are requested to complete an application form which is accessible on the firm's website, namely www.bmsolicitors.co.uk.

8. The timetable for processing applications is included within any advertisement. Further, any advertisements contain clear and accurate information of the areas of work undertaken and the financial arrangements made for pupils.

Application Process

9. As we currently are not participating in the Pupillage Gateway, applications for pupillage must be made by using the application form downloadable from the firms' website, namely www.bmsolicitors.co.uk Reasonable adjustments will be made to the normal application process where they are required for disabled candidates.
10. At all stages of the recruitment process, the Recruitment Committee shall apply the following objective criteria:
 - (a) Academic achievement;
 - (b) Suitability for joining BMS;
 - (c) Ability to communicate clearly and persuasively, both orally and in writing.
11. The academic minimum requirement to apply for a pupillage is a 2.2 degree and competent BPTC grade. Further, applicants applying before undertaking the Bar Professional Training Course will not be considered.
12. To date, no pupillage brochure exists at present as the number of pupils to be recruited, if any, in future years is likely to be small. Our pupillage policy can be found in the recruitment section of our website.
13. Monitoring information dealing with ethnic origin, gender, marital status, sexual orientation, political affiliation, race, religion and/or beliefs, age or disability of applicants, name of school and University etc. is not passed onto short-listers or to members of the interviewing panel until the selection process has completed.

14. The Secretary to the Pupillage Committee or any successor to him/her receives all applications and applicants are informed of any decision taken upon their applications as soon as is reasonably practicable.
15. At least two members of the Pupillage Committee are given a copy of each application form (which has names, address, gender, ethnic origin, age and name of school and university details blanked out) and of a blank score sheet to enable him/her to score the application against a pre-determined criteria as described below.
16. Those Members score each application independently of each other. They then meet and, by reference to the combined scores achieved by each candidate, determine which, and how many, applicants will be invited to attend for first interview.
17. Those selected for interview are contacted to arrange a date and time for their interview.
18. Overall, all recruitment criteria will have regard to any relevant guidance issued by the Bar Standards Board and in particular to the Equality and Diversity rules or the Code of Conduct for the Bar. As well as the firm's Equality and Diversity Policy.

Selection

19. In scoring the applications the members of the Pupillage Committee take into account that a successful applicant will need to demonstrate a high intellectual and practical ability. The members shall always bear in mind that degree and BPTC results are not the sole reflection of an applicant's intellectual ability and points to other information supplied by an applicant which may demonstrate that the applicant has such ability.
20. The criteria for scoring when selecting candidates for first interview and at interview shall be:-
 - (a) Commitment to the firms' ethos;
 - (b) Interpersonal and communication skills (including life outside the Bar);
 - (c) Ability (including intellectual and written ability);
 - (d) Commitment to pro-bono, human rights and community work;
 - (e) Motivation;
 - (f) Practical experience
 - (g) Equality and diversity

21. Overall, all selection criteria will have regard to any relevant guidance issued by the Bar Standards Board and in particular to the Equality and Diversity rules or the Code of Conduct for the Bar.

Interview

22. A copy of the selection criteria shall be provided to applicants prior to the interview.

23. Reasonable adjustments will be made to ensure that disabled candidates shall not be disadvantaged during interview.

24. All first interviews are conducted in one week, if practicable.

25. All interview applicants are interviewed by a panel comprising of at least three members of the Pupillage Committee, including one member of each sex.

26. For the purposes of the interview, each member of the panel is provided in advance with a copy of each original Application Form.

27. Members of the Pupillage Committee discuss and, where necessary, agree the interview format, including contents and allocation of questions and/or practical exercises and the guidelines for scoring and decision making before the round of interviews begin.

28. Where issues of selection between applicants fall to be considered, the panel should not include any relative or close friend of the candidates.

29. Irrelevant questions, relating to personal issues and background should be avoided. However, disabled candidates should be asked, if any, reasonable adjustments may be needed to enable the candidate to practice as a barrister.

30. Each applicant is asked the same questions during any interview.

31. Each applicant is encouraged to ask questions to the panel.

32. At the end of any round of interviews, an assessment is made by the Pupillage Committee and if it is decided to offer a pupillage to an applicant. Decisions of the panel are taken by a simple

majority vote.

33. Any offer of pupillage will be conditional upon the offeree having passed the Bar Professional Training Course prior to the offered date of commencement of the pupillage or, where appropriate, upon the offeree providing confirmation of compliance with any other conditions specific to the offeree laid down by the Bar Council and/or Bar Standards Board. Such an offer will also be conditional upon the offeree providing formal proof of identification, e.g. birth certificate, passport, driving license or equivalent.
34. Unsuccessful applicants will be informed by writing of the decision of the Pupillage Committee as soon as practicable after completion of the interviews, subject to the Bar Standards Board guidance and/or rules. In practice notification cannot be given until the offers are made, which happens as soon as is permissible under the above rules. Even then, certain candidates may be on a 'reserve' list in case an offer is rejected, in which case he or she cannot be notified until a response is received to the offer(s) made.
35. When an offer of pupillage is made to prospective pupils, that place is open in for 14 days. Pupils subsequently rejecting an offer of pupillage that they have already accepted will be reported to their Inn if they do not provide a valid reason for doing so.
36. When references are requested, the referee shall be asked to supply information that relates strictly to the selection criteria. Referees should be directed as to the selection criteria being applied and the type of information which is sought from them in any event. References are only used (if at all) in the final check on the selected candidate.
37. All documents relating to selection decisions are retained by the Pupillage Committee for a period of 24 months.
38. Overall, the conduct of interviews will accord with the Equality rules of the Code for the Bar, in addition to the adherence to the Bar Council's Fair Recruitment Guide, in particular rules C2-2 Fair recruitment and Equality & Diversity.

Pupillage Structure, Professional Statement, BMS Checklist & Forms

39. Pupils shall be given a copy of the Pupillage Programme, Pupillage Checklist together with BMS Office Manual containing Equality and Diversity Policy, GDPR Policy, Complaints

Policy, and Wellbeing Policy, prior to commencement of their pupillage.

40. BM Equality & Diversity Data Officer is responsible for ensuring that BMS keeps records in relation to pupillage as required by the Bar Council and BSB.
41. We use the Criminal checklist as a guidance.
42. The pupil supervisor has a responsibility for ensuring that his/her pupil covers appropriate work, so far as is practicable, to enable completion of the relevant parts of the pupillage checklist, namely the four core skills and one additional specialist area. Professional Statement competences must be demonstrated, for example by maintaining a written record of relevant work done and issues considered, completing written work generally and also in connection with the pupil supervisor's case load, in house advocacy sessions, observation of a pupil at court, active involvement in the preparation for conferences. Pupil supervisors are aware of the importance of written and oral feedback on work done or competences demonstrated.
43. Pupils must register their pupillage with the Bar Standards Board on the prescribed form before commencement of their pupillage. The names of all relevant supervisors will be made available to the pupils for the purpose of registration. Any changes in pupillage must be notified to the Bar Standards Board on the prescribed form.
44. Subject to satisfactory progress:
 - (a) Pupillage lasts for 12 months;
 - (b) Pupillage is divided into a non-practicing first-six months and a practising second-six months.
45. Pupils are expected to keep a pupillage diary, identifying concisely each of the tasks that they have carried out during pupillage and the features of the Professional Statement for Barristers.

Funding / salary arrangements

46. We currently offer a pupillage award of £17,000 for 12 months, the expected duration of the pupillage. This award is paid in monthly installments in arrears unless, at the discretion of the Pupillage Committee, it is agreed to be paid monthly in advance. In the event of severe financial hardship, a pupil may approach his/her Pupil Supervisor.

47. As pupils are salaried, overtime is not payable. Pupils are expected to work the hours required by the work being undertaken at the time. In accordance to the Code of Conduct, full-time pupils are expected to work a minimum of 35 hours and a maximum of 45 hours per week.
48. We do not permit grants/ loans or salary advances; we will however provide child care vouchers for single mothers who may have financially implications.
49. At present no scheme is available for paying for the Bar Professional Training Course fee. It is possible this may be reconsidered in the future.
50. Finance so offered is intended to cover all additional expenses incurred during pupillage, including the incurred fees of all compulsory pupillage courses.
51. Pupils will be reimbursed for the cost of return standard rail travel from the office to court, or from the pupil's nearest train station if less. Pupils are requested to ensure they purchase the most cost-effective ticket and use any applicable discounts or railcards. Travel expenses to office are not reimbursed.
52. Pupils who elect to drive to court are not entitled to claim mileage, however parking fees can be reimbursed.
53. Pupils should submit a monthly expenses claim to Office Manager at the end of each month with copies of relevant receipts.
54. Pupils are responsible for organising and completing all compulsory training and courses.
55. Pupils are expected to liaise with their pupil supervisor in respect of when they intend to attend any such courses.
56. The firm will pay for all necessary costs incurred in relation to a pupils attendance and completion of all compulsory pupillage courses; as required by the Bar Standards Board/Bar Council regulations.
57. All funding and salaried arrangements will be in accordance to the Bar Standards Board/Bar Council regulations.
58. Pupils are responsible for their own travel costs.

The Roles and duties of pupil-supervisors

59. The pupil supervisor will provide pupils with training and experience in all aspects of the pupil supervisor's work and in every way show pupils to all aspects of a career at the Bar.
60. The pupil supervisor is responsible for ensuring that pupils are exposed to the work of other lawyers who can supplement the pupil's training and experience.
61. The pupil supervisor will carry out regular appraisals of pupils, identify areas of work or other experiences which are either compulsory or desirable and will assist in ensuring that those areas are covered. This will of course include the completion of the pupillage checklists.
62. The pupil supervisor aims to assist pupils in their pupillage in anyway necessary and will offer such advice and guidance as may be required.
63. The pupil supervisor will ensure appropriate supervisory arrangements are in place when they are away from the office or when the pupil is allocated to another team for the purpose of their training or experience.
64. In every way the pupil supervisor's duties will fulfill those laid down by the Code of Conduct.

The roles and duties of pupils

65. The pupil's work is directed towards the requirements of the pupillage and is intended to provide the pupil with the experience and training necessary to facilitate practice at the Bar. In addition, pupils are expected to work with and for the pupil supervisor and other lawyers who from time to time require the pupil's assistance. Such work will further the requirements of the pupillage and experience of pupils where possible.
66. While the completion of all elements of a pupillage is paramount pupils are under contract to BMS Solicitors and are expected, where necessary, to assist any lawyers as required.
67. The working day will normally be between 9am and 5.30pm. However should it be necessary the pupil could apply for the flexible policy and work from home should it be required.
68. Pupils are based in the Manchester office. There may, however be occasions when pupils will be required to travel to other offices of the firm or elsewhere as the work of the pupil supervisor

or other lawyers dictates. Travel expenses would be reimbursed in line with the firm's policy.

69. It is the responsibility of the pupil to be aware of training and other requirements of the Bar Council and/or Bar Standards Board in relation to their pupillage, and to inform the pupil supervisor accordingly. The administration of the pupillage is the sole responsibility of the pupil.
70. In general, pupils are treated as equivalent to our trainee solicitors, and any training and experience which is provided to trainees is also made available to pupils where appropriate.
71. Overall the pupil's role and duties are those laid down by the Bar Standards Board's Guidelines and the Code of Conduct.

The pattern of pupillage

72. The Pupillage Committee shall, in consultation with the Pupillage Training Principal, consider and approve all new pupil supervisors. All pupil supervisors will be approved by his/her Inn, will have attended a training session for pupil supervisors and will have current BSB accreditation. Pupil supervisors will be aware of the relevant guidance in the Pupillage Handbook 2020. The pupillage Committee shall, following consultation with Pupillage Training Principal, allocate particular pupils to particular pupil supervisors.
73. Pupils are required to undertake only that which is conducive to the pupil's own training and development and are not required to carry out duties or follow instructions which go beyond the objective.
74. During both periods of pupillage, pupils will have an allocated desk, computer, telephone and laptop. Pupils do not have use of the above other than in respect of professional work on which they are instructed. Private letters should not be put into the firms' post. Pupils shall require authorisation from their pupil supervisor to use the firms' letterhead or similar.
75. Pupils are expected to adhere to the same standard of professional conduct and dress as all tenants and practicing members of the Bar, to include such professional dress codes and/or Practice Directions or official guidance as is currently in force at any one time.
76. Pupil supervisors are responsible for ensuring that arrangements are made for their pupil when any pupil is not working with or for the supervisor, in particular in terms of ensuring, if

appropriate, that alternative work is organised for the pupil with or for other members of the firm.

First Six Months

77. In the first six months, the pupil's duties will not be limited to or confined to the work of their individual pupil supervisor. The pupil will be invited and encouraged to carry out work for other members of the firm and, where appropriate, to gain experience of a broad spread of work, to include criminal work and some aspects of Medical Negligence work.
78. The first six months of pupillage shall be non-practicing.
79. Pupils are given the opportunity to acquire legal knowledge and practical skills for practice at the Bar by "shadowing" their pupil supervisors.
80. Pupils are expected to read their pupil supervisor's papers and prepare case summaries, opinions, draft statements of case, skeleton arguments, orders and other documents as if the pupil had received the papers in their own right. Pupils will also attend their pupil supervisor's conferences and take a note of what is discussed.
81. Pupils will normally be expected to attend court with their pupil supervisor in order to take notes, observe and learn advocacy skills, court behaviour, negotiation, dealing with clients, solicitors and opponents including litigants in person.
82. The pupil supervisor has a responsibility for ensuring that his/her pupil covers appropriate work, so far as is practicable, to enable completion of the relevant parts of the pupillage checklists, namely the four core skills and one additional specialist area. Mandatory competences must be demonstrated, for example by maintaining a written record of relevant work done and issues considered, completing written work generally and also in connection with the pupil supervisor's caseload, in-house advocacy sessions, observation of a pupil at court, active involvement in the preparation for conferences. Pupil supervisors are aware of the importance of written and oral feedback on work done or competences demonstrated.
83. During the last month of the first six months pupils are encouraged regularly to attend Magistrates, County and Crown Courts with a junior Member of the firm (in addition to other Court Attendance) with a view to acquiring specific knowledge of the nature of the work and advocacy that may be required of them in the second six months.

84. On completion of the first six, pupils must submit in an approved manner to the Bar Standards Board a satisfactorily completed certificate verifying completion of the first six and must register a second six with the Bar Standards Board. The certificate must be signed by the relevant pupil supervisor but will not be so signed prior following satisfactory completion of the pupil's first formal assessment. If the relevant pupil supervisor is not available to sign the certificate and this is explained thereon, the Pupillage Training Principal may sign in their absence. No pupil will have rights of audience until they are in receipt of a confirmatory email from the Bar Standards Board to that effect or a Practising Certificate, whichever is the sooner. The pupil shall file copies of any email and the Practising Certificate with the Secretary to the Pupillage Committee upon receipt.

Second Six Months

85. Pupils remain attached to the same pupil supervisor as in the first six months but are given the opportunity to put into practice the legal knowledge and practical skills learned during first-six. They can expect to draft all necessary paperwork for their court appearances, to attend court on behalf of their clients, and to undertake paperwork in their own right.

86. Second-six pupils will be expected to comply with all the requirements of the BSB Handbook and The Professional Statement, and manage their cases appropriately and to the required standard expected of junior tenants.

87. Before a pupil can exercise rights of audience they must be in possession of the confirmatory email or Practising Certificate. No hearings will be allocated to second six pupils not entitled to exercise rights of audience.

88. Pupil supervisors will keep a watching brief on their pupil in the second six and provide them with such assistance as may be required, to include discussing matters with any pupil and/or liaising with members of the firm as appropriate.

89. It is our policy that whilst a pupil will undertake work on his/her own behalf during the second six months he/she remains a pupil, with the duties of such and that the pupil supervisor carries out his/her duties in relation to the pupil.

90. It is each pupil's responsibility to submit their certificate of satisfactory completion of the second six pupillage to the Bar Standards Board.

91. The Practising Certificate issues at the commencement of the second six will only permit a pupil to practice from this firm when accompanied by the permission of the relevant pupil supervisor or Pupillage Training Principal.
92. The firm will monitor and record in writing any positive or negative feedback from lay clients in respect of any work undertaken and report back to the pupil supervisor and the Pupillage Committee. Similar considerations apply to any paper-work which may be given to a pupil in his own right, pupil supervisors being expected to assist, review and monitor before such work is sent out.

Email addresses and communications

93. Pupils are provided with their own email address.
94. All emails which relate to the pupil or their supervisors work should be sent from the pupils email address.
95. Under no circumstances should any email containing any case information be sent from a private email address.

Papers

96. Pupils must not remove sets of papers from our office without the permission of their pupil supervisor or Office Manager.
97. Any papers removed from the office for a court hearing the next day must be kept secure overnight, not left in any area to which others have access, and returned to the office as soon as the hearing is completed. Pupils are encouraged to work electronically and use e-bundles where available on Leap.
98. Papers must be stored in accordance with data protection legislation.
99. All electronic devices (including mobile phones) which the pupil may use for Chambers' emails or to store e-bundles and papers must have adequate security settings.

Dress Code

100. Pupils are expected to wear appropriate court attire whether working in Chambers or attending court. Pupils are encouraged to discuss any queries they may have about appropriate clothing with their pupil supervisor.

Complaints and grievance procedures

101. At the commencement of pupillage, each pupil is given a copy of this Policy Document, the appropriate checklists and attention is accordingly drawn to the grievance policy contained herein.
102. Pupils are encouraged to contribute to the running of their pupillage and it is to be hoped that they will be able to discuss any problems or complaints with their pupil supervisor in the first instance. Should an informal approach not resolve a problem, pupils should follow the formal grievance procedure.
103. The firm also has a separate Anti-Harassment and Bullying Policy which should be used if a pupil considers that they have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. Should such circumstances occur, it is hoped that pupils will approach their pupil supervisor in the first instance. Should an informal approach not resolve a problem, pupils should follow the Anti-Harassment and Bullying Policy.
104. It is our policy to assign only one pupil during the non-practicing period so the appropriate level of supervision, training and continuity needed for a rounded pupillage is provided.

Equality and Diversity at work

105. This firm is committed to a comprehensive policy of equal opportunities in employment which individuals are selected and treated on the basis of their relevant merits and abilities, without regard to age, disability, gender reassignment, marital or civil partners status, pregnancy or maternity, race, color, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (the protected characteristic).
106. This firm does not discriminate because of any protected characteristic. This policy and practice of the firm require that all employees are afforded equal opportunities within employment, and that entry into employment and career progression will be determined by personal merit. In all cases, an individual's ability to perform a role will be the primary consideration.

107. All staff and pupils have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff and pupils, regardless of their status. Attention is drawn to the firms' separate Anti-Harassment and Bullying Policy.

108. See the firm's Equality and Diversity Policy.

Fair Distribution of Work

109. The firm will ensure, so far as it is able to do so, that the distribution of briefs, instructions and other work amongst working pupils is carried out in a manner that is fair to all pupils and that such distribution is systematically monitored by the Management Committee, who shall periodically consider the comparisons of cases received, payments received and work billed by all pupils at any given time.

110. The Management Committee is directed that where Court appearances by working pupils are a regular occurrence, a system for the purpose of regulating the distribution of briefs or instructions amongst pupils is to be adopted in accordance to the firms policy on Fairness & Access to Work and that this is to be made known to pupils at the commencement of pupillage.

111. The firm adopts the Guidance appended to the Code of Conduct and contained in the Equality and Diversity Code for the Bar in relation to distribution of work in the firm as set out in the Bar Standards Board Guidelines.

Pupil Recruitment as Employed Barristers following Pupillage

112. The firm does not offer 6 month pupillages, whether first or second six, nor is a third six offered. Very occasionally a pupil, who has completed a 12 month pupillage and is under active consideration for employment, may be granted a third six. This is very much the exception rather than the rule.

113. All pupillages are offered with a view to active consideration of suitability for an employed position at the end of the year. This is not intended and must not be taken as a representation that there is any guarantee or policy that an employed position will be offered to any individual pupil in any one year. Prospective pupils are unequivocally told of that fact at first interview and in addition they are informed of the firms' selection procedure.

114. Should the firm ever consider that, regardless of prospective merit, there is no possibility of an employed position being granted during any one year, the firm will not advertise for any pupils whose 12 month pupillage would normally be completed during that year.

115. In these circumstance, a part-time pupillage could be provided.

Policy and Procedure for Pupils Not Employed

116. Subject to any action taken pursuant to the Pupil Disciplinary Code, for those pupils not taken on, pupil supervisors and members of the firm generally may assist so far as is possible in recommending and investigating whether other opportunities exist elsewhere.

Sickness & Holiday Entitlement

117. In accord to the European Working Time Directive pupils are entitled to a minimum of four weeks' leave per annum (i.e. twenty working days, not including Bank Holidays) and should not take more than two weeks leave in each period of pupillage. Pupils will need to apply to the Bar Standards Board for dispensation from the regulations if they want to take longer breaks during pupillage.

118. All holidays must be agreed in advance with the pupil's pupil supervisor and a senior partner of the firm.

119. If a pupil has more than 5 days sick leave in either six-month period of pupillage, their pupillage must be extended by the period of absence. It is paramount that pupils notify the Standards & Quality Section of the extended date, as notification of a material change in pupillage arrangements. Maternity/paternity leave arrangements should follow the firms' parental leave policy (a requirement of the Code of Conduct) and individual parental leave arrangements should be discussed with the pupil's supervisor.

Procedures for providing pupils with an objective assessment of their progress at regular intervals during pupillage

120. Pupils follow a formal assessment programme with appraisals at 6 -monthly intervals during their 12-moth pupillage. Such appraisals are conducted with the pupil supervisor and will cover amongst many the core and the specialist checklist.

121. Pupils have every opportunity for informal guidance and assistance from both the pupil supervisor and senior and junior lawyers in the firm.