

The A-Z of Offering a Pupillage in Commerce and Industry

Introduction

Many employers, such as banks, law firms, public sector bodies and charities, have successfully trained pupil barristers. That said, navigating the myriad of rules and requirements can be a daunting prospect, especially because they are written with Chambers in mind. Despite the challenges, employers such as the CPS and Government Legal Department have managed to apply the rules to their own context, in order to offer high quality pupillage training.

This paper aims to provide an introduction to the relevant requirements, and to signpost further resources. To help the Employed Bar navigate pupillage requirements, the BSB has published very helpful guidance on its website, linked [here](#). If a prospective pupillage provider at the Employed Bar cannot meet all of BSB's requirements, then it is worth remembering that BSB will consider waiving some requirements. Contact details for the BSB Authorisations team are linked [here](#).

BACFI continues to advocate for pupillage opportunities at the Employed Bar.

Becoming an Approved Authorised Education and Training Organisation

In order to offer pupillage, an organisation must be approved by the BSB as an Authorised Education and Training Organisation (an “**AETO**”). Such organisations must meet the mandatory criteria set out in the Authorisation Framework relevant to the application, and be a suitable provider for the purposes of the Authorisation Framework. The Authorisation Framework is a lengthy document, which the BSB produced with the goal of creating an accessible, more affordable, and flexible training system that will continue to attract the brightest talent to the Bar, and to develop it in such a way as to sustain the high standards rightly expected of barristers. The Authorisation Framework is therefore structured around the four principles of accessibility, affordability, flexibility and high standards. Any authorisation decision by the BSB will reflect the extent to which you have addressed those four principles. BSB is looking for more than just written policies; they are looking how those principles are applied in the Authorised Education and Training Organisation (AETO) and the impact they have. Further details can be found on the BSB website, linked [here](#). To become an AETO, an organisation must complete an application for authorisation (which can be found on the link above), accompanied by the supporting documentation required by the BSB, and payment of the required fee. The application form is fairly lengthy and comprises of five sections. In section 1 contact information is required for the purposes of the application. In section 2 you must confirm certain specific conditions of Authorisation which are explained on the form. In section 3 you can apply for specific Authorisation for certain arrangements which are again explained on the form. In section 4 you are required to show that you meet the “mandatory” criteria of the Authorisation Framework. Section 5 requires the applicant to make various

declarations, such as having authority to make the application, and truthfulness of the application. In addition, where the provision of evidence is not mandated by this framework, a “comply or explain” approach has been adopted, whereby prospective AETOs are expected to provide evidence about the indicator in question.

The process for becoming authorised demands that the prospective AETO provides advance description, of how it would comply with six pages’ worth of very detailed requirements. Although the requirements are reasonable (eg preventing harassment) it is quite a daunting exercise to prove up-front compliance. Commercial organisations also have their own HR policies and requirements, written for a generic workforce, and they need to marry to BSB requirements.

The application for AETO status will require you to submit details of your pupillage training programme, setting out how you will ensure that those whom you train satisfy the Threshold Standard and Competences of the BSB’s Professional Statement, as well as details of how your training will meet the principles of flexibility, accessibility, affordability and maintaining high standards. Detailed guidance on the application process for AETO status may be found in **Part 4B** of the Bar Qualification Manual, linked [here](#).

The BSB has stated that it is good practice for pupils who aim to practise as employed barristers after pupillage to understand how sets of chambers and clerking arrangements work. AETOs at the Employed Bar are, therefore, encouraged to arrange placements or exchange schemes with sets of chambers, to give pupils the opportunity to experience self-employed practice.

Becoming a Pupil Supervisor

A pupil supervisor must normally be a practising barrister. If alternative supervision is proposed, the AETO needs to set this out in the application for authorisation to the BSB.

In considering the suitability and competence of a barrister to act as a pupil supervisor, AETOs should check the disciplinary record of the barrister with reference to the Barristers’ Register on the BSB website and seek a declaration from the barrister that no other disciplinary action is in progress. Other considerations are likely to include:

- professional experience;
- nature of their practice and whether it offers appropriate learning opportunities;
- the time they can devote to a pupil;
- aptitude to create an appropriate learning environment; and
- competence to provide effective feedback.

AETOs must ensure that their pupil supervisors have received appropriate training before supervising a pupil and continue to receive appropriate training in accordance with the outcomes and frequency

specified by the BSB. This must be confirmed by the AETO when the pupillage is registered. Training records should be maintained by the AETO for the purpose of supervision by the BSB. Training is not accredited by the BSB and providers can include the AETO, the Inns, the Circuits, the Bar Council and other trainers specialising in particular fields such as equality, diversity and inclusion, bullying and harassment, learning styles, coaching skills, giving effective feedback and wellbeing. The four Inns offer good and regular training opportunities which can be booked directly with any Inn, regardless of whether the pupil supervisor is a member of that particular Inn or not.

Refresher training is mandatory for all pupil supervisors, and is required every five years, or after three years for someone who has not supervised any pupils in the intervening time.

Greater flexibility is permitted in the structure of pupillage supervision for the Employed Bar. It is for the AETO to propose an alternative structure of pupil supervision as part of its application, if it chooses to do so. Each case will be assessed on its merits. Organisations that are larger employers might have the resources to support bespoke arrangements

For further information please see the BSB website, linked [here](#).

Recruitment

All AETOs are required to abide by the Equality Act 2010, which includes some specific provisions in relation to recruitment of pupils. In addition, the BSB Handbook and the Authorisation Framework have a number of requirements relating to recruitment in relation to equality and the principles of flexibility, accessibility and affordability.

All AETOs should recruit pupils through a fair and transparent process. All vacancies for pupillage (including assessed mini pupillages) must be advertised on the Pupillage Gateway to ensure equality of opportunity. The requirement to advertise now forms a condition of authorisation.

AETOs can choose to use the Pupillage Gateway to administer the application process. Alternatively, applications can be made directly to AETOs.

As a condition of authorisation, all pupillage recruitment must adhere to the mandatory timetable specified by the BSB. AETOs must ensure that each stage of the advertising and recruitment process takes place in accordance with the published timetable (whether they administer their recruitment process on or off the Gateway website). This timetable and further information can be found on BSB's website, linked [here](#).

The requirement to advertise over the Pupillage Gateway, at fixed times of year, may not sit well with firms' own recruitment policies and needs. Some firms require internal candidates to be offered roles

first. The timing of advertisement, beginning in November and culminating in May, may not fit with a firm's recruitment timetable. Prospective AETOs should consider approaching BSB's Authorisations team for a waiver, where relevant.

Content of training

The required training curriculum is detailed in different key sources. The Professional Statement for Barristers, incorporating the Threshold Standard and Competencies, is published by BSB [here](#). This sets out the knowledge, skills and attributes which all barristers are expected to have from the start of practice. It is much more prescriptive than the old-style 'pupillage checklist'. In addition, some requirements are expressed in the Curriculum and Assessment Strategy, which is published by BSB [here](#). This covers academic, vocational and pupillage based learning.

Pupils must also take an exam in Professional Ethics, details are linked [here](#). It is proposed that they will also have to take a further exam in Negotiation Skills, likely from 2025.

Those at the Employed Bar considering seeking authorisation should pay particular attention to whether they can satisfy the advocacy features of training. For example, can training be given on drafting skeleton arguments, treatment of litigants in person, and witness handling in court? If those requirements cannot be met by the prospective AETO, then it might consider seconding the pupil to Chambers for a period of training.

Pupillage Funding Requirements

All pupillages must be funded in accordance with the Pupillage Funding Rules in the BSB Handbook. The responsibility to fund pupils lies with the AETO. The purpose of these rules is to ensure that pupils receive a regular, minimum income throughout pupillage and it supports equality of opportunity.

The minimum pupillage award that will apply from 1 January 2021 will be:

- £23,078 per annum for pupillages in London, and
- £21,060 per annum for pupillages outside London.

Other expenses reasonably incurred by the pupil such as travel for the purposes of their pupillage and attendance at courses which they are required to attend as part of their pupillage will also need to be reimbursed by the AETO.

For further information, see the BSB website [here](#).

Further Information

For further information, please see:

- The Bar Qualification Manual: <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual.html>
- The Professional Statement for Barristers incorporating the Threshold Standard and Competencies: <https://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html>
- The Curriculum and Assessment Strategy: <https://www.barstandardsboard.org.uk/training-qualification/curriculum-and-assessment-strategy.html>
- BSB Handbook: <https://www.barstandardsboard.org.uk/for-barristers/bsb-handbook-and-code-guidance/the-bsb-handbook.html>