

**PUPILLAGE AGREEMENT**

NAME OF PUPIL	
ADDRESS	
E-MAIL	
CONTACT TELEPHONE NUMBER	
DATE	

We are delighted that you have accepted our offer of pupillage at Deans Court Chambers (“Chambers”).

Chambers is an Authorised Education and Training Organisation authorised by the Bar Standards Board (the “BSB”) to provide pupillage training.

With effect from 1 May 2020 it is a mandatory requirement of the BSB that a written pupillage agreement should be signed by Chambers and pupils upon commencement of pupillage. This is that agreement.

This agreement contains the key terms of your pupillage that are required by the BSB to be included in the agreement, including the duties of Chambers and your duties as a pupil.

Those duties are derived from a number of documents produced by the BSB which are cross-referenced in this agreement; namely

- The BSB Handbook, Part 4 (Bar Qualification Rules: 8 pages);
- The Authorisation Framework (7 December 2018, 26 pages);
- The Bar Qualification Manual: <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual.html>;
- The Professional Statement for Barristers (September 2016, 36 pages); and
- The Pupillage Funding Rules (BSB Handbook Rules C113- C118).

These documents (as updated from time to time) supplement this agreement and you are expected to familiarise yourself with them. In the event of any conflict between the terms of this agreement and the rules in the BSB Handbook, the latter shall prevail.

A list of the written policies which Chambers is required by the BSB to provide to pupils upon commencement of pupillage is set out in Appendix 1 to this agreement. Copies will be provided to you upon the commencement of your pupillage. In particular, Chambers' Pupillage Policy provides further detail of some of the matters addressed in this agreement as well as other practical information relevant to the operation of Chambers and your pupillage: we encourage you to read it.

Your Training Programme is set out in the document Chambers' Pupillage Programme and a copy will be provided to you before you start your pupillage.

As Chambers is not a legal entity, this pupillage agreement will be entered in to by the Head of Chambers on behalf of Chambers. All subsequent references in this agreement to "Chambers" shall be deemed to include a reference to the Head of Chambers .

Chambers offers a pupillage at the self-employed Bar: this agreement does not create an employment relationship between the pupil and Chambers and is not a contract for services or of apprenticeship.

## **1. CONDITIONS PRECEDENT TO THE COMMENCEMENT OF PUPILLAGE**

1.1. The BSB requires Chambers to obtain documentary evidence from you of the satisfactory achievement of the academic and vocational stages of your training and certain other matters prior to the commencement of pupillage. Accordingly, the commencement of your pupillage is subject to you providing Chambers with the following before the first day of your pupillage:

1.1.1. the official certificates/transcripts of the university examinations referred to in your pupillage application form;

1.1.2. the official transcript of any examination taken or notified between the acceptance of pupillage and its commencement;

1.1.3. clear documentary evidence of your satisfactory completion of the vocational component of Bar Training<sup>1</sup> (alternatively, where relevant, that you have passed the Bar Transfer Test);

1.1.4. clear documentary evidence that:

1.1.4.1. you are a member of an Inn;

1.1.4.2. you have registered your pupillage with the BSB; and

1.1.4.3. your nationality or immigration status allows you to undertake the pupillage.

1.2. If prior to the anticipated commencement date of your pupillage you fail to pass the vocational component of Bar training (or, where applicable, you fail to pass the Bar Transfer Test), your offer of pupillage will be automatically withdrawn.

## **2. COMMENCEMENT AND TERM**

2.1. Subject to clauses 1 and 11:

2.1.1. you will commence your pupillage on *[insert date]*;

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<sup>1</sup> Known as the Bar Professional Training Course until September 2020.

- 2.1.2. your pupillage will be for a total of 12 months, consisting of a first six month non-practising period and a second six month practising period; and
- 2.1.3. your pupillage will therefore continue until *[insert date]* when it will end without the need for further notice.

### 3. SUPERVISION AND TRAINING

3.1. Your pupil supervisor who will supervise you during the period of your pupillage is:

NAME OF SUPERVISOR	
E-MAIL	
CONTACT TELEPHONE NUMBER	

3.3. The Head of Pupillage during your pupillage year will be:

NAME OF HEAD OF PUPILLAGE	
E-MAIL	
CONTACT TELEPHONE NUMBER	0161 214 6000

3.4. Sometimes it is necessary to vary the supervision arrangements during the pupillage, including to take account of a supervisor’s changing commitments or the type of training they are able to offer you during the year. Accordingly, Chambers may vary the details set out in this clause at any time and will notify you of any changes. Both you and Chambers are required to ensure that the BSB is promptly notified of such changes.

3.5. The BSB requires that pupils are assessed during pupillage against the competences in the BSB’s Professional Statement (Bar Qualification Manual Part 2 C5). Accordingly:

- 3.5.1. At the end of your pupillage, subject to satisfactory completion of a final assessment against the competences in the BSB’s Professional Statement, your pupil supervisor will give the required notification to the BSB.
- 3.5.2. In the event that you do not pass an assessment against the competences of the BSB’s Professional Statement at the end of the non-practising period Chambers will have the right to terminate the pupillage. This right is likely to be exercised by Chambers unless there are extenuating circumstances.
- 3.5.3. In the event that you do not pass a final assessment against the competences of the BSB’s Professional Statement at the end of the practising period your pupillage will

end on the date set out in clause 2 and your pupil supervisor will be unable to notify the BSB that you have demonstrated the required competences. In the event that Chambers considers that your failure to demonstrate the required competence is the result of absence from training due to sickness or other extenuating circumstances, Chambers may in its absolute discretion consider whether an extension or deferral of pupillage might be appropriate to enable you to complete your training (with the duration of any permitted extension reflecting the period necessary to demonstrate competence rather than the period of absence).

- 3.6. A written description of Chambers' Pupillage Programme which is designed to enable you to meet the competences in the BSB's Professional Statement will be provided to you before you start your pupillage.
- 3.7. If you cease to be a pupil in Chambers for whatever reason, Chambers will provide you on request with copies of your training records that apply to the period of pupillage completed in Chambers which record the extent to which you have demonstrated the achievement of the competences set out in the BSB's Professional Statement during your period of training in Chambers.

#### **4. EXPECTED TIME COMMITMENT**

- 4.1. Chambers' core business hours are 9am to 6pm Monday to Friday (inclusive). There are no fixed training hours, but to get the most out of your pupillage you are expected to be available for education and training for a minimum of 45 hours each week.
- 4.2. We expect that you will spend at least eight hours a day undertaking education and training, a majority of which will be during Chambers' core business hours, save for periods when you are unable to work due to illness or injury or on vacation.
- 4.3. You may on occasion be invited to attend evening or weekend events relevant to your education and training at your option.

#### **5. WHAT YOU CAN EXPECT FROM CHAMBERS**

- 5.1. Chambers will conduct your pupillage in a manner which is fair and equitable, including the fair distribution of training opportunities to each pupil. Chambers' policy on work distribution is set out in Chambers' Pupillage Policy.
- 5.2. Chambers will ensure that each of your pupil supervisors will have been appropriately trained in accordance with the BSB's requirements and will be registered as pupil supervisors with the BSB.
- 5.3. Chambers will ensure that you are covered by the insurance of your pupil supervisor for any legal services supplied to the public in the practising period of your pupillage.
- 5.4. Chambers will ensure that you are promptly provided with any necessary assistance you may need from Chambers or your pupil supervisors to comply with your own regulatory obligations relating to your pupillage, including registering your pupillage with the BSB, applying for any necessary waivers, and obtaining the provisional practising certificate necessary for you to practise during your second practising six months of pupillage.
- 5.5. Chambers will promptly notify the BSB during your pupillage of any material changes to the pupillage, including any change in the date of commencement or expected completion of

your pupillage and changes of pupil supervisors. You personally are also required by the BSB to see that the BSB is promptly notified of such changes.

- 5.6.** Chambers will provide or make available to you copies of the written policies set out in Appendix 1 to this agreement.

## **6. WHAT IS EXPECTED OF YOU**

- 6.1. You are expected to comply with Chambers' policies and procedures applicable to pupils, including those listed at Appendix 1 to this agreement, data protection and use of information and communication systems.

- 6.2. In accordance with your regulatory obligations, you must ensure that:

**6.2.1.** prior to the start of your pupillage you provide Chambers with clear documentary evidence of the matters set out at paragraph 1.1 above;

**6.2.2.** you keep adequate training records throughout your pupillage; in particular to assist your pupil supervisor with your final assessment against the competences in the BSB's Professional Statement;

**6.2.3.** you comply in full with your professional and regulatory obligations, including those set out in the BSB Handbook;

**6.2.4.** at all material times throughout your pupillage you have been granted and maintain any necessary waivers by the BSB and that any material changes to pupillage are notified to the BSB promptly (material changes include changes of pupil supervisor, and changes in the date of commencement or date of expected completion of your pupillage);

**6.2.5.** you do not provide legal services as a barrister during the non-practising period of your pupillage. The exception is doing a noting brief (taking notes during a trial) which you are permitted to do with the permission of your pupil supervisor or the Head(s) of Chambers;

**6.2.6.** prior to starting the practising period of your pupillage, you have:

**6.2.6.1.** registered with the Information Commissioner's Office;

**6.2.6.2.** been called to the Bar; and

**6.2.6.3.** obtained a provisional practising certificate from the BSB.

**6.2.7.** during the practising period of your pupillage, you do not provide legal services as a barrister without the permission of your pupil supervisor or the Head of Chambers.

- 6.3. You warrant that your nationality or immigration status allows you to undertake the pupillage and you undertake to immediately notify Chambers if at any time you cease to be eligible to undertake the pupillage.

## **7. PUPILLAGE AWARD**

- 7.1. The offer of pupillage is the subject of a Pupillage Award in accordance with (and in excess of) Bar Council Guidelines. Different rules apply to months 1 to 6 (the First Six) as opposed to months 7 to 12 (the Second Six). For these purposes each month is calculated by

reference to the starting date of your pupillage so if you start on the 15th of September, month two starts on 15th October and so on.

- 7.2. In the First Six, Chambers will pay you a grant, which is tax free, in the total sum of £15,000, that grant being paid at £2,500 per month on the 1st working day of each month.
- 7.3. In the Second Six (months 7 to 12), you are guaranteed earnings of £25,000.00. This figure reflects the likely volume of work in your diary in that period, and excludes any VAT payable in respect of the fees charged. Earnings, in this context, references work undertaken (and thereafter billed), rather than sums received.
- 7.4. The Bar Council guidelines seek to ensure proper cash flow over the pupillage period and to that end, because one cannot guarantee when any given fee will be received, Chambers offer a bridging loan system to ensure continuity of finance and to ensure that the pupil is in receipt of £25,000, exclusive of VAT, during the Second Six, irrespective of whether fees are actually received into Chambers.
- 7.5. That bridging loan system works as follows:
  - 7.5.1. Those sums are only available during the Second Six;
  - 7.5.2. The sums available are as follows: In month 7, up to £5,000, and in months 8 to 12 thereafter up to £4,000 per month;
  - 7.5.3. Such sums will be advanced in the fourth week of the relevant month at the pupil's request, such request to be made no later than the 21st day of the month (or the following working day if that date falls over a weekend or Bank Holiday).
  - 7.5.4. No VAT is payable in respect of any such loan;
  - 7.5.5. Such loans are interest free for the period ending 12 months after the end of month 12 of pupillage (i.e. to the end of month 24);
  - 7.5.6. At the conclusion of month 12, if and insofar as the pupil's billing together with such loan sums as previously advanced ("the total income") does not exceed £25,000 excluding VAT, Chambers will pay any balancing sum to the pupil within 2 weeks of the end of month 12, such that the pupil will receive a final total income of £25,000 excluding VAT;
  - 7.5.7. At the conclusion of month 12, if and insofar as the pupil's billing together with such loan sums as previously advanced ("the total income") exceeds £25,000 (excluding VAT), then the pupil is liable to repay to Chambers such sums as have been advanced, limited to the amount by which the total income exceeds £25,000;
  - 7.5.8. The sums repayable under (g) above fall to be repaid within a reasonable period of time, and at such rate as agreed between the pupil and Chambers, save that all outstanding sums must be repaid no later than 12 months from the end of month 12 (i.e. month 24), save with the express consent of the Management Committee, in which circumstances an express agreement will be drawn up to reflect the circumstances giving rise to the delay in repayment and the timetable for any further repayment of monies owing;
  - 7.5.9. In the event that, by express consent of the Management Committee, the period for repayment is extended beyond the end of month 24 as referred to in (h) above, the

Management Committee shall be entitled, in its unfettered discretion, to charge interest on any sum outstanding at the end of month 24, such interest not to exceed the Court judgment rate in place at that point in time, to be applied daily to the outstanding sums.

7.6. The person responsible for administering Award payments is Steven Byrne whose contact details are [sbyrne@deanscourt.co.uk](mailto:sbyrne@deanscourt.co.uk)

7.7. The Award will be reduced pro rata:

7.7.1. In relation to any period during which you are doing a period of pupillage at another Authorised Education and Training Organisation; and

7.7.2. in the event that you do not complete the full 12 months pupillage for whatever reason and no further monthly payments will be made.

## **8. EARNINGS DURING YOUR PRACTISING PERIOD**

8.1. Any earnings which you receive for paid work undertaken for clients for whom you are instructed to act during your second practising six months of pupillage count towards the guaranteed earnings element of your award (please see para 7.3 above).

## **9. EXPENSES**

9.1. Chambers will cover your reasonable travel expenses during your first six only. These do not include travel into Chambers or Court either in Preston or Manchester or any travel for the purposes of a remunerated noting brief. Reasonable travel by personal vehicle (at 0.25p per mile for journeys of over 10 miles) or public transport to shadow a Member of Chambers will ordinarily be covered. Should exceptional circumstances arise such as the need to stay in a hotel, that expense must be agreed with the Pupillage and Mini-Pupillage Committee prior to incurring the same. Any claim for expenses must be supported by a receipt.

## **10. TAX AND STATUS**

10.1. Your pupillage is at the self-employed Bar. Neither the pupillage nor anything in this agreement shall render you an employee, worker, apprentice, agent or partner of Chambers or any member or tenant of Chambers.

10.2. You will be personally responsible for any income tax, National Insurance contributions (or equivalent) and VAT (where applicable) in respect of any payments paid to you under or in connection with this agreement or your pupillage. Chambers will not pay or administer tax, or National Insurance payments on your behalf.

## **11. WITHDRAWAL OF AND TERMINATION OF PUPILLAGE**

11.1. You may withdraw from pupillage prior to its commencement or bring the pupillage to an early termination during your pupillage year on giving not less than 4 weeks written notice to Chambers.

11.2. Chambers is entitled to withdraw the pupillage prior to its commencement and to terminate the pupillage during your pupillage year with immediate effect at any time if:

11.2.1. you commit a serious breach of the BSB Handbook;

- 11.2.2. you are guilty of a serious or persistent breach of Chambers' policies, procedures or codes of conduct applicable to you;
  - 11.2.3. you are convicted of a criminal offence (other than an offence under any road traffic legislation in the UK or elsewhere for which a fine or non-custodial penalty is imposed);
  - 11.2.4. you fail to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of your pupillage training;
  - 11.2.5. during the practising period of your pupillage you cease to hold a valid practising certificate;
  - 11.2.6. your actions or omissions (whether or not in the course of the pupillage) bring or are such as to risk bringing the name or reputation of Chambers or its members into disrepute or to prejudice the interest of Chambers;
  - 11.2.7. your immigration status means you cease to be eligible to undertake or complete the pupillage.
- 11.3. Chambers may also withdraw or terminate your pupillage in the event that it ceases to be authorised by the BSB as an Authorised Education and Training Organisation or there is another regulatory, financial or practical impediment to Chambers continuing to provide your pupillage training.
  - 11.4. If, during your pupillage, Chambers ceases to be able or authorised to take pupils, Chambers will promptly notify the BSB. In that event, Chambers will use its best endeavours to assist you to identify another set of chambers where you can complete your training (Authorisation Framework and Bar Qualification Manual Part 2 C3). In this event, the members of Chambers responsible for assisting you are your Pupil Supervisor and the Head of Pupillage.
  - 11.5. At any time on the request of Chambers and in any event on the termination of your pupillage howsoever arising, you shall return any property belonging to Chambers or any member or tenant of Chambers to Chambers or such member or tenant of Chambers (as appropriate).

## **12. TENANCY**

There is no guarantee of a tenancy in Chambers at the end of your pupillage. All pupils will be considered on their merits for any tenancy.

## **13. DATA PROTECTION**

- 13.1. Chambers will collect and process your personal data in accordance with the applicable laws and the relevant data privacy statement of Chambers in force from time to time.
- 13.2. You must comply with the data protection policy of Chambers and any tenant or member of Chambers with whom you are working and all applicable data protection laws and associated codes of practice (in each case in force from time to time) at all times when processing personal data in connection with your pupillage or that otherwise comes into your possession in the course of your pupillage.



13.3. You agree to enter into any data processing agreement that Chambers or any tenant or member of Chambers may reasonably require from time to time during your pupillage.

**14. MISCELLANEOUS**

14.1. This agreement supersedes any previous agreements between you and Chambers and sets out the entire agreement and understanding between you and Chambers in connection with the pupillage. Each party acknowledges that in entering into this agreement it does not rely on, and shall have no remedies in respect of, any statement, representation, assurance or warranty (whether made innocently or negligently) that is not set out in this agreement.

14.2. Any variation of the terms of this agreement must be made in writing and signed by you and Chambers.

14.3. The termination of this agreement shall not affect any rights accrued as at the date of termination.

**15. ARBITRATION**

15.1. If any dispute shall arise out of or in relation to this agreement or as to the validity, construction, effect, operation or termination of this agreement, to the extent permitted by law the dispute shall be referred and finally determined by arbitration under the provisions of the Arbitration Act 1996 by a single arbitrator appointed by the parties or, failing agreement within 14 days of notice by the party requesting the appointment of an arbitrator, by the President for the time being of the Chartered Institute of Arbitrators. The decision of such arbitrator shall be final and binding.

15.2. The costs of arbitration, including the fees and expenses of the arbitrator, shall be shared equally by the parties to such arbitration unless otherwise required by law or directed by the arbitrator in his award. Each party to the claim or dispute shall pay its own legal fees unless the arbitrator otherwise determines.

**16. GOVERNING LAW**

16.1. This Agreement shall be governed by and construed in all respects in accordance with the laws of England and Wales.

16.2. Save as provided in clause 15.1 each of the parties hereto hereby irrevocably submits to the exclusive jurisdiction of the courts of England and Wales.

Please confirm your agreement to these terms by signing and returning this agreement to Steven Byrne at Deans Court Chambers, 24 St John Street, Manchester, M3 4DF within the next 7 days.

On behalf of Deans Court Chambers, I confirm my agreement to the terms set out above.

Signed: .....

Name: .....

Position in chambers: .....

Date: .....

I confirm my agreement to the terms set out above.

Signed: .....

Name: .....

Date: .....

## **Appendix 1**

### Policies

- Pupillage Policy
- Absence from Training Policy
- Equality policy - see Appendix 2 for Complaints and Grievances and Appendix 3 for Harassment policy.
- Disciplinary policy
- Fitness to practise policy
- Parental leave policy
- Flexible working policy
- Reasonable adjustments policy
- Recruitment policy

## Appendix 2

### Training Programme

*The BSB requires that the Training Programme should identify:*

- 1. Details of the training that will be undertaken and the supervision arrangements normally be expected in the non-practising and practising periods of pupillage, the frequency of appraisals or performance reviews and how final assessment against the competences in the BSB's Professional Statement will be conducted (Authorisation Framework);<sup>2</sup>*
- 2. Details of the compulsory courses [and examinations] outside chambers that the pupil will be required by the BSB to complete during the pupillage year;<sup>3</sup>*
- 3. How assessment against the competences in the BSB Professional Statement will be conducted both at the end of the non-practising period and at the end of the practising period of pupillage; and*
- 4. Details of the course of action to be taken if, by reason of an extended period of absence from training due to sickness or other extenuating circumstances or in the absence of an appropriate pupil supervisor, there is a risk that the pupil will be unable to demonstrate the achievement of the competences set out in the BSB's Professional Statement prior to the completion of pupillage (Bar Qualification Manual Part 2 C3).<sup>4</sup>*

The Pupillage & Mini-Pupillage Committee is satisfied that the above is dealt with in the comprehensive Pupillage Policy (attached separately).

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<sup>2</sup> Where a pupil will undertake a period of pupillage at another AETO, the Training Programme should also provide details of that training, as set out at paragraph 8 of the BSB's January 2020 Paper.

<sup>3</sup> See BSB Curriculum and Assessment Strategy at <https://www.barstandardsboard.org.uk/uploads/assets/0426fe70-72e5-48be-8618f7af3a28f1b0/curriculumandassessmentstrategy1april2019.pdf>. As at 1 May 2020, the compulsory course comprises the advocacy course only which should be completed prior to the start of the practising period of pupillage. From 1 September 2021, there will also be (1) a compulsory negotiation skills course; and (2) a compulsory professional ethics examination which the pupil must pass prior to completing pupillage.

<sup>4</sup> See the BSB's January 2020 Paper, paragraph 8 and Footnote 4.

## **Deans Court Chambers**

### **Pupillage Policy**

Deans Court Chambers aims to provide a positive and supportive programme for pupils to develop professional skills and competence. Normally, our pupillages are offered with a view to tenancy. For a favourable recommendation to be made at a tenancy interview, pupils are expected to have achieved predominantly good or excellent performance across the range of threshold standards and competencies specified in the Bar Standards Board ('BSB') Professional Statement (set out below (further details of which are set out in Appendix 1 of this document) and subject to change depending on any updated BSB guidance). The programme for pupillage at Deans Court is intended to ensure pupils have every opportunity to develop these skills and competencies, also receiving constructive feedback regarding their progress.

Pupils are reminded of their responsibilities during pupillage as set out in the Bar Qualification Manual. The most recent version of the above can be found here (pupils are encouraged to check regularly for updates): <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual/part-2-for-students-pupils--transferring-lawyers/c3-responsibilities-of-pupils.html>.

#### **The Bar Standards Professional Statement: Threshold Standards & Competencies**

1. Legal knowledge, skills and attributes
2. Practical knowledge, skills and attributes
3. Advocacy
4. Professional Standards
5. Values, Characteristics and behaviours
6. Working with Others
7. Practice management

#### **Pupillage Programme**

Deans Court Chambers is a common law set with a number of practice groups, most notably Crime/Regulatory, Family, Personal Injury, Court of Protection and Chancery/Commercial. The recruitment of pupils is undertaken in response to the needs of individual practice groups. It is therefore anticipated that an individual pupil will be allocated to a pupil supervisor from the sponsoring practice group.

At the outset of pupillage there will be discussion regarding time to be spent (a) with the supervisor (b) in other practice groups and (c) with junior tenants. We are flexible regarding the duration of time spent in other practice groups, which may vary according to whether the pupil intends to have a 'second string to their bow'. However, it is certainly helpful for pupils to meet practitioners from other practice groups and develop some insight into the demands of their work. It has also been found useful for pupils to spend time with junior tenants towards the end of the first six. During the first six, by mutual arrangement, it may also be possible for pupil to spend time marshalling with a judge.

Even within Practice Groups there is considerable variation between the work undertaken by individual Members. We wish to ensure, so far as possible, that pupils see the full spectrum of work and we will discuss with the pupil supervisor how this is to be achieved. If, for example, the supervisor were only to undertake prosecution, public law or Claimant work, we would arrange for a rotation with another member handling reciprocal cases, e.g. defence, private law or Defendant work.

It can happen that there will be notable cases elsewhere in the Practice Group, perhaps involving a novel point or going to the Court of Appeal or Supreme Court, which is worthwhile for a pupil to observe and otherwise unlikely to be a part of their practice for many years. Where that is so, we would try to make arrangements for the pupil to attend.

Throughout pupillage, pupils will have the opportunity to shadow prepare briefs and instructions received by their supervisor and discuss the issues arising.

During the second six, pupils are typically busy with court work throughout the Northern Circuit and beyond. If anything, the concern is to ensure sufficient contact with the pupil supervisor for continued training and reflection. This split between Court work and 'days on papers' is monitored by the pupil supervisor and the clerking team.

We arrange for pupils to have a Deans Court email address, server access and pigeonhole.

### **Paperwork**

Our expectation is that paperwork given to a pupil will be appropriate to their stage of development and allow a reasonable time for research and preparation, so as to be a constructive exercise. In

professional practice, it can be difficult to comply with constant competing deadlines. We do not expect our pupils to work the same hours or cope with the same immediate pressure but hope that by being given appropriate and realistic targets, they develop the skills necessary to do so.

Feedback will be given regarding written work prepared for a pupil supervisor or any other member of chambers to whom the pupil may be assigned. We do not normally permit 'devilling' except by prior arrangement with the supervisor and in exceptional circumstances.

### **Pupillage Diaries**

Pupils are expected to keep a Pupillage Diary, showing the cases they have seen/conducted and important learning points. They will include examples of completed paperwork. The Pupillage Diary will be made available to the Tenancy Committee in advance of interview. We do not have a set format for the Pupillage Diary. It is for the pupil to prepare a professional standard portfolio, showing the work they have done during the course of pupillage.

Pupils are encouraged to self-reflect upon progress in their pupillage diary and include a commentary by way of self-reflection on learning and the key competences that were engaged.

### **Seminars & Marketing**

Deans Court Chambers has a seminar program for solicitors and professional clients, which pupils are encouraged to attend, even if outside their preferred area of practice. The seminar programme is an opportunity for pupils to extend their network of contacts in advance of the second six and to work alongside our clerks as part of our marketing effort. Of course, it is to be hoped that the seminar programme will itself be of value as a learning exercise.

### **Northern Circuit Membership & Training**

All pupils attend Bar Mess and are elected to the Northern Circuit in due course. The Northern Circuit provides excellent opportunity for pupils to meet colleagues in an informal setting and, perhaps most importantly, their own pupil contemporaries from other Chambers. It arranges advocacy training for pupils and may, from time to time, offer other training opportunities. We invariably support these initiatives and will cover the cost of attendance.

### **Training Courses**

The Bar Standards Boards may prescribe pupils to attend specific training courses. We naturally require pupils to attend these courses and meet their reasonable cost of them doing so. It is the

responsibility of the pupil to find out the courses he/she is required to attend by the BSB and inform his/her supervisor of the dates of the same with as much advanced warning as possible. Details of the courses can be found on the BSB's Curriculum and Assessment Strategy at:

<https://www.barstandardsboard.org.uk/uploads/assets/0426fe70-72e5-48be-8618f7af3a28f1b0/curriculumandassessmentstrategy1april2019.pdf>.

*(NB - As at 1 May 2020, the compulsory course comprises the advocacy course only which should be completed prior to the start of the practising period of pupillage. From 1 September 2021, there will also be (1) a compulsory negotiation skills course; and (2) a compulsory professional ethics examination which the pupil must pass prior to completing pupillage.)*

## **SUMMARY**

	Legal Knowledge	Practical Knowledge	Advocacy	Professional Standards	Values	Work Relationships	Practice Management
Sitting In	✓	✓	✓	✓	✓	✓	✓
Clerks		✓		✓		✓	✓
Solicitors						✓	
Court	✓	✓	✓	✓	✓	✓	
In house training	✓	✓				✓	✓
External Training							
Drafting	✓	✓					
Papers	✓	✓					
2 <sup>nd</sup> Six	✓	✓	✓	✓	✓	✓	✓

## **Appraisal**

The pupil's supervisor will contact the pupil prior to the commencement of pupillage in order to make arrangements for the first day of pupillage. The supervisor may wish to meet the pupil prior to the formal commencement of pupillage and that will be arranged with reasonable notice given to the pupil.

In the first few weeks of pupillage the pupil will be invited to a meeting with the Chair of the Pupillage & Mini-Pupillage Committee ('PMPC') to discuss all matters relating to pupillage generally. Should the Chair of the PMPC be unavailable perform the above or any of the below functions then a member of the PMPC will do so in his/her stead.

Feedback is provided directly to pupils via supervisors and Members of Chambers they shadow. We endeavour to provide informal feedback on a more-or-less continual basis as part of the ongoing process of training, particularly in relation to paperwork completed and de-briefing of cases during the second six.

Pupil supervisors will hold formal appraisal meetings with their pupils every three months. A template is used to document progress in each of the four areas covered by the Professional Statement (barristers' distinctive characteristics; personal values and standards; working with others and management of practice) and areas to focus on before the next review. The formal process reflects the discussions that are held, and the feedback given, on an ongoing basis during the quarter. The record is reviewed by the Chair of the PMPC, who is also available to meet pupils in the event of problems.

Towards the end of the first six, we arrange for a meeting with the Chair of the PMPC, to take stock of progress ahead of the second six.

Towards the end of pupillage, the Tenancy Committee will instigate the recruitment policy which is attached separately.



## **Regulation of Pupillage**

As to the conduct and regulation of Pupillage, Deans Court abides by the BSB and Bar Council guidance which is subject to change and all pupils are encouraged to familiarise themselves with the same and regularly check for updates.

## **Funding**

For funding arrangements and details about expenses, the pupil is referred to the relevant clauses of the written pupillage agreement.

We encourage pupils to become VAT registered and appoint an accountant at an early stage of practice.

## **Allocation of Work**

During the pupil's second 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: (a) availability of work (b) the pupil's perceived ability and progress, having regard to the views of the supervisor and clerks, including having regard to solicitors' feedback.

## **Social Media**

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 publish any information regarding cases observed or undertaken at Deans Court Chambers without the express and written consent of the appropriate instructing solicitor and their supervisor. Pupils use of social media should not violate any of Deans Court's policies.

## **Complaints Procedure**

The Complaints and Grievances Policy is set out at Appendix 2 of the Equality Policy, which is attached separately.

Every pupil may consult their Supervisor, the Chair of the PMPC, any Member of the PMPC or the Equal Opportunities Officer in the event of any query or concern regarding pupillage. Further every pupil will have an appointed mentor for informal support and guidance. The mentor is an appointment outside the formal framework of Chambers, to provide confidential support to a pupil. It will normally be a Member outside of the Practice Group in which the pupil is based.

### **Extended Period of Absence**

Deans Court recognises that during pupillage a pupil may, by reason of illness or other extenuating circumstances, be absent from training for an extended period of time. Should such an event arise and the pupil's supervisor is concerned that there is a risk the pupil will be unable to demonstrate the achievement of the competencies set out in the BSB's Professional Statement prior to the completion of pupillage the below process will be followed.

The supervisor will communicate to the PMPC his/her concerns. The PMPC will hold an extraordinary meeting to discuss the same with the supervisor invited to attend. If possible, the PMPC will either invite the pupil to attend or obtain written representations from the pupil *inter alia* as to the nature of the absence, the likelihood of a return, the likely date of a return and the pupil's views on the required competencies. At the conclusion of the meeting the PMPC, without the supervisor or pupil present, will consider *inter alia* the following options: suspension of pupillage, extension of the pupillage and bespoke in-house training to assist the pupil with achieving the competencies concerned.

### **Welfare & Welbeing**

We recognise that practice at the bar is stressful and, pupillage carries additional pressures. Deans Court Chambers has a wellbeing committee which the pupil can contact with any concerns. The wellbeing committee organises regular informal meetings, which pupils are encouraged to attend. The expected time commitment of a pupil is set out in the written pupillage agreement. A pupil's holiday entitlement is set out in the written absence from training policy (attached separately).

## **Appendix 1**

### **Bar Standards Professional Statement: Threshold Standards & Competencies**

#### **Legal knowledge, skills and attributes**

1. Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.
2. Have a knowledge and understanding of the key concepts and principles of public and private law.
3. Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.
4. Have an awareness of the wide range of organisations supporting the administration of justice.
5. Apply effective analytical and evaluative skills to their work.
6. Provide clear, concise and accurate advice in writing and orally and take responsibility for it.
7. Negotiate effectively.

#### **Practical knowledge, skills and attributes**

1. Exercise good English language skills.
2. Exercise good communication skills, through any appropriate medium and with any audience as required in their work.
3. Make sound judgements in their work.
4. Ensure they are fully prepared.
5. Employ effective research skills

#### **Advocacy**

1. Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.
2. Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.
3. Have persuasive oral advocacy skills.

#### **Professional standards**

1. Comply with regulatory requirements set down by the Bar Standards Board, including

the Code of Conduct.

2. Know how to conduct themselves appropriately in court.
3. Only accept work which they believe they are competent to undertake.

### **Personal values and standards**

#### **Values, characteristics and behaviours**

1. Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.
2. Be honest in their dealings with others.
3. Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.
4. Ensure their work does not incur unnecessary fees.
5. Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.
6. Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.

### **Working with others**

#### **At work**

1. Understand and exercise their duty to act in the best interests of their client.
2. Understand and apply principles of team working where appropriate.
3. Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.
4. Treat all people with respect and courtesy, regardless of their background or circumstances.
5. Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.

#### **Lay individuals**

1. Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.

### **Management of practice**

1. As appropriate, possess a strong understanding of the specific implications of being a

self-employed barrister.

2. Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.
3. Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made. At workplace level
4. Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

### **Professional compliance and work**

1. Maintain the confidentiality of their clients' affairs, adopting secure technology where appropriate.
2. Exercise good time-keeping in face-to-face or telephone encounters.
3. Where necessary, be diligent in keeping good records and files of cases.

## **DEANS COURT CHAMBERS**

### **Written Absence from Training Policy**

1. This document deals with a pupil's entitlement to absence during the course of his or her pupillage.
2. Deans Court complies with all BSB guidance and pupils are encouraged to read the same prior to commencing pupillage and to regularly check the BSB website for any amendments or updates to the guidance provided.
3. Pupils are entitled to four weeks' absence from pupillage per annum i.e. 20 days in addition to bank holidays. Pupils can choose when they take such a period of absence but should consult their Pupil Supervisor in the first instance for approval or the Pupillage and Mini-Pupillage Committee if the Supervisor is not available for any reason.
4. Should a pupil be too unwell to work in their first six they must notify their Pupil Supervisor as soon as practicable and the Member of Chambers they are spending time with that day if it is not their Supervisor. Should a Pupil Supervisor deem the number of absences to be unreasonable, the Pupil can be required to produce medical evidence from his or her General Practitioner to support any absence. Pupils are also referred to Deans Court's disciplinary policy should the number of absences be deemed unreasonable.
5. Should a pupil be too unwell to attend a professional engagement in their second six they must notify the clerking team in the first instance and then notify their Supervisor as soon as practicable. Should a Pupil Supervisor deem the number of absences to be unreasonable, the Pupil can be required to produce medical evidence from his or her General Practitioner to support any absence. Pupils are also referred to Deans Court's disciplinary policy should the number of absences be deemed unreasonable.

6. Should a pupil require any time off for reasons other than illness and entitled holiday including but not limited to compassionate leave, the pupil must seek permission from his or her Pupil Supervisor in the first instance or the Pupillage and Mini-Pupillage Committee if the Supervisor is not available for any reason.

**DEANS COURT CHAMBERS**

**EQUALITY POLICY**

**Introduction**

Deans Court Chambers is committed to equality of treatment of tenants, pupils, staff and clients and to the implementation of policies promoting such equality of treatment.

Deans Court Chambers is committed to operating without discrimination, harassment or victimisation on grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, age, sexual orientation, marital status, disability, religion or political persuasion.

**Legislation and Code of Conduct**

This policy reflects and seeks to ensure compliance with the following legislation and rules in the Bar Standards Board Code of Conduct:

- Equality Act 2010
- The Employment Rights Act 1996

The **Equality Act 2010 (section 47)** provides that:

- (1) A barrister (A) must not discriminate against a person (B)—
  - (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
  - (b) as to the terms on which A offers B a pupillage or tenancy;
  - (c) by not offering B a pupillage or tenancy.
- (2) A barrister (A) must not discriminate against a person (B) who is a pupil or tenant—
  - (a) as to the terms on which B is a pupil or tenant;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
  - (c) by terminating the pupillage;
  - (d) by subjecting B to pressure to leave chambers;
  - (e) by subjecting B to any other detriment.
- (3) A barrister must not, in relation to a pupillage or tenancy, harass—
  - (a) the pupil or tenant;
  - (b) a person who has applied for the pupillage or tenancy.
- (4) A barrister (A) must not victimise a person (B)—
  - (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
  - (b) as to the terms on which A offers B a pupillage or tenancy;
  - (c) by not offering B a pupillage or tenancy.
- (5) A barrister (A) must not victimise a person (B) who is a pupil or tenant—



- (a) as to the terms on which B is a pupil or tenant;
- (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
- (c) by terminating the pupillage;
- (d) by subjecting B to pressure to leave chambers;
- (e) by subjecting B to any other detriment.

- (6) A person must not, in relation to instructing a barrister—
- (a) discriminate against a barrister by subjecting the barrister to a detriment;
  - (b) harass the barrister;
  - (c) victimise the barrister.

(7) A duty to make reasonable adjustments applies to a barrister.

(8) The preceding provisions of this section (apart from subsection (6)) apply in relation to a barrister's clerk as they apply in relation to a barrister; and for that purpose the reference to a barrister's clerk includes a reference to a person who carries out the functions of a barrister's clerk.

(9) A reference to a tenant includes a reference to a barrister who is permitted to work in chambers (including as a squatter or door tenant); and a reference to a tenancy is to be construed accordingly.

**Rule C12 of the BSB Code of Conduct** states that :

#### **rC12**

You must not discriminate unlawfully against, victimise or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief, or pregnancy and maternity.

**Rules C110 – C112 of the BSB Code of Conduct** set out detailed rules in relation to Equality and Diversity.

#### **Responsibilities within Chambers**

Chambers shall appoint at least one Equality and Diversity Officer.

The Equality Officer<sup>5</sup> is responsible for:

- Reviewing and updating this Equality Policy on a regular basis
- Maintaining and following a written plan for the implementation of this Equality Policy
- Monitoring changes and developments in legislation and the Bar Standards Board Code of Conduct and guidance in relation to best practice in promoting equality within Chambers
- Updating Chambers' policies and procedures in light of current legislation, rules or guidance
- Promotion of this policy within Chambers and externally where appropriate

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<sup>5</sup> Or Officers where there is more than one

- Analysis and review of equality monitoring data
- Identification and implementation of any remedial measures to address disparities within equality monitoring data
- Training in matters of equality awareness including but not limited to matters concerning disability
- Consideration and / or facilitation of requests for reasonable adjustments;
- The informal resolution (where appropriate) of grievances concerning issues of equality. Where following the involvement of an Equality Officer the grievance is not capable of resolution, the matter shall fall to be dealt with in accordance with Stage II of the Chambers Grievance Procedure (see appendix 1 to this policy).

Chambers shall appoint a diversity data officer whose name must be provided to the BSB. Any change to the identity of the diversity data officer shall be communicated to the BSB as soon as reasonably practicable.

The diversity data officer is responsible for the collection, processing and publication of diversity data as required by rC110.3.q to .t of the BSB Code of Conduct.

The Senior Clerk is responsible for:

- promoting compliance with this policy in the administration of Chambers, including but not limited to the following areas:
  - The selection and appointment of members of staff
  - The distribution of unassigned work

The Head of Chambers is responsible for:

- Taking reasonable steps to ensure that Chambers complies with this policy and in particular with rC12 and rC110 – 112 of the Bar Standards Board Code of Conduct
- The final resolution of grievances or referral to outside sources if this is not possible

Members of Chambers are required:

- To promote compliance with this policy
- To comply with and uphold rC12 and rC110 – 112 of the Bar Standards Board Code of Conduct at all times

### **Recruitment and selection of Pupils, Tenants and Members of Staff**

Recruitment and selection processes must use objective and fair criteria.

The recruitment of tenants will be administered by the recruitment committee following an approved objective and fair procedure.

Save in exceptional circumstances, every member of all selection panels must be trained in fair recruitment and selection processes.

### **Equality monitoring**

The Equality Officer will periodically monitor and review:

- the number and percentages of Chambers' workforce<sup>6</sup> from different groups; and
- applications to become a member of the workforce; and
- the allocation of unassigned work.

The reviews will include:

- collecting and analysing data broken down by race, disability and gender;
- investigating the reasons for any disparities in that data; and
- taking appropriate remedial action.

EOM forms will be issued to all applicants for employment, tenancy or pupillage. On receipt, the EOM forms will be immediately removed from their application. All forms will be held securely and confidentially and made available for analysis by the Equality Officer or his / her nominee.

### **Policies for specific issues**

Chambers shall adopt and take reasonable steps to comply with policies addressing the following issues:

- Parental leave
- Flexible working (members)
- Flexible working (staff)
- Harassment
- Discipline
- Reasonable adjustments
- Fair allocation of work

Up-to-date copies of all policies will be held on the shared drive and in hard copy in a file in the clerks' room.

### **Communication of and compliance with the Equality Policy**

An up-to-date copy of this policy will be maintained on the shared drive and in a file in the clerks' room. It shall be the responsibility of all pupils, tenants and staff members to familiarise themselves with and to comply with their obligations under this policy.

Members of chambers and staff members will be reminded of Chambers' commitment to equality and of their obligation to comply with this policy on a regular basis by e mail.

All new personnel will be made aware of the contents and importance of this policy as part of their induction training.

Chambers shall strive to raise awareness of its commitment to Equality through its website and similar publicity materials.

It shall be the obligation of all members, pupils and staff to monitor and report upon any discriminatory practices and / or behaviour. Any failure to report such practices or behaviour shall constitute a disciplinary offence which may lead to the imposition of a disciplinary sanction.

Any act of discrimination, victimisation or harassment shall be considered misconduct to which the disciplinary policy shall apply. In respect of staff members such an act may constitute gross misconduct and may lead to summary dismissal.

### **Grievances**

Anyone who considers that they have been subject to discrimination and / or unequal treatment has recourse to **Chambers Grievance Procedure** shown in **Appendix 2**. A similar process for complaints regarding harassment is contained in the **Harassment Policy** at **Appendix 3**.

## **APPENDIX 1: DEFINING DISCRIMINATION**

A person (A) must not act in relation to any other person (B) in a manner which directly or indirectly is either discriminatory, consists of harassment or victimises that person on grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, age, sexual orientation, marital status, disability, religion or political persuasion.

### **Direct Discrimination**

Direct discrimination occurs where, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

### **Discrimination arising from disability**

Discrimination arising from disability occurs where A treats B unfavourably because of something arising in consequence of B's disability and A cannot show that the treatment is a proportionate means of achieving a legitimate aim. There is no discrimination if A did not know and could not reasonable have been expected to know that B had the disability.

### **Indirect Discrimination**

Indirect discrimination occurs where:

- a) a provision, criterion or practice ('a PCP') is applied which is discriminatory to B in relation to a relevant protected characteristic of B's in that:
  - i) the PCP is or would be applied to people who do not share the characteristic
  - ii) the PCP puts or would put people with B's characteristic at a particular disadvantage
  - iii) B is or would be placed at that disadvantage
  - iv) It is not a proportionate means of achieving a legitimate aim

### **Harassment**

Harassment creates an intimidating and unpleasant working environment which may affect career advancement and thereby constitute discrimination. It is defined as unwanted conduct relating to a relevant protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person affected. A more detailed **Harassment Policy** appears at **Appendix 3**.

### **Victimisation**

A person (A) victimises another person (B) if A subjects B to a detriment because—

- (a) B does a protected act, or

(b) A believes that B has done, or may do, a protected act.

(2) Each of the following is a protected act—

(a) bringing proceedings under this Act;

(b) giving evidence or information in connection with proceedings under this Act;

(c) doing any other thing for the purposes of or in connection with this Act;

(d) making an allegation (whether or not express) that A or another person has contravened this Act.

Such treatment is unlawful under the Equality Act 2010 and will also breach the BSB Code of Conduct.

## **Appendix 2 : Complaints / Grievances Procedure**

### **Introduction**

Chambers recognises that this is a particularly sensitive area where fear of adverse judgement may prevent a complaint being made in the first place. It is chambers' policy, therefore, that as far as is practicable, names of complainants shall 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. The types of circumstances that may give rise to complaint are:

- Selection of pupils, tenants and staff from internal or external applicants
- Conduct of pupillage
- Distribution of work in chambers
- Pressure or instruction to discriminate in the distribution of work
- Harassment or other discrimination originating within or outside chambers

### **The Procedure**

A person who thinks they are the subject of discrimination, harassment or victimisation may choose to deal with the matter in several ways as set out below.

#### **1) Raising Concerns**

Where an aggrieved person wishes to voice a concern and no more, they can approach either a member of the Equality Committee or the Director of Chambers for a confidential discussion. This process is intended to serve as a means of support, advice and guidance without recourse to the informal or formal procedure.

#### **2) Informal complaint**

The second option is the lodging of an informal complaint. This can be done orally either to a member of the Equality Officer or Senior Clerk as they deem appropriate for a confidential discussion.

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.

### **3) 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. The complainant has a right to make representations and/or to be accompanied within all hearings, as does the person whom the complaint has been lodged against. An investigation should not, save in exceptional circumstances, last longer than six weeks from the date of the complaint. Following an investigation, a representative panel (Equality Committee plus Head of Chambers) of at least three members of Chambers will determine the issue. No member of such a panel should have a conflict of interest between themselves and the complainant. 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.

### **4) External Help**

Numerous organisations are available for advice and these are listed in Appendix 3 to this Policy. Every complainant has a right to consult with the Bar Council Equal Opportunities Officer for confidential advice and to lodge a formal complaint of professional misconduct with the Bar Council. Complainants of unlawful discrimination have a legal right to apply, subject to time limits, to the County Court or for Chambers' employees, to the Industrial Tribunal.

Sources of external assistance are shown in **Appendix 4** to this Policy.

### **5) Appeal**

In the event that of any employee having lodged a formal complaint in accordance with clause 3) and remaining dissatisfied with the determination reached in accordance with that clause, he/she shall have a right of appeal in connection with such complaint and such determination. Notice of appeal shall be given to the Senior Clerk within 7 days of the decision complained of and shall thereafter proceed in accordance with Stage II of the Chambers Grievance Procedure.

### **6) Confidentiality**

All or any investigations and hearings arising within the course of the Grievance Procedure shall be conducted and remain confidential to the parties. Any breach of such confidentiality may (save where in accordance with due process of law) constitute misconduct and likely give rise to disciplinary proceedings. Provided that nothing within this clause shall operate so as to preclude the exercise of any statutory right vested in the employee.



## **Appendix 3 : Harassment Policy**

### **Statement of Policy**

Deans Court Chambers is committed to providing a working environment in which all individuals including members, pupils, mini-pupils, employees, clients and the public are treated with dignity and respect. Chambers aims to promote a working environment that is conducive to the professional growth of its members and employees and to the promotion of equality of opportunity.

Deans Court Chambers will not tolerate any form of harassment and will take all necessary steps to ensure that its members and employees are not subject to harassment. Harassment constitutes professional misconduct and is prohibited by the Bar Council's Code of Conduct. Harassment on the grounds of sex, race or disability is unlawful under the Equality Act 2010.

### **The Scope of the Policy**

This policy applies to all members and employees of chambers, to pupils and to mini-pupils. The policy applies to:

- All premises where chambers' business is conducted;
- All chambers' related activities performed at any other site away from the chambers;
- Any social, business or other function where conduct or comments may have an effect on chambers or relationships within chambers.

### **Definition of Harassment**

The essence of all harassment is that it is unwelcome conduct that is offensive to the recipient. The test is a subjective one and the fact that one person may be able to ignore or deal comfortably with certain behaviour does not mean that it is acceptable if directed at another.

Chambers prohibits any behaviour which causes offence or distress to another and which is perceived by that person as relating to or arising from his or her race, religion, political belief, sex, sexual orientation or disability and which constitutes less favourable treatment on such grounds. Harassment may take a variety of forms and includes behaviour:

- Which is unwanted by the recipient and perceived as threatening
- Which causes a hostile or threatening working environment
- Where rejection or submission is used as a basis for decisions concerning the recipient e.g., decisions relating to the award of pupillage, appointment of tenancy, promotion or other opportunities for career development.

The following are examples of behaviour that may amount to harassment:

- Rape; serious physical assault. These are criminal offences and the victim should be encouraged to report the incident to the police
- Requests for sexual favours in return for career advancement
- Unnecessary or avoidable physical contact
- Compromising suggestions or invitations
- Display of pornographic or offensive materials including on computer screens
- Bullying
- Exclusion from social networks and activities
- Jokes or abuse or ridicule relating to a person's sex, ethnicity, sexual orientation, religion, political persuasion or whether they have a disability.

Disciplinary action will be taken against any member or employee of chambers found to have harassed a colleague or other person in the conduct of their work.

### **Resolving Complaints of Harassment**

Chambers is committed to providing a supportive environment in which to resolve problems of harassment, and has put in place a number of options for resolving problems. A non-adversarial approach will be adopted. A person therefore subject to harassment may, at their choosing, deal with the matter in a number of ways.

A person experiencing harassment is encouraged to raise a complaint at an early stage, preferably through the informal procedure. Raising a complaint at an early stage is more likely to result in a satisfactory resolution. If left unresolved, the harassment may escalate to the point where the situation becomes much more difficult to deal with effectively.

Any member, employee, pupil or mini-pupil in chambers has the right to bring to the attention of an appropriate person any behaviour that they consider to be contrary to the harassment policy, irrespective of whether they are the recipient of the harassment. A member or employee of chambers who witnesses behaviour that they consider contravenes the harassment policy should take immediate action to indicate that such behaviour is unacceptable as failure to do so could be interpreted as condoning such behaviour.

### **Voicing a concern**

When an incident of harassment occurs, the recipient should communicate their disapproval and objections immediately to the harasser and request the harasser to stop. If the harassment does not stop or if the recipient is uncomfortable about addressing the harasser directly, he or she may raise the matter informally.

Where an aggrieved person merely wishes to voice their concerns, they can approach either a member of the Equality Committee or the Director of Chambers for a confidential discussion. This is primarily intended to provide support and advice without the matter going any further.

### **Informal complaint**

The second option is the lodging of an informal complaint. This can be done orally to either a member of the Equality Committee or with the Chambers Director. 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.

### **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. The complainant has a right to make representations and/or to be accompanied, as does the person whom the complaint has been lodged against. An investigation should not, save in exceptional circumstances, last longer than six weeks from the date of the complaint. Following an investigation, a representative panel of at least four members of chambers (Equality Committee plus Head of Chambers) will determine the issue. No member of such a panel should have a conflict of interest between themselves and the complainant. If harassment has been found, remedial steps will be taken immediately. These may include any of the following:

- Formal apology
- Counselling
- Written warning
- Change of work assignment
- Report to the relevant Inn recommending the removal of pupil supervisor status
- Suspension or discharge of member or employee
- Referral to Professional Conduct Committee (PCC).

In addition to the sanction that may be imposed on a member, pupil or an employee by chambers as part of a complaint resolution, members of chambers who engage in harassment may be liable for damages in the event of a civil lawsuit or may face further sanctions imposed by the Bar Council's Professional Conduct and Complaints Committee.

### **Standard of Proof**

It should be noted that the standard or proof applied may differ according to the complaints process involved. The PCC apply the criminal standard, beyond reasonable doubt, to complaints alleging professional misconduct by a barrister. In industrial tribunals or county courts the civil standard, balance of probabilities, applies.

## **Victimisation**

Chambers is committed to ensuring that no one who brings forward a harassment concern in good faith is subject to any form of reprisal. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will be viewed as a disciplinary matter. The raising of such a complaint will not have any adverse consequences for the complainant, particularly in relation to tenancy and promotion decisions.

## **Pupil Supervisors**

Pupillage is a period of professional training and Chambers regards it as inappropriate for a sexual relationship to develop between a pupil supervisor, any other member or employee of chambers and a pupil. No member of chambers may participate in decisions concerning a pupil where they are or have been in a relationship with that pupil.

## **Avenues of Further Redress**

In addition to the chambers' procedures there are a number of other avenues of redress. These include:

- Raising a complaint with the relevant Inns Students' Officer about a sponsor or pupil supervisor. The Inns' complaints process will determine the outcome of such complaints;
- Complaint to the Bar Council's Professional Conduct and Complaints Committee where the alleged harasser is a barrister;
- Take action in the county court or industrial tribunal alleging harassment as a form of unlawful direct discrimination;
- Report the matter to the police where an act of harassment is a criminal offence e.g., assault, indecent assault or rape;
- Through the Bar Council's Equal Opportunities Officers / the Bar Council's Mediation Panel members. Their role is to advise the complainant and, with his or her permission, seek to mediate between the complainant and the alleged harasser. The Panel can be approached in confidence and will aim to achieve an end to the conduct complained of without necessarily finding fault or blame and without the imposition of sanctions.

The Bar Council's Equal Opportunities Officers are available at the Bar Council to offer advice in confidence to any recipient of harassment or to any member of chambers responding to a complaint of harassment.

Other external sources of help are detailed in **Appendix 4** to this Policy.

## **Appendix 4 : Further Information**

The following organisations may assist in queries or problems:

### **The Bar's Equal Opportunities Officers**

The Race Relations Committee  
The Sex Discrimination Committee  
The Disability Panel  
The General Council of the Bar  
3 Bedford Row  
London WC1R 4DB  
Tel: 0207 242 0082  
Fax: 0207 831 9217

### **Society of Asian Lawyers (SAL)**

12 Michleham Down  
Woodside Park  
London N12 7JM  
Tel: 0208 446 4614

### **Society of Black Lawyers (SBL)**

Unit 314 Brixton Enterprise Centre  
444 Brixton Road  
London SW9 8 EJ  
Tel: 0207 7735 6591

### **African, Caribbean and Asian (ACA) Lawyers Group**

c/o The Law Society Shop  
227/228 The Strand  
London WC2R 1BA  
Tel: 0207 242 1222

### **Commission for Racial Equality (CRE)**

Elliot House  
10/12 Allington Street  
London SW1E 5EH  
Tel: 0207 828 7022

### **Bar Lesbian and Gay Group (BLAGG)**

Direct Telephone Number

Tel: 0207 820 1715

### **The Equal Opportunities Commission (EOC)**

Overseas House  
Quay Street  
Manchester

Tel: 0845 6015901

### **Royal Association for Disability and Rehabilitation (RADAR)**

12 City Forum  
250 City Road  
LONDON EC1V 8AF  
Tel. 0207 250 3222                      Fax. 0207 250 0212

### **Royal National Institute for the Blind (RNIB)**

224 Great Portland Street  
LONDON W1N 6AA  
Tel. 0207 388 1266                      Fax. 0207 388 2034

### **Royal National Institute for the Deaf (RNID)**

105 Gower Street  
LONDON WC1E 6AH  
Tel. 0870 6050123

## **DEANS COURT CHAMBERS**

### **Conduct Policy and Disciplinary Procedure**

In this document:

- i. 'the Code of Conduct' means the Code of Conduct for the Bar of England and Wales as presently in force and as from time to time amended
  - ii. references to Members of Chambers include pupils and Associate Members of Chambers
  - iii. references to inappropriate conduct shall be taken to include allegations of inappropriate conduct
  - iv. HOC refers to the Head of Chambers
  - v. SC refers to the senior clerk
1. The purpose of this document is:
    - a. To promote appropriate standards of conduct by Members of Chambers
    - b. To identify conduct which may be considered to be inappropriate
    - c. To provide the procedure to be used in the event of inappropriate behaviour by a Member of Chambers or of an allegation of such behaviour being made against a Member of Chambers.
    - d. To identify sanctions which may be applied in the event of inappropriate behaviour.
  2. Members of Chambers shall conduct themselves in an appropriate manner. The following is a non-exhaustive list of examples of conduct by Members of Chambers which may be deemed to be inappropriate:
    - a. being adjudicated by the Bar Council to be in breach of the Code of Conduct, or being in breach of it
    - b. failing to comply with any of the obligations on Members of Chambers set out in the Chambers Constitution
    - c. failing to pay Chambers expenses on time when they are due
    - d. acting in a manner which brings or could bring Chambers into disrepute
    - e. breaching Chambers harassment policy
    - f. breaching Chambers equality and diversity policy
    - g. failing to comply with a known requirement to keep information or documentation confidential within Chambers or within a select group of people within Chambers
    - h. acting dishonestly
    - i. acting in any other way which is detrimental to the relationship of trust and confidence between Chambers and the individual Member

- j. failing to submit to all or any part of this disciplinary policy and procedure
3. Any Member of Chambers who has reason to believe that he / she has conducted himself / herself inappropriately is encouraged to report that conduct to the HOC or to the SC at the earliest opportunity.
  4. Any Member of Chambers who has reason to believe that another Member of Chambers has conducted himself / herself inappropriately may report that conduct to the HOC or to the SC.
  5. The HOC and / or the SC shall apply this policy and procedure in the event that they learn of inappropriate conduct by a Member of Chambers from any other source.

### **INFORMAL RESOLUTION**

6. The HOC or the SC may respond to inappropriate conduct informally under paragraph 7 below provided that:
  - a. the inappropriate conduct is:
    - i. admitted by the Member of Chambers concerned; and
    - ii. deemed by the HOC or the SC to be of a minor nature;and
  - b. the Member of Chambers concerned agrees to accept the proposed informal resolution.
7. Inappropriate conduct may be addressed informally in one or more of the following ways, as may be deemed appropriate for the circumstances of the case:
  - a. informal advice, either in writing or orally; and / or
  - b. a written warning in relation to future conduct; and / or
  - c. a written undertaking from the Member of Chambers in relation to his / her future conduct; and / or
  - d. an apology directed to such person(s) as may be appropriate; and / or
  - e. no further action.
8. The views of any complainant(s) about or victim(s) of the inappropriate conduct shall be canvassed and considered before deciding whether one or more forms of informal resolution are appropriate.

## **FORMAL PROCEDURE**

9. References to ‘inappropriate conduct’ in paragraphs 10 to 31 of this policy below are references to:
  - a. inappropriate conduct by a Member of Chambers which is not addressed informally under paragraphs 6 to 8 of this policy; and
  - b. include instances of serious misconduct as defined in the Code of Conduct.
10. The formal procedure set out below shall be followed where there is a need to investigate or address inappropriate conduct.
11. In the event that the SC becomes aware of inappropriate conduct by a Member of Chambers (which cannot be resolved informally under this policy) he shall report it in writing to the HOC.
12. Upon the HOC receiving information that a Member of Chambers has conducted himself / herself inappropriately the HOC shall notify the Chambers Management Committee which shall promptly appoint an Enquiry Handler or an Enquiry Panel consisting of up to 3 people, to enquire into the facts of the misconduct.
13. The HOC may be appointed to be the Enquiry Handler or a member of the Enquiry Panel but there is no requirement or expectation for that to be the case.
14. The expectation of this policy is that the Enquiry Handler or each member of the Enquiry Panel will usually be a Member of Chambers with appropriate seniority and independence. However, the Management Committee of Chambers may, in its discretion, appoint an external Enquiry Handler. In those circumstances the Management Committee will assume responsibility for identifying the Enquiry Handler, agreeing the terms of reference for the Enquiry Handler and setting a budget for the enquiry.
15. The Enquiry Handler / Enquiry Panel shall carry out an expeditious enquiry into the facts of the alleged inappropriate conduct.
16. In the first instance the Enquiry Handler / Enquiry Panel shall provide the accused member with a written summary of the allegation of inappropriate conduct and shall ask the accused member to confirm whether or not the allegation is admitted. Where the inappropriate conduct is admitted the Enquiry Handler / Enquiry Panel shall record the admitted facts in writing.
17. Where the inappropriate conduct is not admitted the Enquiry Handler / Enquiry Panel shall carry out a proportionate enquiry involving the following steps (so far as applicable in the individual case):
  - a. Accounts of the relevant events shall be obtained from any witnesses. A witness may be invited to submit their account as a written statement or their account may be taken down in writing at an interview.



- b. Any relevant, available documents shall be obtained.
  - c. The accused Member shall be provided with:
    - i. Full details of the allegations set out in writing together with an explanation of the potential sanctions which may be considered if the allegations are upheld;
    - ii. Any terms of reference provided to the Enquiry Handler;
    - iii. Any written accounts or documents obtained as part of the investigation;
    - iv. Disclosure of any other evidence available to the Enquiry Handler which is relevant to the allegation(s).
  - d. The accused Member shall be invited to provide a formal response to the allegation of inappropriate conduct. There will normally be an investigatory meeting attended by the Enquiry Handler / Enquiry Panel and the accused Member. However, in an appropriate case the Enquiry Handler / Enquiry Panel may agree with the accused Member to dispense with such a meeting in favour of the accused Member providing a response in writing. In either case the accused Member must have the opportunity to state his / her case fully in response to all evidence available to the Enquiry Handler / Enquiry Panel.
  - e. Prior to any meeting the accused Member will be informed in writing that he / she has a right to be accompanied at the meeting by a person of his / her choosing.
  - f. The accused Member shall have the opportunity to comment upon and / or to challenge any evidence obtained as part of the Enquiry.
  - g. The accused Member may identify witnesses or documents which are relevant to the allegations.
  - h. If as a result of (f) or (g) above further investigation is reasonably required, that investigation shall be undertaken.
  - i. The accused Member must have an opportunity to respond to any additional evidence obtained before the investigation is concluded.
18. Upon the conclusion of the enquiry the Enquiry Handler / Enquiry Panel shall decide whether or not in their opinion the evidence shows that the inappropriate conduct has occurred on the balance of probabilities.

19. If:

- a. the inappropriate conduct was admitted and recorded under paragraph 14 above; or
- b. the Enquiry Handler / Enquiry Panel determines that inappropriate conduct has taken place:

the Enquiry Handler / Enquiry Panel shall determine the sanction, if any, to be applied in accordance with paragraphs 30 to 31 below as is appropriate and shall notify the Accused Member of the findings made and the sanction decided upon at the earliest reasonable opportunity.

20. Paragraph 19 above shall not apply if an external Enquiry Handler was appointed. In those circumstances the Management Committee of Chambers will appoint an appropriate Member of Chambers to determine the sanction based upon the findings made by the external Enquiry Handler. The appointed Member of Chambers shall notify the Accused Member of the findings made by the external Enquiry Handler and the sanction decided upon at the earliest reasonable opportunity.
21. Unless within 7 days of the communication of the decision (under paragraph 19 or 20 above) to the Member of Chambers concerned the Member appeals to the Management Committee of Chambers, both the findings made and the sanction imposed will be deemed accepted and proper.
22. Any appeal shall be heard by a suitable person (the 'Appeal Handler') appointed by the Management Committee.
23. An appeal will normally be by way of review rather than rehearing. Further investigations may be undertaken by the Appeal Handler if the need to do so is justified.
24. In the event that an appeal is received any sanction previously imposed will be suspended until the conclusion of the appeal.
25. The appeal shall be heard and determined expeditiously. An appeal meeting will usually be offered.
26. The Accused Member will be informed in writing that he / she has a right to be accompanied at the appeal meeting by a person of his / her choosing.
27. The Appeal Handler will request a written summary from the Enquiry Handler / Enquiry Panel of the reasons for any findings made and any sanction imposed. The Accused Member will have the opportunity to state his / her case fully and to comment upon the reasons provided by the Enquiry Handler / Enquiry Panel.
28. The Appeal Handler may either endorse the findings made and / or the sanction imposed or may overturn or reduce them. The outcome on appeal may be no less favourable to the Accused Member than was the original determination.

29. The decision of the person determining the appeal shall be final.

### **SANCTIONS**

30. The following sanctions may be used in the event of inappropriate conduct:

- a. a written warning in relation to future conduct; and / or
- b. a formal reprimand endorsed by the HOC or the management Committee of Chambers;
- c. requiring a written undertaking from the Member of Chambers in relation to his / her future conduct; and / or
- d. requiring an apology to be directed to such person(s) as may be appropriate; and / or
- e. requiring that any continuing breach of this policy is rectified in such a way and within such a time frame as may be specified; or
- f. revocation of membership of Chambers in accordance with paragraph 18.2 of the Constitution of Chambers. It is a precondition for such a sanction to be recommended that one or more of the requirements of paragraph 18.3 of the Constitution of Chambers are fulfilled; or
- g. no further action

31. Sanctions under this policy for conduct which breaches both the Code of Conduct and this policy shall not be determined unless and until any Bar Council procedure which has been or is likely to be initiated has been completed. Any penalty imposed by the Bar Council shall be taken into account when determining the sanction appropriate for breach of this policy.

### **CODE OF CONDUCT AND BAR COUNCIL REPORTING**

32. Members of Chambers are reminded of the following requirements of the Code of Conduct:

- a. A barrister who commits misconduct is under a duty (flowing from Core Duties 2 and 10) to take all reasonable steps to mitigate the effects of that misconduct (gC2, gC94)
- b. A barrister has a duty to make a report about himself / herself in all of the circumstances set out in Rule C65. In particular, these circumstances include the following:

- i. There is a duty to report the barrister’s own misconduct if it is “serious misconduct” (rC65.7), but not otherwise. The duty is to make a report “promptly”.
    - ii. There is a duty to report matters such as certain criminal charges, cautions and convictions (rC65.1, rC65.2).
  - c. A barrister has a duty to make a report about serious misconduct by other barristers, unless one of the exceptions applies: Rule C66, gC95-gC86.
33. A failure to report when required to do so by the Code of Conduct is itself a ground of misconduct under the Code.
34. A report will be made by Chambers to the Bar Council if it has reasonable grounds to believe that there has been serious misconduct by a Member of Chambers. Where the alleged misconduct or the seriousness of the misconduct is disputed by the Member of Chambers concerned the Formal Procedure under this policy may be followed prior to a decision being taken as to whether a report should be made. Any decision to report serious misconduct on behalf of Chambers will be taken by the Management Committee of Chambers and will take into account any findings made under the formal procedure.

### **PROTECTION OF PEOPLE REPORTING INAPPROPRIATE CONDUCT**

35. Any person making a complaint about the conduct of a Member of Chambers under this Policy in good faith (whether or not a direct victim of the alleged conduct) shall not be subject to detrimental treatment by reason of having made that complaint.
36. It is misconduct under the Code of Conduct to victimise any person for making a report to the BSB, in good faith, of what they genuinely and reasonably believe to be serious misconduct: rC69. This applies to a victim making a report, as well as to anyone else doing so.

### **RECORDS**

37. It shall be the duty of the Secretary to the Chambers Management Committee to keep a record of all minutes of meetings, hearings or decisions relating to disciplinary matters. That record shall be kept separate from all other Committee records and shall be shown on request to the Head of Chambers, current Committee Members and the Member of Chambers concerned in the disciplinary hearing recorded but to no-one else except upon the written request of the Head of Chambers.
38. Chambers shall comply with GDPR in respect of all records created pursuant to this policy.

### **ARBITRATION**

39. Where conduct falls to be considered under this Policy in circumstances in which there appears to be disagreement between one or more Members of Chambers, the SC, HOC or Enquiry Handler / Enquiry Panel may at any time propose to the members concerned that the disagreement be the subject of arbitration under paragraph 8.5 of the Chambers Constitution.

## **DEANS COURT CHAMBERS PARENTAL LEAVE POLICY**

### **Introduction**

#### **Definitions**

1. “parental leave” refers to leave taken by the main carer of a child following birth or adoption. This could be the mother, father or adoptive parent of either sex.

#### **Aims and purpose**

2. It is the aim of this policy to:
  - encourage members following parental leave to return to chambers and continue to build successful practices;
  - prevent discrimination on grounds of parental responsibility;
  - encourage and support members taking time off following the birth or adoption of a child without suffering financial hardship;
  - comply with the requirements of the Code of Conduct and accompanying Guidelines.

#### **Circulation**

3. This policy is circulated to all members, clerks and staff all of whom are required to:
  - read and understand the policy; and
  - understand their role in relation to the policy.

#### **Review of this Policy**

4. This policy is reviewed by chambers Equality and Diversity Officer every two years.

#### **Parental Leave**

5. Every member of chambers is entitled to return to chambers within a period of one year after giving birth or adopting a child for whom they are the primary carer.
6. A member of chambers taking a period of parental leave is entitled to 12 months free of chambers rent and expenses.
7. Members of chambers are required to notify chambers management and clerks of their intention to take a period of parental or adoption leave not less than 4 months before the commencement of the period of leave indicating the estimated commencement date and likely date of return.
8. A member should notify chambers’ management and clerks 12 weeks before the end of the period of parental leave stating the estimated date on which s/he intends to return.
9. If a member wishes to take leave for a period longer than 12 months, this should be arranged with chambers management.

10. If a member is absent from chambers for more than 12 months without agreeing an extension with chambers management, her/his automatic right to return to chambers ceases unless such absence is due to consecutive births.
11. Where membership ceases by virtue of the provisions in paragraph 10, a member can re-apply to chambers in the usual way.

### **Arrangements During Leave**

12. A member on parental or adoption leave is encouraged to maintain contact with chambers.
13. Head of Chambers will ensure that the member is:
  - offered opportunities to do appropriate work if this is requested and;
  - invited to training events, social occasions, marketing events and chambers meetings and;
  - is consulted on any significant issues affecting the practice of chambers and;
  - receives assistance with the re-establishment of their practice on return to work, including (where requested) the arrangement of a “practice meeting” with the relevant clerk within two weeks before the member returns to work.

### **Undertaking work during leave**

14. The Head of Chambers may, in exceptional circumstances, authorise informal working arrangements during a period of parental leave.

### **Return from Leave**

15. It is the policy of Deans Court Chambers to enable parents to work reduced hours on return from a period of parental or adoption leave. This should be discussed with chambers’ management and clerks.

### **Complaints**

16. Any member who wishes to make a complaint regarding a breach of this policy should in the first instance contact either of chambers’ Equality and Diversity Officers.

### **Contact**

17. Chambers Equality and Diversity Officers are Timothy Edge and Alex Taylor.
18. Alex Taylor is the point of contact for all queries regarding this policy.

**DEANS COURT CHAMBERS FLEXIBLE WORKING POLICY FOR MEMBERS OF CHAMBERS**

1. All members of Deans Court Chambers have the right to request flexible working arrangements in relation to times or location of work to facilitate care of a child under 17 years of age or to assist in managing a disability.
2. The flexible working arrangement requested may include:
  - a. Taking a career break
  - b. Working part time
  - c. Working flexible hours
  - d. Working from home
3. If a request is made in writing it will be considered at a meeting of the management committee at which an Equality and Diversity Officer must be present. The member of Chambers will be promptly notified in writing of the decision of the committee.



## **DEANS COURT CHAMBERS REASONABLE ADJUSTMENTS POLICY**

1. Deans Court Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working with chambers or receiving legal services. This policy covers all employees of chambers, barristers, clerks, pupils, mini-pupils and visitors to chambers.

### **Circulation**

2. This policy is circulated to all members, staff, pupils, clerks and those who are required to read and understand it.

### **Definition of disability**

3. For the purposes of this policy the definition of disability follows that set out in the Equality Act 2010 s.6. A person is therefore disabled if s/he has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more".

### **Types of reasonable adjustment**

4. This policy does not provide an exhaustive list of the reasonable adjustments that chambers will make for staff, barristers, pupils or visitors however the following types of adjustment that may be made are listed below:
  - a. Provision of information in alternative formats (e.g. large print, Braille etc)
  - b. Paid leave for disabled employees of chambers
  - c. Provision of auxiliary aids e.g. induction loops
  - d. Provision of accessible conference room facilities
  - e. Provision of a reader or interpreter

### **Staff, barristers and others in chambers**

5. Staff or barristers with specific requirements should make requests to Matthew Gibbons, Timothy Edge or Alex Taylor for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case by case basis with the advice and assistance of one of chambers' Equality and Diversity Officers and where it is not possible to make the adjustment requested possible alternatives will be discussed with the applicant.
6. Head of Chambers is responsible for considering whether or not disabled staff, barristers or pupils require assistance during an emergency evacuation and if so whether or not a personal emergency evacuation plan is required for the individual/s concerned. If so, the plan will be developed in partnership with the individual concerned in order to ensure that adjustments to the emergency evacuation procedure may be made.

### **Visitors to chambers**

7. Barristers are responsible for considering reasonable adjustment requests for their visitors. They are also responsible for anticipating any likely reasonable adjustments that will need to be made for visitors whom they know to be disabled and are likely to require assistance. Visitor requests for specific reasonable adjustments may be made

by contacting Matthew Gibbons on 0161 214 6000 or by e mail at [mgibbons@deanscourt.co.uk](mailto:mgibbons@deanscourt.co.uk) .

**Cost of making reasonable adjustments**

8. In no circumstances will Deans Court Chambers pass on the cost of a reasonable adjustment to a disabled person.

**Monitoring and review**

9. This policy is reviewed by a chambers' Equality and Diversity Officer every two years.

**DEANS COURT CHAMBERS**  
**RECRUITMENT POLICY FOR PUPILS**

All pupillages at Deans Court are with a view to tenancy.

This document sets out the recruitment process for tenancy following the successful completion of a pupillage.

Pupils will already have been subject to the appraisal procedure set out in the Pupillage Programme (attached separately) prior to the recruitment policy being implemented. Pupils are under no obligation to apply for tenancy at the conclusion of their pupillage. Should a pupil not wish to apply for tenancy then he/she is required to notify the Pupillage & Mini-Pupillage Committee ('PMPC') at least one month prior to the conclusion of his/her second six.

Towards the end of pupillage, the Tenancy Committee will invite feedback from Chambers. This will include feedback from the clerking team and possibly Solicitors who have sent in instructions during the second six. The aforementioned feedback will include a report from the pupil's supervisor and may include a report from the member of chambers who supervised the pupil when they spent time with another practice team. Once that process is complete and provided the Pupil has elected to apply for tenancy the Tenancy Committee will invite the pupil to an interview. The panel will be chaired by a Silk or member of Chambers of at least 15 years call or more. The panel will be a minimum of 3 members of Chambers and may include members from any practice team. The pupil will be informed of the names of the panel members a minimum of 48 hours before the interview. The format of the interview is at the discretion of the panel, however, should any specific preparation be required the pupil will be informed of the same a minimum of 48 hours prior to the interview. The pupil is expected to submit a copy of his or her pupillage diary (details about which are contained in the Pupillage Programme) to the panel a minimum of 24 hours before the interview.

Pupils are reminded of the "Deans Court – Pupil job Description" set out below and what is expected of them:

Pupils at Deans Court will have excellent intellectual qualities, be well motivated to pursue a career at the Bar on the Northern Circuit and will have shown achievement and personal development in their outside interests and activities. Whether at initial interview or in Court, we expect to hear articulate responses to questions, delivered with confidence and courtesy.

At interview the panel will apply the below criteria and score the pupil in each category (for the avoidance of doubt, these criteria reflect the Bar Standards Board's ('BSB') threshold standards and competencies and are subject to change in accordance with BSB guidance). A

score of 3 in an individual category would represent a baseline of professional competence. For a pupil to be positively recommended for tenancy, scores of 4 or 5 must predominate. This represents performance that is objectively good or excellent. If it appears that there are individual areas of deficiency capable of correction, these concerns will be reflected in any recommendation made to Chambers.

For the pupil's reference, the criteria are set out on the score sheet attached below.

The panel will then make a recommendation to Chambers either in support of the application or recommending the application be refused. In any event the panel's decision must be communicated to the pupil within a maximum of 7 days of the interview. Should the pupil not be offered tenancy then the pupil will be referred back to the PMPC in respect of all outstanding matters.

**Name of Pupil:**

**Name of Assessor:**

**Signed:**

**Period of Review:** \_\_\_ / \_\_\_ / \_\_\_ to \_\_\_ / \_\_\_ / \_\_\_

**Criteria**

**Assessment Criteria, Grades & Comments**  
(scale of 1 (lowest) to 5 (highest))

<b>Legal Knowledge, Skills &amp; Attributes</b>	<b>1 2 3 4 5</b>
<b>Practical Knowledge, Skills &amp; Attributes</b>	<b>1 2 3 4 5</b>
<b>Advocacy</b>	<b>1 2 3 4 5</b>
<b>Professional Standards</b>	<b>1 2 3 4 5</b>
<b>Values, Characteristics &amp; Behaviours</b>	<b>1 2 3 4 5</b>
<b>Working with Others</b>	<b>1 2 3 4 5</b>
<b>Practice Management</b>	<b>1 2 3 4 5</b>

Comments

**Pupil's Comments (regarding report and/or pupillage in general):**

**Signed:**

**Date :** \_\_\_ / \_\_\_ / \_\_\_