

# The Pupillage Academy

Training the future Bar of England & Wales

*“Where there is no vision, there is no hope.” George Washington Carver*

## **Our Vision**

The vision for “The Pupillage Academy” is to be seen as a beacon of best practice for the future of training and qualification of new Barristers in England and Wales.

The academy will be fully inclusive and will embrace collaboration with all stakeholders involved in the pupillage system. The academy will be online and available 24/7, supported by experienced professionals throughout the legal profession. Equality, equal opportunity and diversity will be “built in” to ensure fairness throughout everything we do. Most importantly, the Pupillage Academy will be free to the Bar to use.

Chambers, AETO’s, Pupil Supervisors, Pupils and those connected with training future Barristers will be able to find up to date information and online tools covering all aspects of the pupillage process. The tools planned include technology to offer mock trials, online 24/7 advocacy practice, curriculum planning and progress in a wizard format for the pupil, supervisor and AETO to ensure compliance and simplicity with all aspects of the current training requirements.

The Pupillage Academy aims to focus on the very best practice, the latest technology and full use of collaboration throughout its network. The question we ask ourselves at every opportunity is “what does good look like?” and “how can we ensure the high standards rightly expected of barristers?” ready for “day one of practice”.

The wellbeing of the pupil throughout their journey to practice as a sole practitioner at the Bar is at the heart of the system. We will also provide the latest materials, guidance, best practice, compliance and support for the pupil supervisor and the AETO throughout their journey.

## **The Structure**

The Pupillage Academy will be a Not for Profit organisation created by Stephen Ward, Managing Director of Clerksroom, and Harry Hodgkin, Head of Chambers at Clerksroom, for the benefit of anyone involved in the training of Barristers in England and Wales. Seed funding will be provided by the directors of Clerksroom and a formal board of trustees will be appointed at the earliest opportunity.

Collaboration is crucial to the success of this project. We wish to collaborate with the BSB, the Inns of Court, the Bar Practice Course (BPC) providers, education providers, Circuits who provide pupil supervisor training, the Bar Council, all Chambers and AETO’s, pupil supervisors, prospective, current and past pupils, Barristers Clerks and members of the Judiciary and the Bar.

On a practical note, the Pupillage Academy will provide a wealth of information, guidance, support and tools that allow the pupillage to be conducted, with a focus on meeting and far exceeding all of the regulatory requirements.

Our focus on “what good looks like” means we will not only ensure compliance, we will consult and collaborate at each stage of the process to ensure ease of use, accessibility, compliance and include many optional modules such as [wellbeing and mental health](#).

We will provide practical tips for the AETO, Pupil Supervisor and pupils. Using technology, the academy will be available 24/7 and those using the Pupillage Academy will be connected to a wide network of experts available to offer support and guidance.

The use of available technology will allow us to monitor stress levels and the wellbeing of all users to “flag up” potential concerns. Our bank of willing supporters will be on hand to help with additional mock trials, 1-1 video support and confidential, anonymous support. Our helpline will provide immediate support throughout the process.

### **The issues with the current system**

The current pupillage system is fundamentally flawed, with two main issues creating barriers for those wishing to complete the qualification as a barrister of England and Wales. They are:

#### **1. Funding:**

The required funding for pupillage is the single largest barrier preventing Chambers or AETO’s from creating more pupillage opportunities in England and Wales. It is important to understand the wording of this statement. We do not propose or suggest that funding is not important as any pupil should be financially able to carry out the pupillage without financial worry allowing them to focus on their training. Access to pupillage is currently “**blocked**” for a large number of BPC students simply due to the ability of the “self-employed” Bar to provide funding for awards.

Barristers in England & Wales are self-employed, sole practitioners, who group together in Chambers to share expenses and liabilities. The ability to fund pupillage awards is a huge burden for most Chambers.

It is important to recognise that there is no regulatory obligation for any individual barrister to contribute towards a pupillage award and no obligation for a self-employed barrister to become a pupil supervisor.

The word “Chambers” is a bit of a red herring. The word is just the collective noun for a group of self-employed members of the Bar. The financial burden of the pupillage award falls jointly and severally to the members of the chambers who have to all agree to the establishment of an AETO, management and supervision of the AETO, the pupil’s administration, the clerking, training and resources, simply because; the Bar has always done it this way. It’s unsustainable in a modern business and professional environment.

The number of pupillages are likely to diminish dramatically if the current system of **volunteering** to provide pupillage continues to be the way forward. This will no doubt be exacerbated by the current pandemic and the economic impacts which are sure to follow.

The true cost of providing each pupillage is not just £18,866 in London or £16,322 outside of London. What about the costs of: 1) Establishing and maintaining the AETO; 2) Clerking time; 3) Administrative support and resources; 4) Travel expenses for the pupil; 5) Attending courses; 6) IT services; 7) Access to digital library; and, 7) The substantial time experienced Barristers give up, on a voluntary basis, to provide the supervision.

We estimate that at least 8 hours per week, for a 12-month period, is required by a pupil supervisor when supervising one pupil. Therefore, an experienced barrister provides in the region of 400 hours of billable time for free, over a 12-month pupillage period. This equates to a minimum of at least £40,000 in billable time. The true cost to everyone involved in providing training for a 12-month pupillage is closer to £65,000, where the minimum award is applied in London.

As the AETO provides training that enables a barrister to set themselves up as a self-employed, sole practitioner, there is no obligation on the newly qualified barrister to remain with chambers. As such, there is no guarantee of return on investment whatsoever.

These funding issues mean that many smaller sets of chambers may only be able to offer one pupillage a year or will simply decline to offer a pupillage at all, further reducing the number of pupillages available.

## **2. The mandatory timetable for pupillage recruitment**

The introduction of the new common Gateway recruitment timetable on the 1<sup>st</sup> November 2020 places a huge, increased burden on the “volunteers” who currently administer pupillage at Chambers and/or the AETO’s.

- [BSB Response to the consultation can be seen here](#)

Each time a pupillage opportunity is advertised, the volume of applications can be huge, sometimes over 1,000. The time needed from multiple volunteer barristers is considerable. Again, this eats away at the billable hours of a self-employed practitioner.

The mandated timetable will increase the burden of administration for Chambers into a condensed timeframe, between November and May. Between February and May, all chambers wishing to partake in the pupillage programme will be expected to: sift through all of their applications, short list candidates, conduct first interviews, conduct second interviews and make offers. This condensed process will place an inappropriate burden on barristers and create terrible issues with interview scheduling, essentially making the process unworkable. Not to mention the burden the applicants will face.

The exam period for the BPC, which many pupillage applicants will be enrolled on, starts in April and ends at the end of March, for 2021. This will be the same period when all chambers

are conducting their interviews pursuant to the new mandatory timetable. This will place intense pressure on applicants.

- The Bar Council set the timetable. It was moved to its current position after a consultation in 2016 and there are a number of reasons why this period was chosen. The BSB reviewed the Bar Council's Equality Impact Assessment, which sets out the reasons for the timetable change.

Additionally, many applicants work whilst studying or, if they have already been Called to the Bar, work full-time to fund the expensive fees and debt associated with the vocational stage of qualifying. The mandatory timetable means many applicants will have to take time off from work and will struggle to balance applications, schooling and/or work. These applicants may be forced to make less applications or turn down interviews. This creates yet another barrier to certain groups at the Bar and does not promote social mobility.

The volume of places currently being offered by BPC providers is iro 2,500 when all added together. The number of pupillages available is estimated to be iro 400 and that figure is likely to be reduced post COVID. As many applicants are unsuccessful at the first or second round of applications and applicants have 5 years to secure a place, it can be estimated that there are 10,500+ people each year, including solicitor transfers and other people taking the various routes to qualification, applying to obtain a pupillage place.

- Many students are foreign students who do not intend to practice in England & Wales. [The statistics can be found here.](#)

The process can be particularly brutal and it comes with its own wellness concerns. However, adding these extra pressures are likely to make the process even more unbearable. In an age when the Bar is meant to be focussing on mental health and wellbeing, this is a step in the opposite direction.

The sheer volume of pupils seeking pupillage, the voluntary nature of the system and the funding requirements are already onerous, by pushing the entire system into a 6-month closed period for administrators from 1<sup>st</sup> November to 1<sup>st</sup> May makes it unworkable.

### **Proposal**

1. The Inns of Court re-direct their "scholarship" fund towards training pupils in Chambers. The total fund currently advertised on the 4 websites equates to £7m, which could fund 400 pupillages for chambers who have suitable supervisors.
2. The mandatory timetable is reviewed so it focusses on the key area of trying to stop the very few chambers making early offers to first time round pupils. The proposals complicate the entire process and adds additional time and cost burdens to all involved.

### **Conclusion**

The current system of pupillage funding and the introduction of the mandatory timetable on the 1<sup>st</sup> November combine to make pupillage inaccessible. We would like to establish the Pupillage Academy for the benefit of the Bar as a whole and collaborate with all stakeholders

to make it workable, accessible and efficient. However, without any changes to the current system this will not be possible.

Our current position having carried out a thorough review is that Clerksroom should give up and cancel the proposed Pupillage Academy project for the reasons set out above. We feel this is a very disappointing and sad situation.

Annual fee now £1,000 to register with the Gateway to process applications. [See Bar Council Pupillage Gateway details for AETO's at this link.](#)

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