

MOUNTFORD

C H A M B E R S

**PUPILLAGE: THE
TRANSITION TO
TENANCY**

Issued by:

Management Committee

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Pupillage: the transition to Tenancy

Introduction

This document replaces any existing document or part of a document which hitherto set out Chambers' expectations as to the standard and competency of pupils at the conclusion of their pupillage and the process by which pupillage may transition into tenancy. It is effective from 1st January 2023.

Day One of Practice

1. At the satisfactory completion of your 12-month pupillage, which includes completing the compulsory training specified by the BSB, you are required to apply for a Full Practising Certificate.
2. Throughout the duration of pupillage, you will have been assessed by your pupil supervisors in line with the threshold standard and competences specified in the "Professional Statement for Barristers" issued by the BSB. Satisfactory completion of pupillage requires meeting the standard and competences within that document, which describes the minimum knowledge, skills and attributes that all barristers must have on "day one" of practice.

The Threshold Standard

3. Newly qualified barristers should:
 - a) always perform at an acceptable standard, that is the standard of performance must be at least satisfactory (fit for purpose though not necessarily outstanding or perfect);
 - b) always achieve a standard of service to the client that is appropriate to the purpose for which the barrister has been instructed;
 - c) perform within a reasonable timeframe (a reasonable timeframe for a newly qualified barrister may be longer than it is for an experienced barrister);
 - d) be able to deal with straightforward or uncomplicated or familiar work unaided;
 - e) ask for support when it is needed in order to complete more complex or unfamiliar work.

Competencies

4. We set these out in summary form only and expect our pupils and supervisors to have read carefully the content of the Professional Statement itself.

1 Barristers' distinctive characteristics

Legal knowledge, skills and attributes

Barristers will:

- 1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.
- 1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.
- 1.3 Have a knowledge and understanding of the law and procedure relevant to their area(s) of practice.
- 1.4 Have an awareness of the wide range of organisations supporting the administration of justice.
- 1.5 Apply effective analytical and evaluative skills to their work.
- 1.6 Provide clear, concise and accurate advice in writing and orally and take responsibility for it.
- 1.7 Negotiate effectively.

Practical knowledge, skills and attributes

- 1.8 Exercise good English language skills.
- 1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.
- 1.10 Make sound judgements in their work.
- 1.11 Ensure they are fully prepared.
- 1.12 Employ effective research skills

Advocacy

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

Professional standards

- 1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.
- 1.17 Know how to conduct themselves appropriately in court.
- 1.18 Only accept work which they believe they are competent to undertake.

2 Personal values and standards

Values, characteristics and behaviours

Barristers will:

- 2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.
- 2.2 Be honest in their dealings with others.
- 2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.
- 2.4 Ensure their work does not incur unnecessary fees.
- 2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.
- 2.6 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.

3 Working with others

At work

Barristers will:

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

Lay individuals

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

4 Management of practice

Personal practice management

Barristers will:

- 4.1 As appropriate, possess a strong understanding of the specific implications of being a: 4.1.1 self-employed barrister. 4.1.2 employed barrister.
- 4.2 Possess sufficient understanding of organisational and management skills to be able to maintain an effective and efficient practice.

- 4.3 Plan their personal workload and absences so as to ensure they deliver on all work commitments they have made.

At workplace level

- 4.4 Understand the organisational systems or structures within which they work and which support their delivery of a professional service.

Professional compliance and work

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

“Probationary Tenancy” Transition Period

5. We generally expect all of our pupils to undertake a further six-month transition period in working practice prior to any application for full tenancy at Chambers. The extended period on your feet will allow you to consolidate your advocacy skills as your practice develops, build upon relationships with solicitors and start to generate work of your own.
6. There is no need to apply for a “probationary tenancy” transition period; it will be triggered by the satisfactory completion of your 12-month pupillage. We will remind you in writing by the end of the 11th month of your pupillage and we will invite you to confirm that you wish to remain in practice at Chambers for that transition period.
7. We are very keen to support our pupils and those transitioning towards tenancy and we are acutely aware of the financial challenges faced by the junior Bar. That being so, we do not charge Chambers Rent or commission on fees received during pupillage itself and the transition period prior to tenancy.
8. For the sake of clarity, neither pupils nor those in the transition period that follows prior to tenancy have any voting rights, nor are you permitted to attend Chambers meetings unless expressly invited to do so by the Management Committee.
9. Your supervisors will continue to assess you during the transition period to ensure that you continue to demonstrate that your abilities meet and surpass the Threshold Standard and the Competencies set out in the Professional Statement. We are particularly keen to see your continued improvement and development as an individual practitioner and as a potential member of Chambers.
10. From time to time, we may accept applications for a “probationary tenancy” from individuals who have completed their pupillage elsewhere than at Mountford Chambers. In the event that any such individual joins Chambers as a “probationary tenant” the same timetable and process for transition to tenancy will apply as set out in this document, save in that it may be adapted where reasonable to fit in with the timetable applicable to those who have completed 12-month pupillage at Chambers. If the joining date of any such individual does not permit, even with reasonable adjustment, concurrency with the existing timetable, then any application for tenancy made by that individual will be considered in isolation and in its own right.

Applications for Tenancy

11. We will invite you to apply for tenancy in sufficient time that your application can be submitted no later than 6 weeks prior to the conclusion of a six-month transition period. Ordinarily, assuming an October start of pupillage, we will notify you in January that we expect to receive your application in mid-February in the year following the conclusion of your 12-month pupillage.

The Application

12. Your application should be sent to the Head of Chambers via email, with the subject marked "Application for Tenancy."
13. Your application should consist of the following:
 - a) A covering letter of not more than 2 pages of A4 setting out:
 - Ⓜ what you consider to be your principal achievements during your time at Chambers;
 - Ⓜ the three solicitors by whom you are most frequently instructed; and
 - Ⓜ your practice ambitions should you be offered tenancy;
 - b) An up to date curriculum vitae, indicating your practice areas;
 - c) Three examples of written work, redacted to remove personal data.
14. Please note that we request that you do not approach solicitors for references. We take the view that to expect you to procure your own testimonials puts unnecessary pressure on you and the solicitors.

Additional Information Collated

15. Prior to consideration of your application, the Management Committee shall be provided with a written report from at least one of your supervisors. The report will set out that supervisor's assessment of, and observations on:
 - a) the candidate's personal qualities generally;
 - b) the standard of the candidate's written work;
 - c) the standard of the candidate's advocacy;
 - d) the candidate's knowledge and application of ethics;
 - e) the candidate's suitability for tenancy; and
 - f) any other relevant matters.
16. Once your application is submitted, the Management Committee will invite the Senior Clerk to provide a report setting out information which may include: your work diary, your income in the preceding six months, any feedback from solicitors received by Chambers, any feedback

from members of the clerking team, and an assessment as to whether, in the Senior Clerk's opinion, there is likely to be sufficient work available in Chambers to sustain the practice of one or more new junior tenants.

17. The Management Committee will also invite the Pupillage Committee to provide a report as to your engagement in the Advocacy Programme and to collate the views of your pupil supervisors. We will also notify all members of Chambers of your application and invite by email members to provide any observations they think appropriate as to your suitability for tenancy.

Availability of Tenancies

18. The Management Committee, or a sub-committee to which the Management Committee delegates the responsibility, will consider whether, in light of all of the information before it, including the likely work anticipated to come into Chambers in the future, there is availability of one or more junior tenancies at Chambers, subject to the suitability of candidates.
19. In the event that we conclude that no junior tenancies are available in the immediate future, we will notify you as soon as possible following that decision and endeavour to provide all the assistance we can to assist in your securing further working opportunities at another chambers. In those instances, we will not embark on the interview process.

Interviews for Tenancy

20. In the event that the one or more junior tenancies is or might be available, subject to the suitability of the candidates, we will invite you and any other current applicant to interview to take place no later than 3 weeks prior to the conclusion of the probationary tenancy transition period.
21. The interview panel will consist of at least 3 but no more than 7 members of Chambers, at least one of whom will be King's Counsel and at least 3 of whom will be members of the Management Committee. The panel will read in advance of interview all material collated on behalf of the Management Committee relevant to your application.
22. The interview will consist of a series of questions about your practice, your time at Chambers and your aspirations for the future. We may draw on your application and the content of the material collated for our questions. We may, at our discretion, ask you to perform an advocacy exercise; if we do, we will ask each current applicant to perform the same advocacy exercise in respect of which we will provide you with written instructions no less than 7 days prior to the interview.

The Decision as to Tenancy

23. The interview panel will reconsider all material and the interview itself before making a recommendation to the Management Committee. The selection process will adhere to the BSB's fair recruitment procedures and comply with Chambers' equality and diversity policies.
24. We will inform you whether your application for tenancy has been successful within 7 days of the final interview having concluded.
25. We are looking for excellence in prospective tenants both in terms of current ability and future potential. We are most interested in candidates who show initiative, drive and an exceptional

work ethic and who produce written and oral advocacy of the highest standard. We favour candidates who embrace Mountford's values and who want to be part of a supportive, collaborative team of barristers sharing the unified goal of maintaining and improving our excellent reputation as barristers of high quality and integrity who provide a first class service to our clients.

The Offer of Tenancy and Acceptance

26. In the event that you are successful in your application for tenancy, the Head of Chambers will notify you of our invitation to join Chambers to which we will require your acceptance or rejection within 72 hours.

Unsuccessful Applicants

27. In the event that your application is not successful, we will endeavour to provide all the assistance we can to assist in your securing further working opportunities at another chambers. You will be welcome to remain in practice at Chambers, albeit not as a tenant, while make those arrangements for a period of 6 weeks from the date you are notified that you will not be taken on as a tenant.
28. You may apply in writing to the Management Committee should there be exceptional circumstances that justify an extension of that time frame.

Timetable Summary

- Ⓜ Management Committee invites applications for tenancy (usually late January)
- Ⓜ Closing date for receipt of applications: 6 weeks prior to end of probationary tenancy transition period (usually mid February)
- Ⓜ Interviews: 3 weeks prior to end of probationary tenancy transition period (usually early March)
- Ⓜ Notification of Decision: no later than 7 days post-interview
- Ⓜ Response to Offer of Tenancy: within 72 hours of offer being communicated

N.B – Specific dates will depend on the calendar.

Accelerated Tenancy Applications

29. The timetable set out in this document is intended to provide clarity and transparency to the transitional process from pupil to tenant at Mountford Chambers. It provides assurance to our pupils that our position as to tenancy will be resolved in good time prior to the conclusion of the probationary tenancy transition period.
30. From time to time, prevailing circumstances including the availability of work, the permanent or temporary departure of individuals members of chambers, unsolicited applications for junior tenancy received from outside of Chambers or some other reason, might give rise to the

Management Committee deciding that the timetable should be accelerated and that tenancy applications should be invited at an earlier stage than the timetable presently envisages [“an accelerated tenancy application”].

31. In the event that is the case, we will notify you of the revised timetable as soon as practicable once reasons to vary the process are identified by the Management Committee.
32. In the event that a pupil who has been offered and accepted a probationary tenancy transition period in Chambers, is unsuccessful in an accelerated tenancy application, we will allow the individual to practice from Chambers until the conclusion of that transition period and provide the same assistance in procuring for that individual a move to another chambers.

Exclusions and Variations

33. Please note that an invitation to apply for tenancy referred to in this document and/or repeated in writing at the appropriate time is no indication either as to the availability of one or more tenancies at Chambers and/or that, if one or more is available, tenancy will be offered to any applicant invited to apply.
34. Tenancies will be offered strictly on merit, assessed by the process and to the standards described in this document.
35. Nothing in this document prevents or is intended to prevent any individual of any call, who does not practise at Mountford Chambers, applying to join Chambers as a tenant. The same process will apply to any external applicant and, where it is reasonable to accelerate or delay the determination of an application so that it can be considered concurrently with the timetable applicable to internal candidates, we will determine all applications together. In the event that an external applicant falls so far outside that timetable that concurrency becomes impossible, we will determine that application in isolation and in its own right.
36. We will use our best endeavours to accommodate any reasonable variation to a timetable or the application process should any personal circumstances, disability, protected characteristic or other reason pertaining to an applicant so require. We aim to foresee any such issue but welcome intervention from an applicant should we have overlooked any reason which merits a variation to the process of transition. All applicants should be assured that any observations they might make to the Management Committee in writing requesting variation will be treated in confidence and will have no bearing at all on the outcome of any tenancy decision.

Feedback

37. We will endeavour to provide written feedback to unsuccessful applicants upon request.

The Management Committee

January 2023