

# 4 NEW SQUARE

C H A M B E R S

## 4 New Square Pupillage Training Programme

### Introduction

4 New Square's Training Programme is designed to:

- Allow fair and transparent assessment of pupils with a view to enabling chambers to decide on an informed and fair basis whether pupils should be made an offer of tenancy;
- Assist pupils in obtaining and evidencing that they have met the Threshold Standard and Competences required by the Bar Standards Board's Professional Statement for Barristers; and
- Reflect the principles of Flexibility, Accessibility and High Standards embodied in the Bar Standards Board's Authorisation Framework (The principle of Affordability being addressed within the Pupillage Policy, which is to be read together with this programme).

The content of the Training Programme, which is subject to changes in dates and timings depending on availability and may be supplemented where considered necessary during the pupillage year to ensure compliance, is outlined in the Pupillage Year Spreadsheet, which is a working document.

The way in which the Programme is intended to address the Threshold Standard and Competences is explained in this document. As the below makes clear, while specific training sessions and assessments form an important part of 4 New Square's programme, the bedrock of training remains the shadowing of a pupil supervisor (each of whom is considered by chambers to set high standards in all the areas required by the Professional Statement) and the range of work, experiences and discussions, both structured (by informal and formal assessments) and unstructured (in day to day discussions), that take place throughout the pupillage year. Discussions at informal and formal reviews, and open and respectful dialogue between supervisor and pupil throughout each seat should be used to reflect upon and to ensure that that this shadowing relationship is effective.

Further, it is also recognised that the training delivered by 4 New Square follows and supplements the training pupils have received in the academic and vocational stages of their training and is supplemented by the training that pupils receive from their Inns, as referred to below.

Pupils will be expected to keep a record of the work that they have seen and experienced and all the training they have received in the course of pupillage and to regularly (at least at each formal assessment and after the tenancy decision) review with both their supervisor and the Chair of the Pupillage Recruitment Committee the progress they have made towards meeting what is required of them on 'day one' to meet the requirements of the Professional Statement for Barristers. A template for this record will be provided to assist pupils in this task ("the Record"). The Record must be signed by supervisor and pupil at the end of each three month 'seat' leading to the tenancy decision, at around the time of the Training Review Meeting and the Final Review Meeting.

While the Pupillage Checklist is no longer mandatory, supervisors and pupils will use the checklist, adapted as appropriate to match the nature of practice in chambers, as a way of cross-checking the adequacy and breadth of the training delivered to pupils during pupillage. Pupils and supervisors will

consider what aspects of the checklist require completing at each formal review and also at the formal Training Review Meeting, to take place after the tenancy decision.

The structured additional training programme chambers delivers, beyond the usual supervisor/pupil relationship at present, concludes after the tenancy decision in around early July of the year. However, to ensure that training needs are addressed properly, there shall be a Training Review Meeting and a Final Review Meeting after the tenancy decision.

The intention of the Training Review Meeting is to take stock of the pupils' progress towards meeting, or hopefully exceeding, the Threshold Standard and Competences and ensuring that gaps or areas for improvement in the pupils' training are addressed effectively in the remaining months of pupillage. The Final Review Meeting is intended to provide a final, structured consideration of whether the pupils have met the Threshold Standard and Competences allowing supervisors (or Chair of the Pupillage Recruitment Committee) to sign the Certificate of Satisfactory Completion of Pupillage.

In this programme where training or exercises are referred to as 'unassessed' it means they are not taken into account as part of the evidence on which Chambers will decide whether or not an offer of tenancy should be made.

It is important that the Training Programme and structure it provides for the pupillage year is followed. This ensures that pupils receive effective training in all necessary areas and that High Standards are maintained. However, it should not be seen as unduly restrictive and care must be taken to ensure that it is fair to all pupils.

In particular:

- Prior to commencing pupillage, pupils will be asked to inform their supervisors, the Chair of the Pupillage Recruitment Committee and the CEO in confidence of any personal circumstances (by way of example only, a disability or caring responsibilities) that they believe need to be taken into account by Chambers. The intention of this is to ensure that reasonable adjustments are made to ensure the Training Programme and assessments are fair and effective with a view to ensuring appropriate Flexibility in training and Accessibility. The effectiveness of any measures agreed at the outset of pupillage should be reviewed regularly and at least at every informal and formal assessment and the Training Review Meeting; and
- Where valuable opportunities arise that have significant training value outside the formal Training Programme and/or gaps in pupils' training are identified then there must be Flexibility to ensure that (after consultation with the Chair of the Pupillage Recruitment Committee) these opportunities are taken and/or investigations made as to whether appropriate opportunities exist. Doing so will both enrich pupils' experience and help ensure a High Standard of training. These opportunities are also an extremely valuable way of ensuring that pupils can evidence and meet the Threshold Standard and Competences where, for whatever reason, shadowing their supervisor has not led to them acquiring a sufficient range of experience. Examples of such opportunities are:
  - o Marshalling with a former member of chambers who sits as a High Court Judge or in the Court of Appeal;
  - o Accompanying a member of chambers appearing in the Supreme Court;

- Accompanying a member of chambers who is acting as a mediator;
- Accompanying and assisting a member of chambers in connection with a trial, especially if a supervisor has not been in court for a significant period of the pupil's seat; or
- Assisting a member of chambers before an unusual tribunal, for example a sport or professional disciplinary body.

## **Barristers' distinctive characteristics**

### Legal knowledge, skills and attributes

#### *1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice*

It is expected that this is something pupils will have some grounding in from the vocational stage of their training. It will also be developed by the compulsory advocacy training provided by pupils' Inn. However, it will also be addressed during:

- The course of supervisor/pupil interactions and reflections on both the supervisor's and the pupils' work. If it is felt necessary, then internal training can be arranged.
- The two assessed moots/advocacy exercises generally judged by members of the judiciary.
- An ethics workshop to be arranged, to be provided by a member of chamber or external provider, if it is not arranged by the Inns.

#### *1.2 Have a knowledge and understanding of the key concepts and principles of public and private law.*

#### *1.3 Have 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.*

All the above will be addressed by the following aspects of the programme:

- The course of supervisor/pupil interactions and reflections on both the supervisor's and the pupil's work. Pupils will regularly provide their supervisors with written work which supervisors are asked to consider promptly, generally giving a grade according to chambers' mark scheme and always giving appropriate oral feedback; a record of the grades should be kept. Progress is also being monitored by the regular informal and formal reviews, which take place during and at the end of a 'seat' respectively and are overseen by the Chair of the Pupillage Recruitment Committee. After a decision on tenancy has been made, generally in early July, there will be a review by the Chair of the Pupillage Recruitment Committee to consider what areas of training remain to be addressed during the remaining months of pupillage. Where necessary, arrangements will be made for pupils to experience new aspects of work.
- Unassessed advocacy training delivered by an experienced member of chambers who delivers such training for their Inn. This is provided before the two assessed moots/ advocacy exercises.
- The two assessed moots/ advocacy exercises generally judged by members of the judiciary. Feedback is provided by the judges, members of the Pupillage Recruitment Committee present and by supervisors on both the skeleton arguments and the oral advocacy of pupils. Performance is also discussed during the scheduled informal and formal reviews with supervisors and the Chair of the Pupillage Recruitment Committee.

- 3-4 pieces of assessed written work are set and graded according to chambers' mark scheme by experienced members of chambers who do not supervise the pupil.
- It is expected that negotiation skills will be developed to some degree by observation of supervisors. However, if possible, arrangements will also be made for pupils to attend and observe at least one mediation and, if possible and appropriate, for internal or external training to be provided in both negotiation and in the drafting of settlement agreements and consent orders. In 2022/23, a training programme in negotiation was devised and delivered by a member of chambers who is a trained and experienced mediator.
- The First Days on Your Feet Training delivered by a range of members of chambers is a 1 day session delivered by a range of members of chambers, which focuses on teaching and preparing pupils for practicalities of the kind of court hearings they are likely to encounter in their early days in Court in their own right.

### 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.*

It should first be noted that excellent English language and communication skills are expected of any successful applicant for pupillage and will have been thoroughly tested in the process of selecting pupils. Anyone commencing pupillage at 4 New Square is expected to have them. Nevertheless, pupillage aims to develop them further for effective practise in chambers' core areas of work.

It is also, again, expected that all these skills will have been developed, to some extent, in the academic and vocational stages of training and will also be developed by the Inns' advocacy training.

However, the programme intends to address these areas by:

- The course of supervisor/pupil interactions and reflections on both the supervisor's and the pupil's work. Pupils will regularly provide their supervisors with written work (requiring English and communications skills, legal research and judgment) which supervisors are asked to consider promptly, generally giving a grade according to chambers' mark scheme and always giving constructive and appropriate oral feedback. Progress is also to be monitored by the regular informal and formal reviews, which take place during and at the end of a 'seat' respectively and are overseen by the Chair of the Pupillage Recruitment Committee.
- The two assessed moots/advocacy exercises generally judged by members of the judiciary. These require pupils to research areas of law, make judgements on the nature and merit of arguments available to them and to present arguments in writing and orally. They also learn the importance of preparation for the moots. Feedback is provided by the judges, members

of the recruitment committee present and by supervisors on both the skeleton arguments and the oral advocacy of pupils. Performance is also discussed during the scheduled informal and formal reviews with the Chair of the Pupillage Recruitment Committee.

- 3-4 pieces of assessed written work are set and graded according to chambers' mark scheme by experienced members of chambers who do not supervise the pupil. These involve legal research, exercise of judgement and both written and oral communication skills, because panel assessors do not just mark written work but discuss it with pupils orally too.
- Pupils are given specific research training by junior members of chambers which introduces the pupils to and ensures they understand how to use the research tools which are available in chambers, which are those commonly found at the commercial Bar.

### 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.*

The training provided to pupils takes account of the fact that they have already had some advocacy training and will receive compulsory advocacy training from their Inn.

In pupillage, the above are addressed by:

- The course of supervisor/pupil interactions. There will be regular reflections on both the supervisor's drafting and written and oral advocacy. Further, the written work pupils are required to produce for supervisors will include orders, court documents such as case summaries and skeletons. These will be the subject of grading and feedback as set out above.
- The pleading training session delivered by an experienced member of chambers.
- Unassessed advocacy training delivered by an experienced member of chambers who delivers such training for their Inn. This is provided before the two assessed moots/ advocacy exercises.
- The two assessed moots/ advocacy exercises generally judged by members of the judiciary. These require pupils to provide skeleton arguments and argue orally.
- The 3-4 pieces of panel work, which, as set out above, require pupils to be able to discuss and explain their work to the panel assessor in a cogent way.
- Accompanying the most junior members of Chambers to court in order to experience the type of work that they can expect to carry out in their second 6 months. This will take place around the end of the non-practising period of pupillage.

- The First Days on Your Feet Training delivered by a range of members of chambers. This is a 1-day session delivered by a range of members of chambers, which focuses on teaching and preparing pupils for practicalities of the kind of court hearings they are likely to encounter in their early days in Court in their own right.
- The pupil's own experience in court hearings during their second six, which will be discussed and reflected upon with the pupil's supervisor and with the Chair of the Pupillage Recruitment Committee.

### 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.*

Principally, pupils will learn how to conduct themselves appropriately in court from the training delivered in relation to advocacy.

As to the balance of these requirements, they will be addressed by:

- Requiring pupils, before they commence their second six, to read and consider the Code of Conduct and any other relevant regulatory requirements that will apply to them during pupillage and on commencing full practice. Pupils will also:
  - o Be required to confirm they have read and familiarised themselves with the Code of Conduct
  - o Raise any issues of which they are uncertain with supervisors for open discussion; and
  - o Provided with a training session delivered by an experienced member of chambers focused on some major aspects of the Code of Conduct thought especially relevant to their likely practice.
- The course of supervisor/pupil interactions and the pupils own court experiences. Inevitably, during the course of these regulatory issues will arise and they will be discussed.
- How to discharge the obligation only to accept work which one believes one is competent to do will be discussed in the above training and by pupil supervisors.

## **2. Personal values and standards**

### Values, characteristics and behaviours

*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.*

*2.3 Ensure their work does not incur unnecessary fees*

*2.4 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.*

*2.4 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.*

The importance and development of all these values, characteristics and behaviours will be covered by the programme of training set out above and are also central to Chambers' existing assessment process by which it determines whether a pupil ought to be offered tenancy.

However, to ensure compliance of any aspect is not overlooked, in the course of formal assessments, at the Training Review Meeting and the Final Review, supervisors and the Chair of the Pupillage Recruitment Committee will take steps to ensure that the fulfilment of these criteria is addressed and documented.

### **3. Working with others**

#### At Work

*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.*

The importance of working with others and development of these skills is thought to be covered by the above programme of training and is also central to Chambers' existing assessment process by which it determines whether a pupil ought to be offered tenancy. However, in particular, it is thought these will be developed by:

- The usual course of supervisor/pupil interactions and the pupils' own court experiences. Inevitably, how one should work with others will be demonstrated, addressed and reflected on;
- An introduction to the expectations of professionalism given to pupils on induction by the Chair of the Pupillage Recruitment Committee;
- Compulsory Equality & Diversity and Cyber Awareness (IT Security) training delivered on induction;
- Requiring Pupils to become familiar with chambers' Equality & Diversity Policy and the annexes thereto; and
- The requirement for pupils to read and familiarise themselves with the Code of Conduct.

Further, to ensure compliance of any aspect is not overlooked, in the course of formal assessments, at the Training Review Meeting and the Final Review Meeting, supervisors and the Chair of the Pupillage Recruitment Committee will take steps to ensure that the fulfilment of these criteria is addressed and documented.

#### Lay Individuals



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

Insofar as this is not addressed in the usual course of supervisor/pupil interactions, it will be covered:

- As part of the First Days on your Feet training;
- If possible, arranging for the pupil to shadow a case with a barrister who is not supervising them in order to experience the issues;
- By the requirement for pupils to read and familiarise themselves with the Code of Conduct;
- Specific discussion with supervisors prior to the Final Review Meeting.

## **4. Management of Practice**

### Personal Practice Management

*4.1 Where appropriate, possess a strong understanding of the specific implications of being...4.1.1 a self-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.*

It is again expected that these competences will be developed and tested in the course of the above training. However:

- In the course of the supervisor/pupil relationship there will inevitably be exposure to, consideration of and discussion concerning: the implications of self-employment, organisational and management skills and planning of work load. With regard to the latter two factors not just will pupils observe and be able to discuss and adopt (where appropriate) their supervisors' approach to such matters, they will also be developed by:
  - o The regular written work set by supervisors which at least in the alter months of pupillage will frequently be by reference to deadlines;
  - o The two assessed moots/ advocacy exercises, which will impose deadlines on pupils that have to be met regarding skeletons, an agreed authorities bundle and the moots themselves;
  - o The assessed pieces of written work, which pupils will need to complete within a limited period of time, generally 24 hours;
  - o The experience of pupils in their second six months where they will need to learn to balance the demands of court hearings and paperwork of their own with the work set by supervisors.
- A dedicated Practice Management session will be delivered by an experienced clerk and (if thought necessary) experienced member of chambers about the process of accepting

instructions, communicating with the clerks' over availability, the LEX diary system, preparations for hearings, billing, VAT obligations, BMIF insurance, liability for taxation and other aspects of practice.

- Pupils are required to read the Code of Conduct (see above) and Chambers' various policies.

#### At workplace Level

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

It is expected that these competencies will be developed and assessed in the course of the above training and in particular the supervisor/pupil relationship and the pupils' second six when they are taking on their own hearings. However:

- Chambers has a thorough process of induction on pupils' first day which introduces pupils to the workings of chambers. In advance of that induction, pupils are provided with and required to read and familiarise themselves with, among other things: chambers' pupillage, equality & diversity, health & safety policy and information barriers & confidentiality policies. Induction still covers all relevant policies and provides an opportunity to discuss and clarify any issues arising from these policies.
- A dedicated Practice Management session is delivered by an experienced clerk and (if thought necessary) experienced member of chambers (see above).

#### 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.*

It is expected that these competencies will be developed and assessed in the course of the above training and in particular the supervisor/pupil relationship and the pupils' second six when they are taking on their own hearings.

However, with regard to confidentiality and security:

- Chambers' induction includes:
  - o Professional expectations of pupils, including time keeping;
  - o An introduction to pupils of the essential importance of confidentiality and maintaining information barriers within chambers too; and
  - o An introduction into the physical and IT security provided by chambers.
- Pupils are required to read and familiarise themselves with chambers' information barriers and confidentiality policy.

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