

PUPILLAGE ACADEMY

PROPOSAL

1. This paper outlines the vision and scope of the proposed Pupillage Academy (“**Academy**”).
2. It is proposed and will be implemented by the owners and directors of European Administration Limited (trading as Clerksroom) (“**Clerksroom**”). The owners and directors of Clerksroom are Harry John Hodgkin (“**HJH**”) and Stephen Michael Ward (“**SMW**”).
3. The current authorisation for Clerksroom to act as an alternative AETO (i.e. an AETO which is not a traditional chambers) expires on 31 March 2021. It is proposed that the application for renewal as an alternative AETO will be made by or on behalf of the Academy.

Vision

4. The objective of the Academy is:
 - a. to create a scheme of excellence for training pupils in accordance with the four principles of the BSB Authorisation Framework;
 - b. to provide a flexible and innovative approach to training;
 - c. to remove barriers to entry for those who are currently under-represented within the Bar;
 - d. to provide pupils with the means and skills to practice as a barrister;
 - e. to be able to provide the maximum possible number of pupillages at any given time;
 - f. to collaborate with other interested parties (“**Stakeholders**”); and

- g. to lobby for positive change of the Authorisation Framework.

Parties

- 5. The Academy will be set up as a not for profit, independent legal entity, whether as a social enterprise structure, charity or otherwise as appropriate.
- 6. The Academy will be independent from Clerksroom save to the extent that:
 - a. its directors or trustees will (at least initially) be HJH and SMW;
 - b. that the Academy (wholly) and pupillages (wholly or in part) will be funded by HJH and SMW through Clerksroom;
 - c. that pupils will (wholly or in part) be trained by Clerksroom barristers;
and
 - d. that pupils who successfully complete their pupillage may (without guarantee) be offered membership of Clerksroom and be provided with a qualified person for the requisite period.
- 7. It is envisaged that suitable organisations may wish to use the Academy's authorisation to provide the required regulatory framework, thereby making pupillage generally more accessible, and, in that sense, it is not intended that the Academy should be exclusive to Clerksroom barristers.
- 8. The Academy will engage with all Stakeholders. Stakeholders include (without limitation) pupils (trainees), barrister supervisors, the judiciary, the Legal Services Board ("**LSB**"), the Bar Standards Board ("**BSB**"), the General Council of the Bar ("**Bar Council**"), the Council of the Inns of Court ("**COIC**"), the Honourable Society of Lincoln's Inn, the Honourable Society of the Inner Temple, the Honourable Society of the Middle Temple, the Honourable Society of Gray's Inn (together "**Inns of Court**"), the Inns of Court College of Advocacy ("**ICCA**"), Bar Practice Course ("**BPC**") approved course providers ("**Course Providers**"), the representative bodies of the geographical circuits of the Bar of England and Wales ("**Circuits**") and the various specialist Bar associations ("**Bar Associations**").

Types of pupillage

9. This proposal distinguishes between two types of pupillage:
 - a. the full 12 months funded pupillage (“**Standard Pupillage**”); and
 - b. any pupillage where the prospective pupil has been granted a waiver exemption by the BSB on the basis of their individual circumstances (“**Non-standard Pupillage**”).

10. The Standard Pupillage is invariably required to be undertaken by a prospective pupil who is (at the time of their application for pupillage) studying the Bar Training Course (“**BTC**”).

11. The Non-standard Pupillage arises only where the BSB has determined (based on its own criteria) that a prospective pupil is entitled, because of their own individual circumstances, to any or all of the following:
 - a. a waiver of the funding requirement (whether in whole or part) permitting the pupil to be trained with reduced or no funding;
 - b. a waiver of the full 12 months requirement permitting the pupil to carry out pupillage for a period of less than 12 months; and/or
 - c. a waiver of the start date requirements permitting the pupil to commence pupillage at a time which would otherwise not be permitted by the regulations.

The Core proposal

12. The vision is to be able to provide the maximum possible number of pupillages at any given time applying the four principles set out in the Authorisation Framework.

13. The exact number of pupillages available at any given time will depend on three factors:

- a. the extent of funding provided by Clerksroom to the Academy;
 - b. the extent of any grants or donations received or available from third party benefactors; and
 - c. the flexibility of the proposed mix of Standard and Non-Standard pupillages.
14. The proposal is:
- a. to fund and provide in year one and, if possible, thereafter annually, a minimum two Standard Pupillages to be advertised and offered in accordance with the mandatory timetable (for the purposes of which no waiver is required from the BSB); and
 - b. to provide in addition to the minimum two Standard Pupillages (or other such minimum number as may be advertised), an unspecified number of Non-standard Pupillages (for the purposes of which the waivers set out in the following paragraph will be required from the BSB).
15. The following waivers are to be requested on behalf of the Academy:
- a. an **advertising waiver** permitting the Academy to advertise an unspecified number of pupillages in addition to the stated minimum, i.e. a minimum of two Standard Pupillages (or other such minimum number as may be advertised) and in addition such other number of Non-standard Pupillages as may become available during the relevant period depending on the circumstances; and
 - b. a **mandatory timetable waiver** permitting the Academy to provide Non-standard Pupillages commencing on a date which would otherwise not be permitted.
16. The advertising waiver seeks flexibility on the number of pupillages being advertised. Thus, if the number of pupillages stated as being offered by the Academy on the Pupillage Gateway under the heading "Pupillage vacancy information" is "Two", the effect of the proposed waiver is that "Two" means

“a minimum of two” (there being no ability within the Gateway to record the information in those terms).

Next Steps / Proposed Timetable

17. The next steps will be as follows.
18. This paper will be sent to the BSB for an initial view as to whether these proposals are in principle unobjectionable and within the spirit of the new rules. The reason for seeking an initial view is so as to avoid offending against any rules or needlessly taking any of the steps proposed in the following paragraphs.
19. Two fully funded pupillages will be advertised on the Pupillage Gateway (by 31 December 2020). By “Two” will be meant “a minimum of two”.
20. As soon as an initial view has been received from the BSB, as referred to above:
 - a. Stakeholders will be approached for potential funding and for purposes of collaboration and continuous improvement; and
 - b. the Academy operations manual, budget, website, branding and recruitment management software will be written and/or built.
21. Unless the initial view of the BSB is unfavourable, applications for alternative AETO authorisation and waivers will be made as soon as practicable.
22. Upon the assumption that the Academy and the proposed waivers are authorised by 31 March 2021, the Academy will then immediately be formally established, staffing put in place, and appropriate funding provided.
23. Standard Pupillage offers (to a minimum of two) will be made by early 2021. Standard Pupillages will commence in October 2021.
24. Non-standard Pupillages will be offered and commenced as and when the individual circumstances dictate.

Other concerns

25. As early as practicable HJH and SMW would like to have discussions with the BSB and other relevant Stakeholders relating to areas of concern which in their view have the unintended consequence of limiting availability, accessibility and flexibility of pupillages and which, in their view, require regulatory changes to be made.

Harry John Hodgkin
Stephen Michael Ward

11th December 2020