

42 Bedford Row Mini pupillage policy

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Introduction

1. Many members of 42 Bedford Row ("42BR") will have benefited from undertaking mini pupillages when they were hoping to become a barrister. 42BR believes that offering mini pupillages to today's students is important for many reasons: it helps would-be barristers to gain insight into the profession, helping them to decide whether they wish to become a barrister; it contributes to breaking down prejudice or misinformation about how barristers work; and it respects the long and laudable tradition at the bar of established practitioners teaching the students who are coming up behind them.
2. This document sets out the guidelines by which mini pupillages will be offered and administered at 42BR. It is intended to ensure:
 - a. Mini pupillages are granted in a consistent manner;
 - b. They are awarded in line with applicable equalities legislation, data protection legislation, the Bar Standards Board's Code of Conduct and the Bar Council's guidance on Fair Recruitment and Ethics;
 - c. Mini pupillages at 42BR give students an opportunity to experience the varied work of a barrister;
 - d. This policy can be operated without creating too great a burden on Members of Chambers ("MoC").

How 42BR's mini pupillage scheme works

3. 42BR will offer a total of 8 mini pupillages each calendar year. Each mini pupillage will last a maximum of five days, normally a Monday to Friday in the same week.
4. Mini pupils will be selected in four tranches, every three months. Applications received between 1 September and 21 October of each calendar year will be considered for mini pupillage between November and January; applications received between 1 December to 21 January will be considered for mini pupillage between February and April, applications received between 1 March to 21 April will be considered for mini pupillage between May and July, and applications received between 1 May to 21 June will be considered for mini pupillage between September and October.
5. The decision as to who is offered a mini pupillage will be taken by the person then in charge of 42BR's mini pupillage programme (the "mini pupillage administrator") and one other MoC (together, "the Decision-Makers"), both of whom will have undertaken the Bar Council's equality and diversity training.
6. If fewer applications for mini pupillage are received than there are places available, the Decision-Makers may either offer fewer mini pupillages, or may decide to offer a mini pupillage to a suitable but unsuccessful candidate from the previous tranche of applications. However, 42BR is not obliged to offer mini pupillages if the Decision-Makers do not feel that there are sufficient suitable candidates, or there is some other good reason to offer fewer mini pupillages than usual.
7. The successful candidates in each three-month round will be contacted by the Chambers Administrator or in their absence by a member of the clerking team. The candidates will have been invited to indicate in their application letter their dates of availability. The Chambers Administrator will do their best to accommodate the mini pupils on mutually convenient dates. Unsuccessful candidates will also be contacted to let them know that they have not been offered a place.
8. 42BR will not offer mini pupillages in the week of Christmas or Easter for obvious reasons, or in the month of August. However, many mini pupils are students and they find it difficult to undertake mini pupillages during term time (nor should 42BR encourage them to miss their studies). Thus, it makes sense to offer some mini pupillages during university holidays. The Chambers Administrator will do their best to accommodate the mini pupils without disrupting their studies, and without overburdening MoC. 42BR will do its best to accommodate mini pupils, but it cannot guarantee to offer particular dates to suit a mini pupil.

How to apply

9. Anyone wishing to apply for a mini pupillage with 42BR must apply in line with the following process, which will be posted on the 42BR website.

10. All applicants **must** be aged 18 or over. Whilst applicants are not obliged to provide their date of birth, they must confirm in writing that they are aged 18 or over.
11. All applicants must be undertaking, or have undertaken, a degree course, the GDL or the BPTC. It is not necessary for the applicant to have studied law, but if they have not done so they will be expected to explain their interest in law, and their plans to study it, in their covering letter (see below).
12. To apply, candidates must send their CV and a covering letter, by email, to mini-pupillage@42br.com. The covering letter must contain the following information:
 - a. A brief explanation as to why the candidate is interested in finding out more about becoming a barrister by undertaking a mini pupillage;
 - b. A brief explanation as to why they are applying to 42BR for a mini pupillage;
 - c. If they are not currently studying law, an explanation of their interest in law and an indication of their plans to study law in future;
 - d. Details of all previous legal work experience including mini pupillages undertaken in other sets of chambers, with dates;
 - e. An indication of the dates when they will be available during the period for which they are applying.
13. It is anticipated that the above information will be provided in a letter that is no longer than one side of A4.
14. Candidates are welcome to mention a particular area of interest (for example, if they are keen to see employment work, or property cases), but it will not always be possible to accommodate candidates' specific interests.
15. Candidates must recognise that 42BR is based in London and thus most of the work they will see during their mini pupillage will be in the London area. They will need to be based in the London area during their mini pupillage.
16. The above information and relevant application date will be placed on 42BR's website under the 'Work at 42' tab; news items will also appear on 42BR's home page every three months to advertise the new round of applications, and it will be mentioned on 42BR's Twitter feed and LinkedIn page.

Selection of mini pupils

17. The Decision-Makers, both having had equality and diversity training, will read and consider all applications after the relevant closing dates.
18. Their guiding principle will be to accept as many applicants who fit the above criteria as possible up to a total of 8.

19. If there are more suitably qualified applicants than places, preference will be given to those who have not already undertaken a mini pupillage elsewhere.
20. Unsuccessful candidates will not be considered in the next tranche of applications, unless there is a shortfall, in which case the Decision-Makers may consider the unsuccessful candidates from the previous period (but no further back).
21. There is no bar to unsuccessful candidates applying for a mini pupillage again on a future occasion, as their skills and interests develop. They will be expected to explain in their covering letter how their studies and plans have progressed since their last application.
22. If a candidate is offered a mini pupillage and then for unforeseen reasons (typically, accident or illness) cannot take up that place, 42BR may at its discretion offer that candidate one further opportunity to take up a mini pupillage in the future.
23. If a candidate who is offered a mini pupillage subsequently wishes to decline it because they have obtained work or work experience elsewhere and they wish to prefer that opportunity, the mini pupillage will not be offered to them again.

Legal and ethical concerns

24. By allowing mini pupils to accompany MoC to conferences and to court, MoC are likely to be sharing with the mini pupil confidential information. For that reason, wherever possible, the Chambers Administrator will always consider whether there are appeal cases in MoCs' diaries to which mini pupils could be taken, as appeals, by their nature, are less likely to involve a mini pupil coming into contact with (sensitive) personal information. That said, the more common situation will be that mini pupils will be attending first instance court hearings or client conferences, and all MoC should be familiar with and take appropriate action as regards the following concerns.
25. The following issues are likely to be particularly pertinent concerns:
 - a. Confidentiality and privilege;
 - b. Data protection;
 - c. Client understanding and wishes, and
 - d. Conduct of mini pupils.
26. **Confidentiality**. Every barrister owes a core duty (CD6) to keep their clients' affairs confidential. This must of course be complied with in respect of mini pupils. All mini pupils at 42BR will have signed a confidentiality agreement (a copy of which must be given to the Chambers Administrator), but more action will be needed from each barrister who looks after that mini pupil.
27. At the very least, the barrister must obtain informed consent to the disclosure of information to the mini pupil from the professional, lay or public access client concerned.

The default position is that this is covered by 42BR's terms of business, which provide that "*Unless the Authorised Person expressly informs the Barrister to the contrary in advance by writing, the Barrister may allow the Instructions to be reviewed by another barrister or by a pupil (including a vacation pupil or mini pupil)...*" All MoC should also check that their written agreements with public access clients include reference to mini pupils where appropriate. If the client is not prepared to have confidential information disclosed to the mini pupil, their wishes must be respected, and the Chambers Administrator will attempt to find another barrister for the mini pupil to shadow that day.

28. Further, the barrister should discuss the confidentiality agreement with the mini pupil and explain the duty of confidence to them before showing them any papers/taking them to court. If the barrister is concerned that the mini pupil does not understand the duty of confidentiality, it is better not to disclose any confidential information to them. This may mean that in effect the mini pupil is only able to attend public court hearings, and discuss a barrister's work in general terms, with the barrister they are shadowing.
29. The barrister must understand that in some cases the mini pupillage with 42BR will be the first time that the mini pupil has been in a professional legal environment. Whilst these points are covered in the confidentiality letter that the mini pupil signs, the barrister should reinforce the following messages:
 - a. The importance of confidentiality in a lawyer-client relationship;
 - b. That it is not permitted to give details of what the mini pupil has read or heard to family or friends, even if they tell them to keep the information secret;
 - c. That it is not appropriate to post any details, even of the fact of the mini pupillage taking place, on social media, either at the time of undertaking the mini pupillage or later;
 - d. That the mini pupil may mention on their CV that they have undertaken a mini pupillage with 42BR, but while they can describe in general terms the type of work they have seen, they must not mention confidential details of what they heard or read in (for example) subsequent interviews for pupillage or legal jobs.
30. Data protection. MoC are data processors and disclosing either personal, or sensitive personal data to a mini pupil will be regarded as processing data under the Data Protection Act 1998.
31. MoC should ensure that their lay or direct access clients have given informed consent to the disclosure of personal data to a mini pupil, especially if the mini pupil will see *sensitive* personal data. As set out in paragraph 27 above, 42BR's default position is that disclosure to mini pupils is covered by 42BR's standard terms of business. Also as above, all MoC should also check that their written agreements with public access clients include reference to mini pupils where appropriate. If in doubt, however, MoC should restrict the documents that a mini pupil sees to those that, for example, do not contain personal data (such as published law reports), or are bundles for trials (or better still, appeals) that are held in public.

32. MoC should be particularly careful regarding personal data relating to third parties (i.e. not the MoC's clients), and should consider whether it is appropriate for a mini pupil to see any data about a third party.
33. With these considerations in mind, there are two situations where these issues may be easier to manage:
 - a. Attendance at public court hearings. Once personal data (sensitive or otherwise) has been revealed in open court it will be permissible to discuss that with a mini pupil after the hearing. For that reason, it may be possible to show more papers to a mini pupil after a hearing than before it;
 - b. Conferences with a lay or public access client: such a conference gives the MoC the opportunity to specifically seek consent to disclosure of personal data and to answer any questions that the lay client may have about this.
34. Mini pupils should never be allowed to take any papers outside chambers (including notes that they have taken during their mini pupillage). They should never be asked or allowed to carry papers for a MoC in case they lose them or leave them on a train.
35. Client understanding. Not only is it good manners to introduce the mini pupil to your client, it is important to do so for professional reasons.
36. Firstly, the lay client may need to be reassured about matters of confidentiality and data protection (see above). The lay client may need reassurance that the mini pupil is bound to keep the client's confidences, and the MoC may need to explain that the client is not paying for the mini pupil's time or attendance.
37. Wherever possible, MoC should make the client aware in advance that the MoC will be accompanied by a mini pupil, and that the client is entitled to object to the mini pupil's presence if they wish.
38. Conduct of mini pupils. The mini pupillage may be the first time that the mini pupil has been in a professional legal environment, conference, or attended court or tribunal. The MoC they are shadowing would be wise to manage expectations, by for example explaining that the mini pupil's mobile phone should always be switched off, that they should not interrupt or ask questions of clients but should simply listen to what is happening, and that if in doubt about what to do they should always ask the barrister for guidance.
39. Some clients will take a kindly interest in mini pupils and engage them in conversation, for example whilst waiting to go into court. Guidance should be provided to mini pupils to the effect that whilst they are welcome to make polite conversation with clients, they should not disclose or discuss personal details about themselves or the barrister they are shadowing, and should not give their opinion on the legal matter they are observing.

40. Finally, the MoC should explain to the mini pupil that there may be occasions when the mini pupil will have to wait outside a court or conference for unforeseen reasons, and that this is not personal but a matter over which the mini pupil will have no control.

Duties and obligations of Members of Chambers towards mini pupils

41. MoC are under no obligation to take a mini pupil with them, and if for example they feel that they do not have time to speak to a mini pupil, or that the confidentiality or data processing risks of having a mini pupil in a particular case are too great, they are entitled to turn down a request.
42. Moreover, it is the case that some MoC, particularly but not exclusively juniors, will tend to have mini pupils accompany them more often as they tend to be in court more often (and often on shorter, more accessible matters) than senior MoC. The clerks will do their best to spread the mini pupils around as many MoC as possible.
43. It is expected that all MoC will be open to a request to have a mini pupil accompany them, if they are in London at the relevant time. MoC are thanked in advance for their kindness in taking on mini pupils.
44. MoC should take appropriate action in respect of confidentiality and data protection (as set out above) when agreeing to have a mini pupil accompany them.
45. MoC should always treat mini pupils with respect and courtesy and should maintain professional boundaries at all times. If there is a drinks event or seminar in Chambers, the MoC can bring the mini pupil to that if they feel it is appropriate.
46. The MoC is encouraged, but not obliged, to buy a modest sandwich lunch and/or tea/coffee as appropriate for the mini pupil if they are with them over such a break. The MoC should under no circumstances allow the mini pupil to buy them a drink, lunch or other hospitality. (Also see paragraph 57 below regarding mini pupils who are in financial difficulties.)
47. The MoC should take all reasonable steps to ensure that mini pupils are not made to feel uncomfortable or harassed, either while in Chambers, with clients or while socialising with MoC at any time.

Duties and obligations of mini pupils

48. Mini pupillages at 42BR are not assessed: that is, mini pupils are not given a set test exercise, and records of their performance are not kept.
49. Mini pupils must be prepared to attend 42BR at 9am each day of their mini pupillage unless otherwise instructed. On other occasions they may be told to meet a barrister at

court or tribunal. It is the mini pupil's responsibility to find their way to that location in good time.

50. Mini pupils are unlikely to be assigned to one barrister all week, but are more likely to see a range of different types of work with different barristers. However, there may be some days or part days where there is nothing suitable for the mini pupil to observe. If that is the case the mini pupil will be provided with some mock bundles to read, with a view to discussing the salient issues in the papers with a barrister.
51. Mini pupils should dress in an appropriate and sober manner: preferably a dark suit with white shirt, a tie for men, and dark shoes. If in doubt, mini pupils should err on the side of formality. Mini pupils may have to walk some distance to court and should wear comfortable shoes (but not trainers or sports shoes) for that reason.
52. Mini pupils who have mobility issues or other disabilities should discuss these in advance with the Chambers Administrator so that appropriate reasonable adjustments can be considered and implemented.
53. Mini pupils can expect to attend court in the London area, and should come prepared with an Oyster card or other travelcard in order to undertake local journeys.
54. Mini pupils may be provided with lunch or refreshments by the barrister they are shadowing, but should come prepared with money to purchase their own lunch or refreshments.
55. Mini pupils must not purchase drinks or hospitality for the barrister they are shadowing. It is the nature of busy court days that a mini pupil may occasionally be asked to go on a 'coffee run' to buy coffee or lunch for themselves and a barrister and/or client: in such circumstances the barrister will always provide money for that purpose and the mini pupil will never pay for that themselves.
56. If spending time in Chambers, the mini pupil will be shown where water, tea and coffee can be obtained. They will not be expected to make drinks for MoC.
57. If a mini pupil has concerns about paying for their transport or lunch, they should raise that with the Chambers Administrator in advance, who can arrange for such expenses to be covered from petty cash. No mini pupil should be deterred from undertaking their mini pupillage for financial reasons. No mini pupil should be embarrassed to discuss this with the Chambers Administrator, who will keep such conversations confidential.
58. All mini pupils must sign 42BR's confidentiality agreement before their mini pupillage begins, and give the signed copy to the Chambers Administrator.
59. Mini pupils must follow all instructions given to them by 42BR barristers or Chambers staff during their mini pupillage. In rare circumstances, they may be asked to leave a court hearing or conference and in those circumstances they must do so immediately and without question.

60. Mini pupils must not speak or contribute to a discussion during any court hearing or conference. They must not express their opinion on a matter in the presence of any clients. It is hoped that during the mini pupillage the mini pupil will have an opportunity to speak privately to the barrister(s) they shadow in order to discuss what they have seen.
61. Mini pupils must understand that court proceedings are often very stressful for clients and so if a mini pupil is asked to leave a hearing or conference it is unlikely to be because of anything they have done wrong.
62. Mini pupils must not remove papers, books or other documents from Chambers. If they make notes during their mini pupillage, they must leave them in Chambers at the end of the mini pupillage.
63. If a mini pupil contravenes these rules, or if they behave in a manner that might reasonably be described as gross misconduct (including but not limited to: assaulting or verbally abusing a MoC, a member of Chambers' staff, or a client; attending Chambers whilst drunk or under the influence of drugs; stealing from Chambers, its members or staff; breaching client confidentiality; or otherwise acting in a manner that could bring Chambers into disrepute), 42BR reserves the right to terminate the mini pupillage immediately.
64. Mini pupils who complete a mini pupillage with 42BR are entitled to put that experience on their CV and to mention it in interviews and applications for pupillage or other work (but not at any time to give details of the matters they heard or watched which might breach client confidentiality). Mini pupils may not put the name(s) of any barrister that they have shadowed as a referee on their CV, unless specific consent has been provided by a barrister.
65. If an organisation to whom the mini pupil subsequently applies for work or pupillage contacts 42BR to check whether the mini pupil has completed a mini pupillage at 42BR (such experience having been referenced by the mini pupil in their application), 42BR's Chambers Administrator will confirm to the organisation the dates of any such mini pupillage, but will not give any further details or anything that could be construed as a reference about the mini pupil.

Informal work shadowing

66. MoC are often asked by friends, relatives and instructing solicitors if they can offer work experience to a young person – who is often still at school – either because the student has an interest in the law, or simply because the student has been told by their school to undertake some type of work experience. Such requests tend to disadvantage those without personal connections to the bar and for that reason alone should be discouraged.

67. If the young person concerned is aged 18 or over, the initial response by a MoC to this request should be to point the enquirer to this policy and to invite the candidate to apply in line with this policy.
68. If the candidate is aged under 18, and/or the parent or guardian concerned is still keen for them to undertake work experience at 42BR, the following principles must be followed:
 - a. The MoC who is issuing the invitation to that student will be solely responsible for that student at all times during the period they are attending 42BR. No other MoC can be asked to 'babysit' such students and if they are so asked, they should refuse the request;
 - b. The student must have the principles of confidentiality explained to them clearly, and must sign the confidentiality agreement (and give the signed agreement to the Chambers Administrator);
 - c. The MoC concerned must explain that no mention of the work experience can be made on social media, and should assess whether the student concerned is mature enough to understand and comply with that rule;
 - d. The MoC must consider whether the student can read any legal documents at all, given the confidentiality and data protection concerns raised above;
 - e. Likewise the MoC must consider whether it is appropriate for the student to attend court or to interact with the lay client;
 - f. The student must be told that this work experience cannot be described as a mini-pupillage on their CV or when making applications for pupillage or other work.
69. For all the above reasons, informal work shadowing, whilst not banned, raises numerous ethical and practical issues for the MoC and for Chambers as a whole, and is to be discouraged.

Sources of further information

- The Bar Council's Ethics Committee has a paper addressing ethical and legal issues associated with mini pupillage and all MoC who interact with mini pupils are advised to read it: www.barcouncilethics.co.uk/documents/mini-pupils-implications-practice/