



BSB Engagement Programme – Pupillage Gateway
Timetable and Written Agreements for Pupillage
July 2019

A response from the Bar Association for Commerce Finance and Industry

INTRODUCTION

Founded in 1965, the Bar Association for Commerce, Finance and Industry (“BACFI”) represents the interests of employed barristers working in commerce, finance and industry. BACFI’s members include barristers employed in commercial organisations and law firms, employed by the government legal services, and those working through their own consultancy practices.

BACFI is keen to play its part as a representative organisation in helping shape the development of the Bar of England and Wales, by bringing forward the views of its members. BACFI actively supports the objective of an independent and high-quality bar, accessible to all.

GENERAL REMARKS

BACFI does not believe the BSB should make it a mandatory condition of AETO authorisation that all pupillage providers are required to recruit in line with all stages of the Pupillage Gateway timetable. This threatens to reduce flexibility in employed pupillages, which are often linked to business need and therefore risks reducing the number offered by companies if they have to adhere to the timetable. Likewise in the case of law firms, there will be very sophisticated systems in place already as regards the recruitment and training of solicitors, any new system for the bar, operating on a different timetable therefore risks reducing the number offered by law firms if they have to adhere to the timetable. We do not agree that this proposal would support accessibility as suggested; indeed it seems as though it would place more pressure on students if they had a limited annual window within which to make all of their proposed applications.

BACFI has no representations regarding the proposed 14-day deadline for applicants to respond to offers.

BACFI does not believe that it is feasible to require compliance with the Gateway timetable from November 2019.

BACFI does not agree that the BSB should make it a mandatory condition of AETO authorisation that all pupillage providers are required to use written agreements for pupillage. This is likely to substantially increase the administrative burden of providing employed pupillages, in particular if agreements between AETOs and pupils are required to be individually negotiated. In the employed bar context, trainees are also likely to be employees and will already have to sign detailed employment contracts.

Annex A appears to have a considerable overlap with much of what would be appearing in an employment contract and as such the general terms appear unnecessary. The only way that such written agreements would work is if there was clarity and guidance from the BSB regarding the detailed requirements for pupillages. Such clarity could be provided through the BSB circulating template agreements, in order that administrative time and overheads were lowered, and to ensure consistency across different AETOs.

FURTHER CONSULTATION AND CONTINUED ENGAGEMENT

BACFI is grateful to the BSB for providing an opportunity for comment on these areas and looks forward to engaging further with the BSB in the future.