

RESPONSE TO THE BAR STANDARDS BOARD’S CONSULTATION PAPER

“Future Bar Training: Shaping the education and training requirements for prospective barristers”

**BY THE MIDDLE TEMPLE HALL COMMITTEE’S WORKING GROUP ON
ISSUES FACING THE JUNIOR BAR**

Introduction	Pages 1 to 2
Executive Summary	Pages 3 to 6
Response to Part 3 – Role of Inns of Court	Pages 7 to 21
Response to Part 3 – Work-Based Training	Pages 22 to 28
Response to Part 3 – Authorisation Framework	Page 29
Annex 1	Pages 30 to 52

Introduction

1. The Hall Committee of Middle Temple (“HC”) represents the interests of the majority of the members of the Inn: that is, any member who is not a Bencher. As such, HC represents a broad spectrum of members from students to Judges.
2. In mid-2015, HC set up a Working Group in response to ever growing concerns about the numbers of BPTC graduates who are unable to find pupillage and thus to obtain a practising certificate.
3. The Working Group’s primary purpose was to explore ways of increasing pupillage opportunities at both the independent and employed Bars, in the interests both of aspiring barristers and of the general public. In October 2015, the Working Group produced its own response to the 2015 BSB consultation on Future Bar Training. Since then the Working Group’s remit has expanded to consider issues facing the Junior Bar and relevant consultations affecting them.
4. This response has been drafted with the assistance of members of BACFI, Middle Temple Students Association and Middle Temple Young Barristers Association¹. As such it represents the concerns and views of the cross-section of stakeholders most affected by the issues addressed in the consultation, Bar students, newly qualified members and barristers that practise at both the self-employed and employed Bar.
5. In 2015, the Working Group concentrated its response to the pupillage issues addressed by the BSB. In this response, we address Part 3 which we consider to be the most relevant to our members.

¹ Middle Temple Young Barristers’ Association (“MTYBA”) comprises members of the Inn who are between call and up to five years post-pupillage experience. MTYBA therefore represents those at pre-pupillage, pupillage and tenancy.

Executive Summary

1. The Role of the Inns of Court in Barrister Training

A. Student Membership of an Inn

7. All members of the Working Group are members of the Inn who have first hand experience of the benefits that such membership has, and continues, to given them. Their views therefore carry considerable weight when considering the issue of the Role of the Inns of Court in the training of barristers.
8. Like other vocations, barristers learn their trade combining experience with instruction. This is as true of a student barrister as it is of a Supreme Court Justice. Perhaps uniquely however, the Inns of Court offer barristers a professional home, from cradle to grave, over their entire career. The services provided by the Inn are created with the objective of providing support to Inn members throughout their professional lives. This objective is particularly focused to the educational and training needs of members from students onwards.
9. The educational and training services provided by the Inn extend well beyond mere instruction and experience. They are built on the foundation that in order to train and prepare students for the Bar and support Barristers in practise, that training needs to include as many skills required for the Bar as possible. These skills include both soft social skills such as an ability to engage others at all levels from student to Supreme Court Justice, and hard skills such as advocacy and legal knowledge. The Professional Statement itself recognises that a combination of both soft and hard skills is the minimum benchmark required on ‘day one’ of practice.
10. The benefit of the collegiate environment offered by the Inns to students cannot be overstated. It enables students to learn and be mentored in a nurturing and supportive environment at a critical time in their career when they need the most support. This in turn leads to increased confidence, better standards and the maintenance and growth of a socially mobile and diverse Bar.

11. The Bar is a demanding and at times lonely profession. In addition, the profession is currently evolving to meet both the opportunities afforded by direct access and litigation and the challenges presented by increased competition from other sectors in the legal market (e.g. paralegals, solicitors etc.) Anyone seeking to become a barrister from whatever background faces both these opportunities and challenges. Now more than ever, students and barristers need guidance, collegiality, stability, mentorship and instruction provided by their peers in an environment which offers them the sense of security and collegiality that membership of an Inn at the earliest stage of their career as students provides. This is not something that can be replicated by other institutions or replaced by other offerings.
12. Finally, it should be noted that mandatory student membership provides access to scholarships that are vital to enabling students to pursue a career at the Bar. In 2017, Middle Temple had a 44% increase in BPTC scholarship applications. Again, the benefit of scholarships to access to the Bar cannot be underestimated.
13. We are firmly of the view that unless the requirement for mandatory student membership of an Inn is maintained there is a very serious risk that those most in need of the benefits offered by membership i.e. students from socio-economic under privileged backgrounds will be detrimentally affected. This will in turn imperil all the efforts being made across the Bar to ensure that access to it is afforded to any able candidate, regardless of background, race, wealth, religion or colour.
14. We attach as an Annex individual responses to this part of the consultation which provide specific examples and evidence of the benefits summarised above. Whilst we understand that the BSB will consider this as a one response, the specific examples annexed should also be counted as individual responses.

B. Qualifying Sessions

15. Many of the issues relating to the content and delivery of QS are linked to the benefits of membership of an Inn. The purpose of the QS is to act as a bridge between vocational training and pupillage and to provide students with (i) a depth of understanding, and appreciation, of the values of the Bar; (ii) practical legal training

and essential soft skills; (iii) an understanding of the United Kingdom's place in the common law world and commitment to diversity and racial equality.

16. QS provided by the Inns offer exceptional value for money and are delivered by exceptionally well-qualified practitioners. A prime example of this are the residential advocacy weekends which provide unparalleled training by those at all stages of the judicial process; i.e. the advocates and the judges. Middle Temple offers 222 places to this per annum, spread over the year. These count as 3 qualifying sessions and the cost, including accommodation, meals and 8 hrs. of training, divided into 3hr lectures and 5 hrs. of workshops in groups of 6 is £170 per student, of which the student pay £88. Assuming that the quality of training could be replicated elsewhere (which it could not), the most conservative estimate of the market cost of this QS would be £4,000 per student. In other words, Middle Temple provides £888,000 worth of training at a combined cost to 222 students of £19,536, i.e. at only 2.2% of the actual price a commercial provider would charge.
17. We are firmly of the view that (i) QS should continue to be prescribed as mandatory training requirements, (ii) that the current QS arrangements should be maintained; and (iii) only the Inns are qualified or able to provide the QS required.
18. We also rely on the individual examples set out in the Annex in support of our response.
19. Finally, we are concerned that there may exist some misconceptions about the value and importance of QS and we would be delighted to invite relevant BSB representatives to some Inn QS so they can experience first hand the benefits set out in this response.

C. Educational & Fit & Proper Responsibilities

20. We adopt the responses provided by COIC on qs. 1, 4, 5, 6 & 7, on the basis that they are best placed to respond to them.

2. Future Arrangements for the Work-Based Component of Training

21. The Working Group thinks that whilst there is a need for more flexibility in order to accommodate the diverse requirements of in-house and chambers' based pupillages, the basic requirements for a 12-month pupillage with a provisional practising certificate awarded at the end of the first 6 months, should be maintained.
22. We are firmly of the view that the minimum pupillage award should be raised in line with the Living Wage Foundation benchmark.
23. With regard to the ATO issues, we consider that re-authorisation should be introduced and should last at least 5 years for established providers and 2 years for new providers or those where there are concerns about ability to meet requirements.
24. With regard to the issues relating to pupil supervisors we consider that (i) pupil supervisors should only supervise one pupil unless an exemption is obtained; (ii) the BSB should prescribe pupil supervisor outcomes with the ATO providing assurance of outcome delivery; (iii) pupillage supervisor training should not be provided by any other providers; (iv) there should be mandatory pupillage supervisor training every 5 years; (v) the only mandatory pupillage course that could or should be opened up to other providers is the forensic accounting course.

3. Development of an Authorisation Framework

25. We have no observations on this, particularly since it is still a work in progress and we are content with the COIC response.

**RESPONSE TO PART 3:
THE ROLE OF THE INNS OF COURT IN BARRISTER TRAINING**

Question 1: Should the BSB have regulatory oversight of students? Please explain why or why not.

26. No more than it already has. The Working Group adopts the COIC response on this issue from which it is clear that there is no justification for the BSB to take on any additional regulatory obligations in this regard.

Question 2: Do you think the BSB should continue to require membership of an Inn as a mandatory part of Bar training? Please explain why or why not.

27. Yes, see reasons set out in the answer to **Question 3** below.

Question 3: If you answered ‘yes’ to question 2, do you think the BSB should continue to require “student membership” of an Inn or set the requirement at the point of (or just before) being called to the Bar? Please explain why or why not.

28. We take the view that the BSB should continue to require student membership of an Inn.
29. The Inns provide vital support and training for both student and junior barrister members. The consultation paper hits the nail on the head at paragraph 70 where it notes that if it is not mandatory to join an Inn “many students will not join an Inn and will miss out on such opportunities, many of whom may be those most in need of the pastoral and collegiate ‘community of practice’ that the Inns are able to provide.” This is precisely it. The benefits may well not be immediately obvious to those without connections or careers advisors well versed in the Bar. Those who do not have those supports, or no longer have them (e.g. because they have left university) are those individuals, who would benefit from the support the Inn can provide the most. If membership (including student membership) were not mandatory, the benefits of the Inn would still be there, but would only be open to those who knew about them/were encouraged to join – in reality those with existing connections. This is the opposite of the social mobility we (and as we understand it, the BSB) wants to see. From personal experience, one member of the Working Group attests that she (state school, no lawyers in the family/social group/red-brick university) would not have joined an Inn had it not been a requirement because she would not have known to do so, it never having been suggested at university, nor even if she had become aware of it would she have understood its benefits (see the Annex for the full account). Further, the Inns fulfil their mission by providing a way for more established members of the profession to “give back”. This creates a virtuous circle, where students and junior members receive support from the Inn and then feel an affinity for the Inn, and want

to give back by participating in Inn activities, including in their turn providing help to students and junior barristers through provision of their time, expertise and money (e.g. in giving to scholarship appeals). This is something which it would be an enormous shame and detriment to students and future junior barristers to lose by breaking that cycle, by not having membership of one or other of the Inns be something which ALL barristers have in common. It would also be extremely difficult, if not impossible, to create from scratch or replicate. Inn members provide their services for free – and the Inn charges very modestly for food, drink, and other overheads, all of which are heavily subsidised, but there is no charge for the expertise that is being provided. This is very different to training or CPD events provided by commercial providers, where costs to students and overhead costs to providers are considerably higher, as the advocacy weekend cost example set out above plainly demonstrates. There is no way that other institutions would be able to provide this.

30. The costs of joining an Inn is minimal, in particular when compared to the other costs involved in becoming a barrister, and the benefits it gives the members access to. At Middle Temple it is a one-off £105 fee that provides membership for life. There is no evidence that the cost is a barrier to entry to the profession. On the contrary, making joining an Inn mandatory in many ways makes it easier to justify the cost if on a budget and/or requiring a loan which needs to be justified. It is not a lot of money – certainly not such that it would be prohibitory to someone willing to commit the sum of money required for Bar School – but if it were voluntary, the sum may be difficult to justify to parents/bank managers etc. and even to oneself. If it is compulsory, ironically this may make it more accessible as it is just part and parcel of coming to the Bar.

31. The Inns are a different institution from others students and barristers are involved in or exposed to. COIC in its draft describes them as an “intermediate” supervising institution between a teaching institution and a regulator. There is truth in this, but it is also much more. It is also “domus” a home for barristers, from students to retired Supreme Court judges. A professional community that goes back hundreds of years, that provides real training and practical support, as well as “softer” but no less important support, social opportunities, networking opportunities and a space (whether to eat, study, socialise or entertain). It is about inclusion, community and belonging, not as some seem to seek to suggest, about exclusion and making others feel uncomfortable. Inn membership is open to all those who are studying or plan to study law and meet the character requirements. There are no barriers in terms of background or even academic prowess. The experience of individuals annexed to our response underlines these benefits as does our response on the QS issues.

32. At the student stage, it is not just qualifying sessions that are provided by the Inns, they provide other important support, as the consultation appears to accept. This includes:

- Scholarships – The Inns provide approximately £4 million in scholarships every year. Again this plays an important role in promoting diversity in terms of access to the Bar and support for those entering the profession. There is a significant risk that if Inn membership is not compulsory those who would benefit most from scholarships will not have access to them as they do not become Inn members, as well as the risk referred to above, that is the “virtuous circle” of giving and receiving from the Inn is broken, the level of scholarships now available may not be sustained. Middle Temple interviews ALL applicants for scholarships, and means tests awards – this gives candidates the best chance to present themselves, and ensures that the most funds go to where they are most needed.
- Dedicated student officers and societies – support both institutional and from peers in terms of sharing knowledge and experience – outside just one BPTC provider, GDL provider or university law school – broadening experience, sharing knowledge, building connections for the present and future. Of the various societies available to members, 3 are of particular note:-
 - Middle Temple Students Association (“MTSA”) – which caters to all students and whose Chair sits on the Inn’s standing committees to ensure students needs are always addressed by the Inn;
 - Middle Temple Young Barristers’ Association (“MTYBA”) – which caters to members of the Inn between call and up to 5 yrs post-pupillage experience, i.e. members at pre-pupillage, pupillage and junior tenancy. Like MTSA, MTYBA’s Chair sits on the Inn’s standing committees to ensure its members needs are always addressed by the Inn;
 - Hall Committee – who represents any Inn member who is not a Bencher.
 - These 3 committees work closely together, supporting each other and making sure students and junior members are supported, nurtured and able to maximise the benefits offered by Inn membership.
- Societies/activities such as mooting and debating which are very important for developing the skills barrister use, and which not everyone will have had available to them at university, particularly if they did not study law as undergraduates.
- Access to the library
- Continued access to the profession for those who are not in fact currently studying – a number which is likely to grow, (see further below)
- Mock interviews and CV/application clinics, with barristers who really are on interview panels etc., in areas of law similar to those which the student wants to go into.
- Marshalling – Middle Temple provides opportunities for students to spend time with judges - that access would be extremely difficult to arrange elsewhere. During 2017, Middle Temple provided 118 placements.
- Cumberland Lodge advocacy weekends – All student members are able to attend a weekend-long advocacy training event where they are taught by senior practitioners and judges. As set out in our executive summary, the cost of this to each student approximates to 2.2% of the costs which would be charged on a

commercial basis. An attendee of the last weekend of the 2017 years had summarised her experience in one of the individual responses Annexed.

- Access to a wide range of barristers – self-employed, employed, from lots of different backgrounds, those who are managing caring or other responsibilities alongside their careers. Allow students to see role models who reflect them (not the sometimes imposing image of the Bar), role models who they can speak to and seek advice from
- Sponsorship/mentoring. Upon admission to Middle Temple, students are offered a sponsor. On average, 100 take up this opportunity on an annual basis. Middle Temple also offers mentoring to any member of the Inn post pupillage.
- Training and lectures from very senior members of the Inn – not available elsewhere in the same way. At the Inn, barristers are in their own environment, knowing that they are sharing their knowledge and experience only with others in the same profession and those who are training to get there. It is a safe space where they are able to speak more freely than would be possible within another environment. Similarly, those attending have the same freedom to ask questions and share their own stories and experience.

33. The Working Group also notes that the length and importance of the student stage is likely set to grow. In January 2017 the Pupillage Gateway timetable was pushed back to enable candidates to know whether they had obtained an offer of pupillage before confirming their place on the BPTC course. This is a sensible move which has been welcomed by this Working Group. The number of individuals who complete the BPTC having paid a vast sum to do so, but who do not obtain pupillage is a cause of great concern to Middle Temple, to all the Inns, and to all who are concerned about the wellbeing of the junior Bar. We know full well that often it takes candidates a few years to get pupillage. If this will now happen before they are called to the Bar it is even more vital that they are student members of an Inn and have all the support Inns can provide during this difficult time. At present there is also a lot of support for those who have been called but have not yet started pupillage (at Middle Temple this includes MTYBA although its remit is wider and of course includes those in the junior years of practice). People will be student members for longer, likely during a time when they are not actually “students” in the sense of actively studying somewhere. During this time a “home” link to the profession, guidance, support and practical help with pupillage interviews, and maintaining and honing the skills necessary for a career at the Bar is even more vital. It is a professional home, and for students and those who have not yet obtained pupillage, it may be the only professional home individuals have. Members can make as much or as little as they like of their Inn membership, but will still have a professional home for life, as their forebears have had for hundreds of years. This is something which should not be underestimated.

34. Once Called to the Bar the Inn remains a provider of a large amount of support for junior barristers. Support which would likely be missed out on by those who do not

have other sources of the same, if membership of an Inn were not mandatory. For example:

- There is likely still to be some who are called to the Bar without yet having an offer of pupillage – the Inn provides a ready-made network of support that can be found nowhere else.
- Similarly for those who complete pupillage but are not taken on as tenants.
- During pupillage and practice – the Inn support network outside your own chambers or other friends where one can socialise, network, seek advice etc. This can be very important: There are matters that an individual may not want to raise with chambers colleagues but with which they would appreciate professional support. For those (the majority of practising barristers) who are self-employed barristers in chambers, it is important to remember the unique environment of chambers – one may not want to seek support on certain issues/put ones head above the parapet on certain matters for fear of causing ructions/losing work etc.

Matters such as:

- Moving chambers/jobs
- Maternity/paternity leave or other career breaks
- Harassment
- Stress, wellbeing etc.
- On the wellbeing front, whilst Bar Council/BSB have recently done very good work in this area which is to be commended, the Inns also offer some great facilities/services which are more personal/hands on. At Middle Temple:
 - Survive & Thrive series
 - Yoga and mindfulness
 - Counselling sessions
 - General groups and societies at the Inn which can provide support in a more general way
 - The connections one makes at the Inn providing someone else, who is in the same profession as you but not the same chambers, who you can talk to
 - Mentoring
- The Inns provide a professional home for everyone within the profession. This may be particularly important for those at the employed Bar, or those who are members of small sets of chambers with few colleagues at a similar level. The concept of ONE BAR is greatly fostered by the fact that all employed barristers belong to an Inn. This brings them into contact with fellow members, and gives them a collegiate base in London which is of especial importance for those who live and work outside the capital. It can be lonely starting out in a career in a business where one is sometimes the only lawyer. The comradeship of the Inn and the connections made there are a very important benefit and reinforce the ethical standards, continuing education and fellowship and strong values always in evidence at Inn events. Without this link to the Inns, the concept of ONE BAR would be doomed. A global working world with all its pressures makes a local connection such as this invaluable.

Question 4: Do you think the BSB should continue to delegate responsibility for educational and fit and proper person checks to the Inns of Court? Please explain why or why not.

35. We adopt the COIC response for the reasons already cited.

Question 5: Do you think the BSB should require DBS checks as part of the fit and proper person checks? If you do, who do you think should perform this function and why?

36. We adopt the COIC response for the reasons already cited.

Question 6: Do you agree with our proposals to improve the current checks as described? Please explain why or why not.

37. We adopt the COIC response for the reasons already cited.

Question 7: Do you think that the Inns or the BSB should oversee student conduct? Please explain why.

38. We adopt the COIC response for the reasons already cited.

Question 8: Do you think that the BSB should continue to prescribe qualifying sessions as part of the mandatory training requirements? Please explain why or why not, including (if appropriate) which elements of the qualifying sessions are particularly useful to be undertaken prior to practice.

39. QS provide vital support and training to students, and are designed to act as a bridge between vocational training and pupillage.

40. It should continue to be a requirement for students to undertake qualifying sessions. Qualifying sessions represent a very small element, in terms of both time and expense for the students, of the total package of education and training requirements for persons wishing to join the practising Bar. Qualifying sessions do, however, make a very important contribution to the corpus of knowledge, understanding and experience that equips a person to practise as a barrister in the courts of England and Wales.

41. In particular, qualifying sessions typically provide the following important experience that forms part of preparing a person for practise at the Bar of England and Wales and which is not provided by other education and training provision (e.g. ‘book-learning’ or classroom-based teaching):

- a. A depth of understanding, and an appreciation, of the functions and values of the Inns of Court, which have for hundreds of years been central to ensuring

and promoting the professional values and codes of professional conduct (both formal and informal) which have been the hallmarks of the Bar.

Membership of an Inn of Court reinforces a message that the Bar is an *honourable profession*: barristers are not simply ‘hired guns’. Rather, they share a commitment to: the rule of law; making the justice system work as intended; promoting access to justice; assisting the court to do justice; making access to the Bar as a career open to talented people of all races and social backgrounds; and helping new generations of barristers enter the profession and improve their skills. In the Inns’ view, barristers should do these things as a matter of *honour and duty*: it is part of what it means to be a barrister. Further, barristers and judges in court should be able to trust the word of a barrister; and a barrister should treat everyone he or she comes into contact with professionally with courtesy, empathy and respect. These requirements are nowhere to be found in the Bar’s regulatory Code of Conduct, and they are not realistically enforceable by disciplinary processes, but that does not mean they are not important or that they are not in the public interest. On the contrary, they benefit the public interest very much indeed.

In order for membership of an Inn of Court to convey that being a barrister means something more than getting a qualification, furthering the interests of one’s clients, and getting paid, membership needs to involve something more than just paying a membership fee. It calls at least for a *minimum degree of practical engagement with, and benefit from, what one’s Inn of Court provides*. That is why the qualifying session requirement was created and it remains no less important today.

The values described above form part of the *culture* of the Bar. Such a culture cannot be passed on to new generations of barristers through classroom-based learning; they need to be experienced and shared in. Ill-informed and myopic commentators may casually dismiss the Inns’ traditions – and perhaps also the values and codes of professional conduct which those traditions are intended to symbolise, capture and promote – as ‘old-fashioned’, but we strongly disagree. They are values of very great significance in a small profession still made up largely of self-employed practitioners who are in daily competition with one another, both for instructions from solicitors and as advocates in the courtroom.

The Inns are crucial to creating a culture of mutual supportiveness in the Bar, in which the most senior practitioners feel a sense of ‘belonging to’ – and often a debt of gratitude to – their Inn of Court, which leads them to wish to ‘give back’ through their Inn by helping students and new entrants to the profession. Such help is primarily by donating their time, effort and energies (often chargeable at hundreds of pounds an hour at a commercial rate) entirely

free of charge. Help also takes the form of financial giving to fund scholarships which mitigate the social mobility barrier currently being created by the high cost of the BPTC.

- b. Extremely high quality events that exist to provide new entrants to the profession with contact with, and very often delivery of legal knowledge and/or practical skills teaching by, the most senior and experienced members of the profession. Qualifying sessions which take the form of, or include, lectures or practical training are delivered predominantly by Judges and Queen’s Counsel with many years of experience of practice and who have reached the top of their profession. The private sector cannot provide similar opportunities because the costs, which would be passed on to the students, would be too high. Qualifying sessions, by contrast, can cost as little as £5 (and are in some cases free of charge to the students – see further below) because practitioners give up their time out of goodwill, motivated by a feeling of loyalty and ‘belonging’ to their Inn.
- c. An understanding of this jurisdiction’s place in the common law world, and a commitment to diversity and racial equality. The Inns of Court spend a great deal of time and resource in maintaining and developing links with their members and other lawyers across the common law world. They do this for two main reasons.
 - i. First, they wish to embed an understanding amongst practitioners – and most especially the entering generation of barristers – that a barrister at the Bar of England and Wales is not practising simply “English law” but the common law. Judges in different common law countries regularly take account of one another’s judgments as persuasive authority. Judges see themselves as ‘brothers and sisters’ with judges across the common law world, all engaged in a common endeavour of developing and updating the common law through case-by-case judicial decision-making.
 - ii. Second, the Inns want to embed the importance of diversity, including in particular the need to respect, and learn from, people of all racial and religious backgrounds, not only in England and Wales but also more widely. The Inns have members of all races, spread around the world. Paintings of past senior members on the walls – some of which have hung there for many decades – include senior politicians and judges from around the world who started their careers as student members of the Inn.

No other element of legal education provision in England and Wales communicates these things to students.

42. We are concerned that the BSB may be in danger of failing to understand or give due weight to these important benefits. Whilst we have nothing against “evidence-based policy-making”, it is important to recognise that the benefits that flow from traditions that embed a positive *culture* in a profession may do much to promote the public interest but are, by their nature, difficult to evidence. There is therefore a need for the BSB to take care that its approach for capturing “evidence” to inform its work is not unduly narrow. It takes many years to create such a culture, built on a bedrock of traditions going back for hundreds of years but which are no less valuable or relevant today. And it takes four decades for the passage of each ‘virtuous cycle’ whereby experienced people in the profession who look back on the support they gained from their Inn as a new practitioner want to ‘give back’ to students by funding scholarships and giving their time freely. Once this culture is thrown away, it would be almost impossible to re-create it.
43. We would strongly disagree with any suggestion that the Bar’s regulator should view the Inns of Court with a ‘pick and choose’ mentality, keeping whatever it sees as the ‘useful’ bits (and, indeed, urging the Inns to do even more to improve access to the profession and help subsidise the obscene costs of the BPTC) and discarding the rest. That would be a great mistake. The Inns achieve what they achieve because of the overall package. The reason that they are able to offer new entrants to the profession access to high quality education and skills training, pastoral care, access to amazing libraries and online resources (all at little, if any, cost to the students), and also scholarships, is because of the culture of the Bar engendered over centuries by the Inns’ traditions and values. We believe that the extent to which barristers contribute their time and money to assist new entrants and students, doing so on a personal basis and for no remuneration or reward, is unique in any profession, occupation or industry.
44. We see little evidence of any demand from students or new practitioners for the requirement to undertake qualifying sessions to be removed. We are also unclear how this could actually be done without the agreement of the Inns, given that Parliament has conferred on the Inns the rights to Call people to the Bar. In that regard, we are unaware of any legal power of the BSB to compel the Inns to Call people to the Bar who have not met the Inns’ longstanding minimum requirements for being Called, which have always included qualifying sessions (previously known as “dining” even though eating was not always involved and was certainly not the main point of students attending the Inns’ dinners or other events).
45. We also think it important to address any misconceptions that qualifying sessions represent a major expense for students. On the contrary, the cost to the students is trivial compared with the costs of the BPTC or even the private sector-run forensic accounting course mandated by the BSB. Qualifying sessions are heavily subsidised by the Inns and great efforts are made by the Inns to ensure that qualifying sessions do

not constitute a significant financial cost to students (with particular care being had to the interests of students outside London). In the case of our own Inn, for example:

1. Almost all qualifying sessions are *completely free of charge* for BPTC students studying at an institution outside London. This includes dining events. The exceptions are certain special dining nights (such as “Private Guest Nights” when students and other members may bring non-members) where out-of-London students are asked to make a small payment.
2. Student tickets for *guest lectures are priced at just £5*. (The inn is also developing a new series of qualifying sessions (called "Sherrard conversations") which will also be priced at £5 per head.
3. There are 7 Saturdays a year (4 x “Training the Trainers”, 3 x “New Practitioners' Programme”) on which students have the opportunity to participate (such as by being trained in advocacy, or performing the role of a witness. These events count as qualifying sessions and are *free of charge for all students*.
4. Qualifying sessions are *heavily subsidised for all students* (taking account of the Inn’s costs of staff salaries, buildings, etc.). Of course, where senior barristers are giving up their time free of charge, the true economic value of what is being provided to the student is actually much greater than the Inn’s costs.
5. Student ticket prices for all dining events are at a *very substantial reduction* on the ticket price for non-student members of the Inn.
6. The residential advocacy training weekend, held at either Cumberland Lodge or the Principal Hotel in York (formerly the York Station Hotel) is *charged to the student at just £88 which includes accommodation and all meals*. This charge plainly does not cover the costs, especially as trainers and the Inn’s education staff also need to be accommodated and fed. These training weekends are held several times a year and their equivalent commercial costs alone would exceed £880,000.
7. The following specific provision is made for out-of-London students:
 - a. Introductory weekend (counting as 4 qualifying sessions) at the beginning of the Academic Year. *Free of charge*.
 - b. Education Day (counting as 4 qualifying sessions), usually on a Monday in February. The second part of the programme is a Guest Lecture in the evening, which is open to practitioners and to London students. On Friday, Saturday, and Sunday preceding the Education Day, there are qualifying sessions in the evening/ Sunday lunchtime to make it possible for out-of-London students to clock up a total of 5 qualifying sessions if they stay for the whole weekend plus Monday. *All provided free of charge*.
 - c. Specific provision is made to enable out-of-London students to attend up to 4 qualifying sessions locally. One of them is an event organised by the BPTC provider, and the other three are organised by the Inn’s student representatives at the provider (with financial assistance from the Inn). The students are given a budget from the Inn. *If they decide to top up the*

budget out of their own pockets, they can, but otherwise all of the qualifying sessions are free of charge.

- d. As noted at point 1 above, out-of-London students do not pay for most qualifying sessions (including dining events).

46. We conclude our response to this consultation question by making a broader point about the value of the Inns for achieving precisely the things than the BSB is rightly seeking to achieve in this profession. The Inns do more than any other part of the Bar to improve access to the profession, mitigate the costs of the BPTC, provide pastoral care for students, promote the highest standards in advocacy, and embed a culture of ethical behaviour. It is important that the Inns are not undermined on the basis of a misguided notion that they are somehow 'out of date'. The Inns stand ready to work in close partnership with the BSB to improve education and training, promote access to the profession, bring down artificial barriers to competition, and ensure a culture in the profession in which experienced practitioners help less experienced practitioners, and harassment has no place. By working together in partnership, the BSB and the Inns could achieve a very great deal.

47. Many of our members have first hand experience of QS, and some of those experiences are shared in the individual responses Annexed. In summary, the benefit to students of the QS provided by the Inns is impossible to both underestimate or to replicate with any other institution.

Question 9: If you answered 'yes' in question 8, should there be any changes to the existing arrangements, or do you prefer Option B or Option C to reform our oversight of qualifying sessions? Please explain why.

48. No regulatory changes are required. That is our view for four main reasons.

49. First, qualifying sessions are not intended to replicate the legal knowledge or skills teaching requirements, which are delivered principally through the BPTC and through pupillage (both of which are already regulated by the BSB). For the BSB to seek to regulate qualifying sessions would therefore be a poor use of its limited resources, and would be disproportionate. We are not aware of any significant demand from students or new practitioners for the BSB to regulate qualifying sessions. On the contrary, the experience of members of this committee, many of whom were Called to the Bar within the last few years, is that qualifying sessions are considered to be both high quality and enjoyable. Our experience of both the lectures and the advocacy training is that they are of superior quality, and certainly much more practical and

realistic, than the education and training we experienced on the BPTC. As a modern regulator, the BSB will wish to focus its regulatory efforts and resources in the areas where attention is most needed. There is no benefit in “regulation for regulation’s sake”.

50. Second, the Inns have continuously developed and improved both the diversity and the quality of qualifying sessions, and there is no good reason for constraining that diversity and students’ choices. Our Inn attaches great importance to *diversity in qualifying sessions*. Whilst it is important that students engage with their Inn (for the reasons explained above), there are a variety of ways in which students can choose to do so. These include lectures, dinners (of varying degrees of formality), residential advocacy training programmes, day training courses, and mooted competitions (whether watching or participating). Whilst we think it is beneficial if students visit the Inn before being Called, not all qualifying sessions take place in London. Students should enjoy a variety of offerings that count as qualifying sessions, and should be able to engage with their Inn in the ways which are most comfortable and convenient for them. Such an approach is especially beneficial to people with caring responsibilities, who may be constrained in relation to the times when they are available to attend Inn events.
51. To the extent that there is criticism of so-called “dining”, it is based on out-dated or ill-informed notions about how qualifying sessions are operated. It is now possible for students to complete their qualifying sessions without eating a single dinner (though why anyone would want to miss out on the experience of formal dining in Hall we do not know – and, in our experience, very few students do).
52. There is also a degree of diversity between the four Inns in terms of their approaches to providing qualifying sessions. This seems to us to be beneficial in providing students with choice (since students have a free choice of which Inn to join), and also in increasing the opportunities for Inns to improve qualifying sessions and to learn from one another’s experiences. We do not agree with regulatory prescription which unnecessarily curtails the scope for change. In this regard, we note that the UK Government has recognised the benefits of diversity in the public sector (including as

between State schools, and also diversity resulting from devolution in Scotland, Wales and Northern Ireland) in allowing scope for different approaches to be tested.

53. Third, in view of the purposes of the qualifying sessions requirement (see our response to Question 8), it is very difficult to see how the BSB could design and operate a useful ‘quality assurance’ mechanism. For example, it is very difficult to see how the BSB would go about assessing the extent to which a particular qualifying session helped transmit a sense of honour and pride in the profession and the values of the Inn. The purpose and value of qualifying sessions lies in things that cannot easily be “assessed” or “regulated”.
54. Fourth, the Inns are already engaged in a programme of continuous improvement and development of their qualifying sessions, doing so both independently of, and in conjunction with, one another. Qualifying sessions offered by the Inns have developed hugely over the past 20 years: students now have a broad choice as to how they engage with their Inn and thus accumulate the required number of ‘sessions’. And there is a great deal of goodwill within the Inns and the wider profession to carry on with this process of evolution. Regulatory prescription is not always the best way to achieve useful change.
55. Qualifying sessions have evolved, and continue to evolve, to suit the preferences of students and to better equip them for a legal environment that is changing rapidly. For example, our Inn’s qualifying sessions which include a formal dinner now always include an additional educational component, such as a lecture or a moot. Our Inn has also developed qualifying sessions that include sharing in a meal or other social interaction with senior members of the profession but without sitting down to a formal dinner. There is no reason to believe that regulatory intervention would assist that process of continuous review and development by the Inns. Middle Temple’s Hall Committee, as the representatives of students and all other non-bencher members of the Inn, plays a full part in gathering views and bringing about evolutionary development of the Inn’s menu of qualifying sessions.
56. The Inns are well placed to provide qualifying sessions that meet the purposes and objectives of such sessions. They – and we as a committee – would welcome the

opportunity to have a constructive discussion with the BSB about what we are doing and how it might be improved. But this should be done through discussion and co-operation, and not through the blunt instrument of regulatory prescription.

57. If the BSB were to seek to prescribe the content of qualifying sessions, this could reduce choice for students, and would freeze in aspic the process of development of Inns' educational and other provisions for students, for no apparent benefit either to students or the public interest. Such regulatory prescriptiveness would therefore not be proportionate and would therefore be difficult to reconcile with the proportionality objective which underpins a modern approach to regulation and is also to be found in the Legal Services Act.

Question 10: If you answered 'yes' in question 8, do think that other training providers could provide qualifying sessions? Please explain why or why not, including what elements would need to be delivered by or in association with the Inns themselves to ensure their benefits are to be retained.

58. No, it would not be appropriate for institutions other than the Inns to provide qualifying sessions. As explained in answer to Q8, the purpose and value of qualifying sessions is not limited to the *content of any direct tuition* provided as part of the session (i.e. the content of the legal education or skills-based training delivered by an instructor). Rather, the core purpose and value of the qualifying sessions lies in the *experience* it provides: they induct the student into the *community of an Inn of Court*, and they communicate, both expressly and implicitly, the deep *values* of the Bar of England and Wales. These benefits plainly cannot be replicated by alternative "providers" of "legal education". It would be inappropriate for an Inn of Court to Call to the Bar an individual who had not been inducted into a community which exists to promote *fellowship*, a sense of professional *fraternity* (which crosses all boundaries of race, class, gender and social background), and a commitment to justice and the rule of law across the common law world.

59. The only "providers" who could conceivably offer a similar experience of similar importance and value would be the English Bar's Circuits, which promote similar values amongst barristers outside London including through Circuit dinners and occasional lectures and training events. However, it is very doubtful that they would

wish to offer qualifying sessions independently of the Inns. Instead, Inns should be encouraged to work with the Circuits to hold a greater number of qualifying sessions outside London. In principle, there seems no reason why a particular event should not be held under the auspices of more than one of the Inns and thus count as a qualifying session for student members of those Inns. But this is a possible development that should be developed by the Inns and the Circuits, perhaps encouraged by informal discussions with the BSB, rather than by the BSB seeking to *mandate* it (which the BSB anyway has no legal power to do).

60. A further – but secondary – reason why “providers” other than the Bar itself should not be permitted or encouraged to offer qualifying sessions is that it would not be efficient. The Inns’ qualifying sessions are *much* cheaper for students, even taking UK travel expenses into account, than training events offered by commercial entities. Further, the Inns (as explained above) go to considerable lengths to subsidise or remove the costs of qualifying sessions borne by out-of-London students.

Question 11: Do you have any alternative suggestions for how qualifying sessions might help students meet the requirements of the Professional Statement?

61. Our views on this question are already communicated within our answers to Questions 8-10.

**RESPONSE TO PART 3:
FUTURE ARRANGEMENT FOR THE WORK-BASED COMPONENT
OF TRAINING**

Question 12: Do you think we should allow pupillages to vary in length? Please explain why or why not.

62. No. The existing requirement for 12-month pupillages works well, and there is no need to change it.
63. The 6-month non-practising period should not be reduced. This requirement ensures that pupils are not “on their feet” without a significant period of training in chambers, including observing their supervisors. This is important, both to protect the general public from being represented by someone who is insufficiently skilled and experienced, and to protect the pupils from being exploited by chambers by being sent out to work too early in order to generate income for the set. If some non-practising periods are shorter than others there will at least be a perception (and often a reality) that the pupils with the longer period of training are better, the departure from a standard length of pupillage may therefore hinder junior barristers in moving sets in the early years of practice.
64. It is also undesirable to extend the period of pupillage beyond 12 months. We understand that there are some sets, particularly in crime, who are already insisting pupils do 18 or 24-month pupillages, but this exploits the pupils in question by using them to cover bulk work to bring work into chambers without any genuine intention that they will be offered tenancy. Having a longer pupillage will also not encourage commercial sets to allow pupils to undertake advocacy, because those sets have already taken a view that it is not appropriate for very junior barristers to undertake oral advocacy in very large commercial cases.
65. If there is a problem arising from the fact that pupillages beyond 12 months (“third sixes”) are unregulated, the solution is to require a minimum of 12 months’ pupillage, but if chambers wish to choose a longer period, the pupillage should be regulated for

its entire length. If there is to be an extended period of pupillage, the chambers should be required to justify it and show that they are not just using pupils to cover bulk work with no prospect of tenancy.

Question 13: If you answered ‘yes’ to Question 12, please tell us if you think there should be minimum and or maximum length associated with this change and what should that minimum or maximum length be. Please explain why.

66. N/A

Question 14: Which option, if any, for reforming the award of Provisional Practising Certificate do you support? Please explain why.

67. Option D is the fairest. A clear rule which applies across the board to all pupils is to be preferred to leaving it to discretion, which could lead to wildly inconsistent and potentially unfair results. If flexibility is required to facilitate the provision of in-house pupillages, there are better ways of achieving this.

Question 15: Do you think the minimum pupillage award should be raised? Please explain why or why not.

68. Yes. It is fundamentally wrong to pay pupils less than the Living Wage Foundation benchmark living wage. The BSB should follow the lead of the SRA in making this a recommendation, particularly as pupil barristers are under greater financial stress than trainees, many of whom will have had their law school training funded by the firm.

69. Paying pupils less than the minimum wage enshrines the lack of diversity among aspirants to a career at the Bar, as it greatly advantages those who have parental or other means of support. It is a real barrier to entry. By way of example, one of the contributors to this consultation response was one of 4 pupils in her chambers undertaking a pupillage for the minimum award, 3 of whom were living rent free with their parents, while the 4th was living off savings from a previous career.

70. Paying pupils less than a living wage cannot be justified by reference to a fear of fewer pupillages. The answer, albeit only a partial one, is the COIC scheme for matched pupillage funding. This is a very attractive scheme for eligible chambers,

because it enables them to increase the number of pupillages at only half the cost. This advantage significantly outweighs the extra costs which would be incurred by paying pupils the living wage. Realistically, also, legal aid sets need pupils to cover work to keep solicitors happy, so it is unlikely that the number of pupillages would fall drastically.

Question 16: If you answered ‘yes’ to question 15, should we use the National Living Wage or the Living Wage Foundation benchmark for the minimum award? Please explain why.

71. The Living Wage Foundation Benchmark is preferred to the National Living Wage as it represents the “real” cost of living and will place pupils with significant student loan repayments to make in a better financial position.

Question 17: Do you think the current exemption from the funding rules for transferring lawyers should be removed? Please explain why or why not.

72. Yes. The exemption gives transferring lawyers an unfair advantage.

Question 18: Do you agree that we should introduce re-authorisation of Approved Training Organisations (ATOs), as outlined above? Please explain why or why not.

73. Yes. It is important that the BSB should have oversight of pupillage training providers to ensure that the training they provide is of sufficient quality.

Question 19: If re-authorisation were to be introduced, how many years do you think the defined authorisation period should last (e.g. 3 or 5 years, etc.)?

74. We suggest that the standard period for re-authorisation of at least 5 years, to reflect the fact that most training providers are already providing good quality training, and to avoid the danger that the cost and effort of the reauthorisation process will exceed any benefit obtained. However, the BSB should have power to require re-authorisation after a shorter period, say 2 years, in cases where the ATO has been authorised for the first time, or where there is any cause for concern as to whether the ATO will continue to meet the requirements for re-authorisation.

75. It would also assist the BSB to pick up problems earlier if there were clearly advertised, confidential procedures allowing pupils to report concerns. Many pupils feel unable to make complaints about their pupillage provider for fear it will jeopardise their chances of tenancy.

Question 20: Do you think the BSB should allow pupil supervisors to supervise more than one pupil? Please explain why.

76. We think that there are arguments both for and against relaxing the one to one rule, although we consider that one to one remains the preferable model where pupillage is offered in chambers.

77. In favour, there is the likelihood that relaxing the rule will assist organisations which employ relatively few barristers, but may well have a number of experienced lawyers who will be the line manager of the pupil in practice. It may be that a rule change would even lead to an increase in the number of in-house pupillages. The organisation and the barrister concerned would still have to consider whether it is appropriate for that barrister to have more than one pupil, and how the pupil supervisor can sufficiently discharge their responsibilities.

78. The argument against relaxing the rule is that certain chambers will recruit lots of pupils per barrister member in order to maximise the work which they can do, regardless of the interests of the general public or the pupil.

79. On balance, we think that the dangers posed by relaxing the rule overcome the benefits, and that it would be preferable to retain the present rule. However, the working group supports a more flexible approach to pupillage to enable more pupillages to be offered at the employed bar. As noted above, it may be that where pupillages are offered by firms of solicitors or by in-house legal departments, there are alternative supervision mechanisms in place which make one-to-one supervision by a barrister unnecessary. The working group suggests that proposed supervision arrangements can be assessed as part of the ATO accreditation process. When applying to be accredited ATO's can request that they be exempt from one to one supervision and an assessment can be made as to whether they can show that the pupils will be properly supervised in their work even though one barrister may have more than one pupil.

Question 21: Should the BSB prescribe pupil supervisor training outcomes? Please explain why or why not.

80. Yes. Provided the list is not too prescriptive as to how the outcome is to be achieved, it would be helpful to have guidance from the BSB.

Question 22: How should the BSB seek assurance that outcomes in pupil supervisor training are being delivered?

81. This is not an area in which the Working Group professes expertise. However, we would expect the BSB to require the organization to satisfy it that it has full and fair written procedures, which make clear what the pupil needs to cover during pupillage, how those requirements are met, and that all pupils are treated fairly and with regard to what is best for them, rather than what is best for the organisation.

Question 23: Should organisations be required to provide this assurance during the authorisation process? Please explain why or why not.

82. Yes. It is not clear at what other time they would be providing it.

Question 24: Should the provision of pupil supervisor training be opened up to other providers (other than the Inns)? Please explain why or why not.

83. No. We are not aware of any evidence that other providers are interested in providing this training, which is presumably only undertaken by a small number of people each year.

84. More fundamentally, it seems highly unlikely that a private provider will be able to provide pupil supervisor training of equal quality and relevance to that being delivered by the Inns and the Circuits free of charge, using experienced practitioners². A private provider will also need to make a profit, which will increase the cost of training. For these reasons, it is difficult to see why opening up the market to private service providers would improve the current position. It seems more likely that the overall quality of training would be more expensive and poorer.

² All the Inns provide a free Pupil Supervisors' Briefing, which they take turns in providing

Question 25: Should regular refresher training be mandatory for all pupil supervisors? Please explain why or why not.

85. Yes, as it is important for pupil supervisors to keep up with relevant developments. There is also a pastoral element to it and the option to share best practice, discuss issues that may not have arisen before and reflect on being a supervisor which could not be done at training in advance of taking on the role.

86. However, the BSB needs to bear in mind that pupil supervisors in private practice are self-employed barristers who do not deliver pupillage training as part of their daily practice, but as an onerous unpaid obligation which they need to meet in addition to the demands of their work. Many pupil supervisors are also at a stage of their lives where they have young children. The refresher training should not impose a heavy burden.

Question 26: If you answered ‘yes’ in Question 25, how often should it be undertaken (e.g. every 2, 3 or 5 years)?

87. For the above reasons, certainly no more often than 5 years.

Question 27: Should delivery of mandatory courses for pupils be opened up to other training providers? Please explain why or why not, specifically considering the risks and benefits.

88. It is astonishing that the forensic accounting course (which can also be undertaken during the first 3 years of practice) is currently provided by a sole provider. This should be opened up to other providers. The cost of the course is high - £348 per person – introducing competition may result in reduced cost. It would also provide pupils/junior tenants with more choice; at present the course is offered on-line only, with contact sessions undertaken over a video conference, some people undertaking the course may prefer to do so face to face in one block, rather than spread out.

89. Advocacy and practice management are in a different category, however. It is no coincidence that since these are barrister led skills, that the training for them is provided by the Inns.

90. The pupillage advocacy course at Middle Temple is currently provided to pupils free of charge, and is taught by practising barristers, including senior members of the Inn.

These trainers have the expertise to provide practical real-world training which compliments the training pupils receive from their pupillage supervisors. As the COIC response sets out, feedback from pupils is that the standard of advocacy training far outstrips that which they receive on the BPTC. Completing this training in the Inn also provides the interaction with Inn members, and the benefits this brings discussed elsewhere in this response. The contribution of Inn members volunteering their time to more junior professionals should not be underestimated, nor could it realistically be re-created elsewhere. This includes very senior members of the Inns, both in London and on Circuit. Those individuals simply would not be available in the same way to any other organisation. There seems to be no suggestion, nor is it realistic to suggest, that other providers could match what is currently offered by the Inns, let alone for free.

91. As such, opening up this training to commercial providers seems likely to lead to increased fees and/or a two-tier system (see also COIC response at 27.4). The consultation paper notes at paragraph 68 that the education and training support services the Inns provide generally are not something the BSB could realistically provide. We say the same is true of the mandatory advocacy training course during pupillage. Further, if there were other providers in the market, the BSB would have to supervise and assure the quality of each provider, which would be (a) a substantial task, and (b) have to be funded somehow, either from students themselves (unfair and unnecessary when the training already exists at high quality and no cost in its current form) or from the professional generally (again unfair and unnecessary for the same reasons).
92. In short, the only mandatory course which should be opened up to other providers is the forensic accountancy course. There is no need, let alone justification, for increasing the providers of the advocacy and practice management courses.

**RESPONSE TO PART 3:
DEVELOPMENT OF AN AUTHORISATION FRAMEWORK**

Question 28: Do you find the language and terminology used in the Authorisation Framework sufficiently clear and accessible? If not, please provide examples of how and where this could be improved.

Question 29: Referring to the relevant sections of the draft Authorisation Framework, are the definitions of flexibility, accessibility, affordability and high standards sufficiently clear? If not, how could they be improved?

Question 30: Do you think we have identified the correct mandatory indicators for flexibility, accessibility, affordability and high standards? If not, what do you think should be added or removed and why?

93. We have no comments on Part 3 and consider that the response prepared by COIC covers all the relevant issues.

Middle Temple Hall Committee Working Group

8th January 2018

ANNEX 1
EXPERIENCES OF MEMBERS OF MIDDLE TEMPLE

Response 1

I am a junior tenant with 4 years' post pupillage experience, I was called to the Bar in 2010 by the Middle Temple, having completed the GDL and BVC. I undertook pupillage in 2012 at a medium sized, mixed common law set with a pupillage award of £12,000 (£6,000 of which was paid by way of guaranteed earnings in the second six).

I attended both school and university in Scotland, so when I chose to pursue a career at the Bar, I had no personal contacts who I could call upon for advice and work experience. The opportunities provided to me by the Middle Temple have therefore been invaluable. Had joining an Inn not been a mandatory requirement for qualifying as a barrister, it would not have occurred to me to join and these opportunities would have been lost.

As a student member of Middle Temple I benefited from attending the Inn's advocacy training at Cumberland Lodge. The standard of teaching was exceptionally high compared to that offered by my BVC provider and having subjects such as ethics taught by practicing members of the profession and Judges gave a very different perspective to that taught on the BVC. For qualifying sessions I undertook a mixture of advocacy training (including acting as a guinea pig for Train the Trainer) and dinners. At dinners I was able to network with practicing members of the profession as well as my contemporaries. Several members of the profession offered me support including mock interviews, reading my CV and applications and providing me with work experience. I was offered support I found qualifying sessions so valuable that when it came to submitting my registration form for call I realised that I had completed far more than the requisite 12. The Inn was also able to arrange a week of marshalling with a senior member of the Inn who sat as a judge.

When I completed my BVC I had not yet secured a pupillage and was no longer offered support in making applications and furthering my CV by my BVC provider. Fortunately, I was able to benefit from the Middle Temple Young Barristers' Association ("MTYBA"). MTYBA ran an annual advocacy competition which I was able to enter to demonstrate my continuing development in pupillage applications. They also provided me with advice and support in completing the application.

During pupillage I was fortunate that my father, a serving member of the military, was posted in Hertfordshire and I was therefore able to live rent free with my parents. I could not have undertaken a pupillage with a minimum award in London if this had not been the case. In the final 4 months of my pupillage my Father was posted abroad and I had to rent privately. My

chambers had no provision for such changes of financial circumstance during pupillage. I was, however, successful in applying for a pupillage hardship award from Middle Temple, without which I would not have been able to complete my pupillage without accruing significant debts.

Throughout the early years of my career I have been able to ask for advice and support from both members of staff and fellow members of the Inn. This has included advice concerning ethical issues I have faced; discussing legal arguments I am looking to deploy and advice when I was moving chambers. Whilst on some occasions I have been able to discuss such matters with colleagues in chambers, this is not always possible and it is of benefit to have to collegiate support of the Inn when this is the case.

Having benefitted from the Inn I now try to make a similar contribution to those who are currently looking to enter the profession. I have taken on a number of aspiring barristers as mentees and volunteer for the Inns mock interview schemes and to assist with the programmes offered by MTYBA. I do not feel the same level of affection towards my BVC provider, such that I would give up my time to provide similar services for them, as I do not feel I gained anything over and above the course which I paid a significant amount of money for.

Response 2

The role of the Inn is of paramount importance for students wanting to pursue a career at the Bar. Being a Scholar of The Honourable Society of Middle Temple, I can truly say that without the financial support from the Inn, I would not be in a position to commence the BPTC. In addition, studying the BPTC is extremely stressful and a daunting experience for some but having a separate body that can support you in your studies such as the Inn makes the entire experience not only bearable but enjoyable. The dining sessions are a way for students feel a sense of a social life during the course but also an excellent opportunity to network. I truly believe the Inns play an extremely important role for BPTC students. The relationship one has with their institution ends at graduation whereas that relationship continues for life with ones Inns of court. I oppose the notion of allowing institutions call students to the Bar because that takes away a tradition that has been carried out for years, which many aspiring barristers look forward to. It adds a more memorable touch to the entire experience and not like one is merely graduating again from a university. I strongly urge the BSB to keep the role of the Inn as it remains and the role of the institutions as the same.

Response 3

Emma Hughes: Personal BSB Response

Question 2: Do you think the BSB should continue to require membership of an Inn as a mandatory part of Bar Training. Please explain why or why not?

Yes absolutely.

Question 3: If you answered 'yes' to question 2, do you think the BSB should continue to require 'student membership' of an Inn or set the requirement at the point of (or just before) being called to the Bar? Please explain why or why not.

The Inns of Court provide a support network for students, Practitioners, and Judges. If the requirement to join the Inn was not mandatory, many unaware of the huge invaluable benefit they would gain from joining would be disadvantaged.

Due to the cost and the expense of the BPTC itself, BCAT, process and cost of applying for the BPTC as well. Students have a large financial strain during the lead up to the Bar. However of all the costs incurred the membership to the Inn is minimal as a lifelong membership. The Inn is a membership to a family unit that will invest in the individual. Cultivate their skills and provide unlimited opportunities to network, be inspired, be educated by such a vast expanse of practitioners of all levels.

It is vital at the stage of leaving university and joining the BPTC that membership take place. Not only is it key in providing a support network for you after leaving an Institution you have been a part of for several years. It provides a long term form of security you do not get when on a yearlong intensive course such as the BPTC. My university although supportive in my LLB did not promote the BPTC and the need to join an Inn as most students focused on the LPC route. Consequently had the requirement to join a Inn not been mandatory I would have missed out on the extremely beneficial input the Inn has had on my life. As if not aware of the nature of the Inn people may unknowingly place themselves in serious detriment. In fact damaging the accessibility and diversity of the bar.

Accordingly for many from humble backgrounds such as myself. The Inn actually makes the BPTC a real possibility. In granting me a scholarship the Inn made my aspiration of becoming a barrister real. As a single mother who worked in retail and events for many years, taking the step to work part time and study was extremely scary. Without the support of the Inn I would never have been able to afford the BPTC. Not only has it given me a hope for a better future for myself, but for my son as well. The role of an Inn in a student's life can be the making of them. Joining the Student Committee opened my eyes to the extent of the care, time and skill taken to ensure the Inn gives the best to its members.

As a mature student I found the environment of the Inn diverse and accessible. It gave me the opportunity to speak to Professionals at all stages of their careers and similar ages to myself. Speaking to barristers and judges with families, who could give sound practical advice about life at the Bar, and what was required for success, and how to balance family life. This is unique to the dynamic of an Inn, and not given by BPTC Providers. Essentially the Inn is a family who encourage, support one another and work alongside one another to build the Bar to be flexible, accessible, affordable, and of impeccably high standards.

The Inns have the long standing tradition and right of calling students to the Bar. To deny future barristers this honour would be unjust. I personally feel inspired by the thought that so many before me stood in the great hall and were recognised and acknowledged for their accomplishments. To deny Inns this right is inconceivable.

The Law is ever evolving and the Inn provides not only disciplinary and supervisory roles, but training. Development as a Practitioner continues throughout life at the Bar the Inns assist significantly in ensuring up to date training and education for all members.

The Inn provides so much more than this though, generously offering pastoral care, in the form of counselling, and mentorship. Accordingly vitally needed financial aid.

During the course of the BPTC Pupillage gateway takes place. The Inn provides students with essential opportunities to gain experience in mooting, mini-pupillages, and marshalling. All of which are essential in order to gain pupillage, solidifying why it is essential students must join an Inn at this stage.

After completing the BPTC if unsuccessful in gaining pupillage the Inn provides one of the only forms of support. Essential when not a member of a Chambers, and no longer a University student. A period that could potentially be very lonely and demoralising, is radically changed by the Inn providing networking opportunities, pupillage interview practice, and mentoring. The Inns play a monumental role in supporting pupillages by giving funding. Creating significantly more pupillages each year. To prevent mandatory membership and take away the right to call students to the bar could affect opportunities of this nature.

Joining an Inn during the BPTC enables you to meet students from other BPTC providers. Meeting and forming study groups enables you to gain insight from one another learned in different environments and styles. Broadening the depth and dynamic of your learning throughout the BPTC. Essentially making you a more competent and well versed barrister. This can only be achieved by meeting through an Inn.

Question 8: Do you think that the BSB should continue to prescribe qualifying

Qualifying Sessions throughout the year teach on topics that aid students learning on the BPTC. The Cumberland Advocacy weekend away gave exceptional training on Cross-examination. Examination in Chief and Closing speeches. Teaching and laying the foundations that are vital in order to excel in BPTC exams. Having access to seasoned practitioners enormously helps students to tailor pupillage applications. Gaining insight into practice from barristers and judges during qualifying sessions enables students to make informed decisions, about the areas of law they want to go into and apply for on pupillage gateway.

Qualifying sessions educate on key topics that may be addressed in pupillage interviews. Ensuring students are fully prepared and up to date on current legal developments and issues.

Students have been able to gain marshalling experience from meeting judges during qualifying sessions. I myself was given this privilege by a generous judge who understood I needed more experience. I observed cases in the Court of Appeal, which provided a forum to analyse the handling and judgement of a case. Gaining insight into the interaction of the deliberations of the three Lord and Lady Justices when formulating judgement. The complexity of legal issues and quality of advocacy was extremely sophisticated. Cases ranged vastly. Witnessing the result of

s54-59 of the Access to Justice Act 1999 and s.54 of the Civil Procedure Rules 1998. It was apparent why the limbs of a real prospect of success and other compelling reason are in place. I observed both an incorrect decision by a lower court and a serious procedural error and irregularity. This was incredibly inspiring and a unique opportunity as a direct result of a qualifying session. For those like myself without family in the legal sector being part of an Inn opens the door to the legal world. I would never have had this opportunity had it not been for attending a qualifying session.

Qualifying sessions provide an informal atmosphere which allows students access to the most esteemed legal professionals. Providing a suitable forum to engage in a warm, relaxed environment. From a personal point of view qualifying sessions enriched my experience of the BPTC. Creating a balance with the taxing demands of the course and the thrill and joy of being part of something greater than yourself. The qualifying sessions are informative, educational and fun and give an outlet at times from the numerous stresses. Enjoying the wealth of the law in an unassessed setting.

Question 15: Do you think the minimum pupillage award should be changed?

There are arguments for both. Increasing the pupillage award to meet the minimum living wage seems only just, fair and proportionate. To expect students to struggle after investing so much into their education to pursue the Bar is unfair. The London living wage is marginally higher and consequently perhaps this should be reflected in the pupillages awarded in London.

Whilst this could create a risk of attracting the best and brightest students to London and create a disadvantage to the Northern Circuit.

The very real fear is that with so few pupillages already existing, any requirement to raise the awards would deter chambers from taking on pupils. Increasing the pupillage award could harm the demographic and in fact decrease the number of pupillages available.

Question 20: do you think the BSB should allow pupil supervisors to supervise more than one pupil?

No, allowing pupil supervisors to manage and train more than one pupil would considerably damage the quality of training given. At such a fundamental stage of development the full attention of a supervisor is required to ensure a pupil has a thorough education. The strain of checking the work of more than one pupil may be onerous on a supervisor and put off members of chambers from opting to be a supervisor.

Response 4

FRANK McGRATH

Response to Q2 and Q3 of BSB consultation:

Question 2: Do you think the BSB should continue to require membership of an Inn as a mandatory part of Bar training? Please explain why or why not.

Question 3: If you answered ‘yes’ to question 2, do you think the BSB should continue to require “student membership” of an Inn or set the requirement at the point of (or just before) being called to the Bar? Please explain why or why not. Educational

It is convenient for me to answer both of these questions within a single narrative.

My answer to question two is yes. My answer to question three is that the BSB should continue to require student membership of the Inn. Although it is not part of a specific question within the survey, I believe that membership of an Inn should be compulsory for a Barrister.

Any steps to remove the role of the Inn from professional training prior to call would undermine accessibility to the Bar, both in terms of encouraging candidates for admission to the Bar and a supporting Barristers post call.

The Inns are ancient institutions. They pre-date the General Council of the Bar and the BSB by centuries and they physically occupy important sites within Central London. The Inns offer tangible evidence of the centrality and durability of the legal profession through-out the modern era. Whilst haute bourgeoisie may disdain those who profess to identify with institutions, the simple fact is that the Inns provide a structure whereby those without any family or social connection with law can enter into the fellowship of our profession. The mandatory aspect of certain activities, the best known of which is dining, are ways in which we as a profession take steps to draw aspirant

barristers into our fold, eliminating the risk that shy-ness will cause the less confident to disengage by a benign form of compulsion.

In my own experience, being the first generation of my family to attend University, I have to say that I gained a significant degree of confidence as a result of my engagement with the Inn as a student. The compulsory character of membership means that all entrants benefit from the social and professional opportunities of membership. If it was not compulsory then there may be a diminished opportunity for social and professional development along the lines of the (now significantly atrophied) Circuits, but in reality we would have a profession migrate towards the disreputable “chumocracy” in which the children of the well-connected are endowed with the connections for building confidence and professional success and those who are not within the magic circle are left behind. This would be out of step with current public opinion. Why take a step backwards?

Once I entered in to practice, conscious of my part within an ancient profession, I found that membership of the Inn played (and continues to play) an important role in motivating me to perform at the highest professional standard that I can possibly achieve. I fear that if membership of an Inn became a matter of student discretion then a mechanism for promoting inclusiveness and motivating people to maintain high professional standards would be lost for no benefit in exchange.

Response 5

RESPONSE TO THE BAR STANDARDS BOARD'S CONSULTATION PAPER

“Future Bar Training: Shaping the education and training requirements for prospective barristers”

I fully endorse the response submitted by the Middle Temple Hall Committee's Working Group on Issues Facing the Junior Bar, and wish my response to be taken to repeat what is said there. I am a member of that Working Group. I add here a few additional comments of my own to particular questions.

Question 2: Do you think the BSB should continue to require membership of an Inn as a mandatory part of Bar training? Please explain why or why not.

Yes. For the reasons set out in the Middle Temple Hall Committee's Working Group on Issues Facing the Junior Bar response and those below under Question 3.

Question 3: If you answered 'yes' to question 2, do you think the BSB should continue to require “student membership” of an Inn or set the requirement at the point of (or just before) being called to the Bar? Please explain why or why not.

The BSB should continue to require “student membership” of an Inn. The BSB hits the nail on the head in the consultation when it says that it is those who may benefit most from membership that may well not become members if membership was not compulsory. From my own experience, I (comprehensive school, 60s university, no lawyers in the family/social circle) would not have joined an Inn had it not been compulsory to do so. The substantial benefits of membership very much begin at the student level. I had no idea about these – that advice was not then available to me at university, and no one in my family had that knowledge. For me the Inn has played a huge role in getting to the Bar. If the Bar wants to continue to diversify in terms of who gets in, the Inns in my view play a vital role. If I had not joined I would have missed out on many things:

- A scholarship which enabled me to meet the substantial fees of the Bar Course (then the BVC)
- Experience in the Middle Temple debating society, and mooting experience for the Inn.
- Meeting, socialising and “networking” with lawyers in a variety of fields and roles to whom I would have had no access otherwise.
- Attending interesting lectures and events.
- Advocacy training.
- Access to the library.
- The pride of being a member of such a prestigious and long-standing institution – a pride felt by me and my family.

As someone who took some 4 years post-Call to obtain pupillage, the Inn was also a vital support during a time when I felt like I had not succeeded in my career as a barrister. I was not a law student, nor was I a pupil or junior barrister, so I had no access to other support available to those falling into those categories; but I was still a member of Middle Temple. The Inn provides numerous opportunities to assist young barristers in this position, from CV

clinics to mock interviews, as well as advice and support from those who have been through it and others who are going through it. The Inn as a whole, but in particular Middle Temple Young Barristers Association should be commended in this regard. I also had continued access to a professional library, and to fellow professionals at events. This was very important to me.

As a junior barrister I continue to consider Middle Temple a “home”. Having benefitted from the Inn I want to give back, and do so, serving on committees, assisting students (e.g. giving lectures, or sitting as a member of a mock interview panel). The Middle Temple Hall Committee’s Working Group on Issues Facing the Junior Bar response describes this as a “virtuous circle”, and I wholeheartedly agree.

In my view membership should be compulsory, and if that is so membership should begin at student level.

There seems no real down-side to requiring membership of an Inn, and a substantial up-side. The fee for joining is minimal (£105 at Middle Temple), in particular when compared to the other costs of training to become a barrister. In addition, it being compulsory (perhaps counterintuitively) makes it easier to justify that expense – whether to parents, the bank manager, or even oneself – if it is simply another compulsory expense (in the same way as a textbook, which may cost almost as much) it will be paid, and its benefits last a lifetime. The costs of attending events is very low compared to any comparable event. And the experience is priceless, particularly for someone who has no experience of a barrister’s world prior to joining. Having membership of an Inn be voluntary would be a backward step in terms of diversity and social mobility. Only those who were already aware of the benefits, or went to a school or university where they were told of them would join. They really would become exclusive clubs of those from privileged backgrounds – and all the benefits of Inn membership would go to those who already had some connection. That is if all the benefits survived. People may not be so willing to “give back” if one is not doing so to **all** who seek to come to the Bar and choose to join your Inn (out of the 4), but only to a select, already privileged, few.

Question 8: Do you think that the BSB should continue to prescribe qualifying sessions as part of the mandatory training requirements? Please explain why or why not, including (if appropriate) which elements of the qualifying sessions are particularly useful to be undertaken prior to practice.

Yes. Please see reasons given in Middle Temple Hall Committee’s Working Group on Issues Facing the Junior Bar.

I am aware that there are concerns that qualifying sessions are seen as intimidating and excluding to those from backgrounds where the Inn environment, including e.g. formal dinners are not the norm. In my view, quite the opposite is true. I found qualifying sessions, including those which were “dining sessions” in the true sense of the words to be a great opportunity, which would otherwise not have been available to me, to meet practising barristers, judges and academics in an environment which, whilst in some ways very formal, was not a classroom or a court room, where people could speak freely, over a good meal. This is precisely the sort of “networking” that those without connections tend to miss out on. The Inns provide it, to **all** who are members.

When the BSB's consultation first came out an interesting discussion was had on Twitter about this very point, and I would encourage the BSB to engage with that discussion. Some had had bad experiences at Inn events (barristers from all Inns and from many different years of call were taking part in the discussion). However, others had found Inns welcoming. Plainly improvements have been made over the years, and there is still room for improvement in some respects. However, the fact that at an event, for example, one older member might make a younger member feel uncomfortable or less than welcome is unacceptable - but it does not mean that we should throw the baby out with the bathwater. If we were to decide that all events at which one person acted inappropriately or rudely should not happen, or not be an important part of networking or training, an awful lot of events would go by the wayside. This is not how to improve access, on the contrary, it restricts it to those who already have connection.

Middle Temple now has a wide variety of qualifying sessions available, as the chart in the consultation paper shows. This is not just about "dining" in the traditional sense. I have found events enlightening and fun. I find it a privilege to be a member of my Inn, and even when it comes to more formal events, enjoy being able to come to events and to bring guests. As a student, learning the ropes of these events was important – at the Bar one does on occasion attend formal events – if these are unfamiliar, better to learn in one's Inn than later on. Those who attended an Oxford or Cambridge college are familiar with the etiquette at such events. I was not when I joined the Bar, but the Inn gave me the opportunity to gain that experience.

Most importantly, it is an important opportunity for students to meet others who are on different courses at different providers, building up a network for the future. As well, of course, as meeting practising barristers, judges etc and getting to speak to, and seek advice from them. And to do so in an environment in which they feel "at home" and able to speak freely over.

From an educational point of view, the range of expertise that is offered for free (the fee charged to students is for catering/overheads, not for speakers) at qualifying sessions offered by the Inns is unparalleled. I very much support the changes that have been made to ensure there is some formally educational content at all qualifying sessions. However, in my view, both the formal and the informal parts of the event are equally important.

I think there is a gulf between what incoming students think events – and indeed the Bar - will be like (stuffy, elitist, full only of Oxbridge educated white men) and what they are actually like. Qualifying sessions allow all levels of the profession to mix together in an environment where all are members of the Inn, all are "at home" in that sense, and therefore able to speak freely. Only that sort of experience will help break down those barristers of perception, as well as the actual barriers facing those without pre-existing connections to the profession.

Question 9: If you answered 'yes' in question 8, should there be any changes to the existing arrangements, or do you prefer Option B or Option C to reform our oversight of qualifying sessions? Please explain why.

Of the options in the consultation paper, I would favour Option B. For the reasons outlined under Question 8 above, I think there are great benefits from the mandatory qualifying sessions. I agree with the BSB that at the student stage students may have difficulty

identifying which areas are the ones they need to concentrate on – it is very different from being in practice. Students may well not know which area they will ultimately practice in (whether because they don't know yet, or because one's career often takes twists and turns – mine certainly has since I was a student member). Middle Temple already provides a wide range of qualifying sessions, which it is to be hoped, allows those such as those with caring responsibilities (cited by the BSB) to be able to attend. Accessibility of events is of course important, if there are any concerns in this area the Inns should address them immediately. I have no doubt they are capable of doing so.

Question 10: If you answered 'yes' in question 8, do think that other training providers could provide qualifying sessions? Please explain why or why not, including what elements would need to be delivered by or in association with the Inns themselves to ensure their benefits are to be retained.

No. For the reasons outlined above and in the Middle Temple Hall Committee's Working Group on Issues Facing the Junior Bar response, the Inns are unique institutions. Qualifying sessions are not like BPTC lectures, to classify them in this way is to completely misunderstand them. They are full events allowing a unique interaction with the profession. I do not think anyone else could provide them. Also, as outlined above, those who do speak at events do so for free, I do not think commercial providers would be able to replicate this.

Question 12: Do you think we should allow pupillages to vary in length? Please explain why or why not.

No, save of course for ensuring that part-time pupillages are possible, or pupillages with a break where e.g. ill-health, maternity or caring responsibilities intervene. I understand these are all currently possible.

I endorse the reasons give in the Middle Temple Hall Committee's Working Group on Issues Facing the Junior Bar response.

Question 15: Do you think the minimum pupillage award should be raised? Please explain why or why not.

Yes, it should be raised to the Living Wage Foundation living wage level. Doing otherwise is both unfair and a barrier to entry to the profession for those from lower socio-economic grounds, or indeed anyone who is not either independently wealthy or lucky enough to have parents or others who are able to support them financially. Having put in the investment to their careers that they have, pupil barristers should be paid a real living wage. I endorse the reasons give in the Middle Temple Hall Committee's Working Group on Issues Facing the Junior Bar response.

Question 16: If you answered 'yes' to question 15, should we use the National Living Wage or the Living Wage Foundation benchmark for the minimum award? Please explain why.

The Living Wage Foundation benchmark for the reasons set out under Question 15 above.

Question 27: Should delivery of mandatory courses for pupils be opened up to other training providers? Please explain why or why not, specifically considering the risks and benefits.

There are two courses in question here, which should be considered separately.

The Pupil Advocacy course currently provided by the Inns, is provided free of charge and is considered to be of very high quality. Practising members of the Inn pass on their experience and advice for free. I do not think it should be opened up to other providers. I can see no other provider that would be able to provide the same, let alone do so for free. Nor would there seem any incentive for a commercial provider to provide such a course for free.

Further, if there were other providers in the market, the BSB would have to supervise and assure the quality of each provider, which would be (a) a substantial task, and (b) have to be funded somehow, either from students themselves (unfair and unnecessary when the training already exists at high quality and no cost in its current form) or from the professional generally (again unfair and unnecessary for the same reasons).

The Forensic Accounting course is very different. It is currently provided only by BPP Professional Education – who thus have a monopoly – at a cost of £348 per person for an online only course. It is astonishing that such a monopoly has been allowed to exist. If other providers enter the market who could reduce the cost and increase choice for pupils this should be welcomed.

Felicity McMahon

5th January 2018

Response 7

Jennifer Moles - Response to BSB Consultation

Question 2: Do you think the BSB should continue to require membership of an Inn as a mandatory part of Bar training?

Absolutely; the advocacy training I received as a student member of the Inn, without question, contributed to the development of my advocacy prior to sitting the advocacy exams on the BPTC. Furthermore, the endless opportunities offered by the Inn to network with practising members of the Bar simply could not be offered at the same frequency and variation by other providers.

Question 3: Do you think the BSB should continue to require “student membership” of an Inn or set the requirement at the point of (or just before) being called to the Bar?

Absolutely; the one-off fee affords members life-long membership at the Inn. As someone who experienced significant financial hardship whilst pursuing a career at the Bar, it is highly likely that I would have opted not to become a member of the Inn had this not been made compulsory. Furthermore, I could not have pursued a career at the Bar without the benefit of the scholarships I was awarded by the Inn.

Student membership of the Inn also enables students to regularly meet students at other BPTC providers. Indeed, many of the friends I made on the BPTC were from other BPTC providers; we formed study groups at the Inn and, for those of us who had to retake exams, this was a lifeline.

The opportunities that are offered to students in relation to Pupillage applications, including workshops to improve paper applications and mock interviews, made a material difference to my success in securing Pupillage. Such assistance was afforded to me after I completed the BPTC; the Inn, therefore, also plays a vital role in assisting members of the Inn who have completed the BPTC but have not yet secured Pupillage.

Question 8: Do you think that the BSB should continue to prescribe qualifying sessions as part of the mandatory training requirements?

Yes; my personal experience was that Qualifying Sessions greatly assisted with my learning on the BPTC. I received exemplary advocacy training at the Cumberland Lodge Advocacy Weekend and was able to have dinner with the trainers later in the evening, to dissect my performance and to learn from very experienced practitioners as to further improvements I could make.

I additionally benefited from Qualifying Sessions as they enabled me to network with practitioners in an informal setting. The Inn afforded me opportunities to gain insight into the legal world through conversations with practitioners that I would otherwise never have experienced, largely due to my background. On one occasion, I was able to secure a mini-pupillage; such an opportunity therefore added to the experience I was able to comment upon in subsequent Pupillage applications.

Finally, Qualifying Sessions provided a welcome break from studying, in a setting of like-minded people, but with a relaxed atmosphere; this aspect of being a student member was particularly important and on especially stressful days, the Inn provided an exciting yet relaxing break from work.

Question 10: Do you think that other training providers could provide qualifying sessions?

Whilst this would be possible, I believe this would detract from the tradition of Qualifying Sessions being offered by the Inn and indeed, it is highly likely that other providers would be simply unable to attract practitioners to attend. The Inn, for many, feels like a second home and accordingly, many practitioners attend simply because they want to visit the Inn specifically, have dinner with old friends and indeed, make new ones. I do not believe, therefore, that other providers would be able to replicate the atmosphere offered by the Inn.

Question 15: Do you think the minimum pupillage award should be raised?

Yes; I am aware of individuals who have had to reject offers of Pupillage due to the fact they simply could not afford to move to London to undertake Pupillage offering an award of £12,000. However, it must be taken into consideration that Pupillage in any part of the country offering £12,000 is simply not enough to survive on. Rent and other living expenses aside, such an award is insufficient particularly for those who do not have relatives who can assist them financially and indeed, such an award fails to take into consideration that many Pupils, including myself, were paying out large sums of money each month in personal loans, which were taken out to assist with the cost of living and/or course fees during the GDL and BPTC. The Inn often affords students from disadvantaged backgrounds large scholarships for the purposes of undertaking the BPTC; after overcoming that hurdle, however, individuals from disadvantaged backgrounds become further disadvantaged if they are offered a Pupillage with a minimum award.

Jennifer Moles

Chartlands Chambers

4th January 2018

Response 8

Introduction

I am a member of the HC Working Group, and Chair of Hall Committee. I not only endorse and adopt the response provided by HC Working Group, but in addition, set out my personal response below by way of additional comment

Qs 2 and 3

1. I am now starting my 3rd year as Chair of HC, and before that was its Vice Chair for 2 years. As such, I am very involved with the Inns Education and Training department and also its Executive Committee, Standing Committees, MYBA and MTSA and its members.
2. Whilst I come from a privileged background, none of my family were Barristers or Solicitors. The Bar was an unfamiliar profession to me and I had no links that I could call on per se to give me any insights or advice. My membership of MT was driven by the fact that I was told it was the friendliest of the Inns. Despite my background, I would not have voluntarily subscribed to become a member. It is only because it was mandatory that I have reaped the benefits of it.
3. I have benefited from membership of my Inn in ways that are hard to reduce to writing. During my student days I was not only given support, guidance and pastoral care but was surrounded by practitioners from all levels of seniority who offered their expertise, guidance and advice willingly, and without charge. The culture of collegiality and support set out in the response cannot be underestimated. The boost to confidence and performance it provides are immeasurable. Without the support and benefit of student membership offered by the Inn I would not have made it through the vocational stage of training, let alone secured a pupillage.
4. As Chair of HC, I see how dedicated the Inn is to its students and its members. The Inn is determined to increase access to the Bar and increase social diversity and runs several schemes devoted to this purpose such as (i) access to the Bar Scheme; (ii)

Open days for Schools and Universities; (iii) organising visits for 6th Form and University, (iv) organising attendance of 6th formers to Guest lectures. On top of these efforts is the daily opportunities all students and members have to mingle with each other, regardless of background, religion or skin colour. Each interaction of every member with another increases greater understanding, tolerance and an understanding of the essential role that the Inn provides in increasing social diversity at the Bar. Our current head of MTSA is a member whom the Inn sponsored on the Access to the Bar Scheme. Without the Inn's help she would not have been able to pursue a career at the Bar. Our current top scholar is from a socio-economic underprivileged background and is mixed race. Her academic skills are extraordinary and yet without the benefit of a scholarship and of membership of the Inn, this scholar would have no opportunity of being given the chance not only to become a barrister, but to rise to the very top.

5. I am now in the fortunate position where I can offer something back to the Inn. I interview scholarship students, mentor members and students, offer pupillage / CV training and feedback, support MTYBA and MTSA, support the Inn at Amity visits and support its scholarship and fund raising endeavours, and will aim to become an advocacy trainer this year. In addition, at HC level we are now rolling out our own programme to increase social diversity at the Bar, with many of our members coming from diverse backgrounds being eager to encourage others to succeed as they have.
6. None of the opportunities offered to students would be available to them if membership of the Inn was not compulsory. There is no justification for interfering with the current system and any such interference will only imperil social diversity and access to the Bar.

Qs 8 to 10

7. The QS offered by the Inns are extraordinary good value and cannot be replicated by other providers. The current offering of the BPTC providers cannot be compared in any way to the exceptional quality of training provided by members of the Inn, free of charge, to their student members. Where else would a student benefit (for free or at a very low cost) from being taught advocacy lessons from practitioners at the top of

their fields and judges ranging from Deputies, High Court, Court of Appeal and Supreme Court Justices?

8. QS are an essential part of qualifying for the Bar and the Inn works tirelessly to ensure its offering of QS provides the best training for its student members at the lowest possible cost. The unique combination of soft skills and essential skills (such as advocacy) that are offered to students through the Inn QS cannot be replicated with any other provider and there is no justification for doing so. Any change to the current system would only result in a dilution of training which is critical to students.

9. Further, it is wrong to characterise QS as something other than an essential part of a student's training for the Bar. The vast majority of students I encounter understand and appreciate the value of the QS to them, notwithstanding the additional time burdens on them (identified in paragraph 153 of the Consultation). Like other professions, the Bar is demanding and those training for it should be prepared to commit their time to it, particularly so as to ensure that the considerable resources they already have to commit, are not wasted.

10. There should be no change to the current mandatory requirements or any increase or change to those providing them. i.e. the Inns. In addition it should be noted that students have enough on their plates during their BPTC year or years (if taken part-time), and should not be faced with the additional burden of having to plan their learning needs (Option C) or be left with a smaller selection of QS (Option B).

Juliette Levy

Cerulean Chambers

8th January 2018

Response 9

Dear BSB,

I am writing in response to your consultation entitled ‘Future Bar Training: Shaping the Education and Training Requirements for Prospective Barristers’, and specifically in response to the matters raised in its first section. It is my understanding that this section asks, amongst other things: (i) whether membership of an Inn of Court should continue as a mandatory part of Bar training; (ii) whether *student* membership of an Inn should continue as a BSB requirement; and (iii) whether Qualifying Sessions (“QS’s”) should continue as part of the mandatory training requirements. I intend to address each of these questions in turn, and hope to be able to provide the insight of someone who, as a current BPTC student, is actually living through those requirements.

Should membership of an Inn of Court continue as a mandatory requirement of Bar training?

I am of the opinion that membership of an Inn *should* continue to be regarded as a mandatory requirement of Bar training. This belief is grounded in the experiences that I have had over the last few months as a student member of Middle Temple.

Firstly, my experience of the Inns’ commitment to, and provision of, advocacy training of the highest standard. Although the line between barristers and solicitors seems to be increasingly blurred, the two professions generally hold themselves out as embodying different skill sets. From what I have learned through attending Middle Temple events, and speaking to current and former barristers (which is in and of itself a further reason for mandatory membership), barristers are first and foremost advocates. Their role is to speak on behalf of another, to ensure that that other’s case is put at its very highest. My experience of Middle Temple is that being a member exposes me to a calibre of advocacy training that is simply not available outside of the Inns. I recently took part in an intensive advocacy training weekend at Cumberland Lodge, and the standard of training that I was fortunate enough to receive was absolutely exceptional. Furthermore, as it was

given by experienced practitioners, including Queen's Counsels who stand at the very top of the profession, it offered something additional on top of the more formal BPTC advocacy training provided by law schools. In my opinion, the provision of world class advocacy training as a supplement to formal study is something that is unique to the institution of the Inns, and something which validates membership as a mandatory requirement.

Secondly, I think that mandatory membership of an Inn is also justified by the opportunities it gives to those training for the Bar to meet, learn from, and be inspired by senior members of the profession. And it is really the third of these elements that I wish to emphasise. At a recent QS (Middle Temple's Grand Day), I was humbled and awed to share a dining hall with the likes of Lord Neuberger, Lady Hale, Lord Dyson, Lord Pannick QC, Paul Craig, and the list goes on and on and on. I have never been so inspired as I was then, surrounded by driven individuals who had made the most of their talent and ability to leave a permanent impression on this country's legal system. Again, the ability to provide that type of experience is unique to the Inns of Court, and, again, something which validates membership as a mandatory requirement.

1

Should student membership of an Inn continue as a mandatory BSB requirement? I am also of the opinion that student membership of an Inn *should* continue to be a mandatory BSB requirement.

The features that I have suggested validate mandatory membership are equally applicable to this question. The Inns' commitment to, and provision of, world class advocacy training, and the opportunities to be inspired, are vital elements of being a student. In addition, there are two other features that I think also justify the mandatory nature of the student membership requirement.

The first feature relates to the scholarships that the Inns of Court offer, and this feature has two elements. The primary element is that, in my understanding, the Inns together offer approximately £4million worth

of scholarships each year. All of these scholarships are designed to incentivise and reward hard work and a commitment to the Bar, but for some they quite literally make the difference between pursuing the career path or not. And even for those who might otherwise be able keep on chasing pupillage (perhaps by taking on additional student debt), the scholarships significantly alleviate the financial burden of studying the BPTC. The secondary element is the fact that requiring student membership encourages *access* to the scholarships. In my experience, the great enemy of applications is a lack of information about the opportunities in the first place. Requiring student membership of an Inn confronts this head on. It was only as a result of investigating the Inns, when trying to decide which one to join, that I discovered the extensive scholarships that they all provide. I may have come across these opportunities some other way, but I may not have. Anything that helps, almost forces, aspiring barristers to access vital scholarship opportunities is something that should be guarded.

The second feature that, in my opinion, justifies student membership as a mandatory requirement is the Inns' provision of mentoring programmes and educational events. I know, for example, that Middle Temple runs a sponsorship programme and organises numerous pupillage events. Given that all Bar students are ultimately chasing pupillage, requiring membership of an institution that is willing to go and above and beyond to help students attain it must be a good thing. Finally, I appreciate that it has been pointed out that a lot of the purported benefits of student membership do not validate *mandatory* student membership — i.e. they are perfectly compatible with a system of *optional* student membership. My response to this is that an optional system would unfairly impact upon those who were looking to try and reduce the very high financial cost of pursuing the Bar. In one sense, of course, it could make the experience cheaper. Middle Temple's admission fee is, for example, £105. But in terms of value for money, the experience of being a member of an Inn is worth far more than that, and the only way to understand that is by being a member. So, effectively, those looking to save money might decide against membership before they are able to realise its value (in terms of benefits and support).

Should QS's continue as part of mandatory training requirements?

I think that, for two reasons, QS's *should* continue as part of mandatory training requirements. Firstly, because the QS's are of intrinsic value. Secondly, because making them mandatory guards against apathy.

My initial preconception of the QS requirement was that it was an archaic tradition whereby, for reasons unknown, all aspiring barristers had to have dinner twelve times in their hall before an Inn would call them to the bar. Having now been to a number of QS's, I believe that they are intrinsically valuable events that complement formal BPTC training. A large part of their value lies in the fact that, even when the event is primarily a dinner, barristers and students mingle. At my very first QS I was sat next to a barrister named Adam Speker. The first thing I did was, not realising that I might actually be sat next to a proper barrister, ask him which bar school he was studying at. Fortunately this was laughed off, and I spent most of the evening listening and gaining an insight into the realities of the profession — an invaluable opportunity, coming from someone who is actually practising. In my opinion, anything that encourages (or even forces) aspiring barristers to engage with actual barristers — and *vice versa*, as it is important that barristers give back (and, again, QS's perpetuate this cycle of giving advice; as I am sure that Mr Speker, when he was a student, probably spent a few QS's listening to actual barristers tell him all about the profession) — is to be cherished.

Finally, making QS's mandatory guards against the temptation to say to yourself “well I'm a bit tired from studying today, and it's really quite cold outside, so I'll give tonight's event a miss, but will try and make it to the next one”. The requirement of attending twelve incentivises attendance, and thereby encourages access to events which, as I have suggested, are very intrinsically valuable.

Kind regards,

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