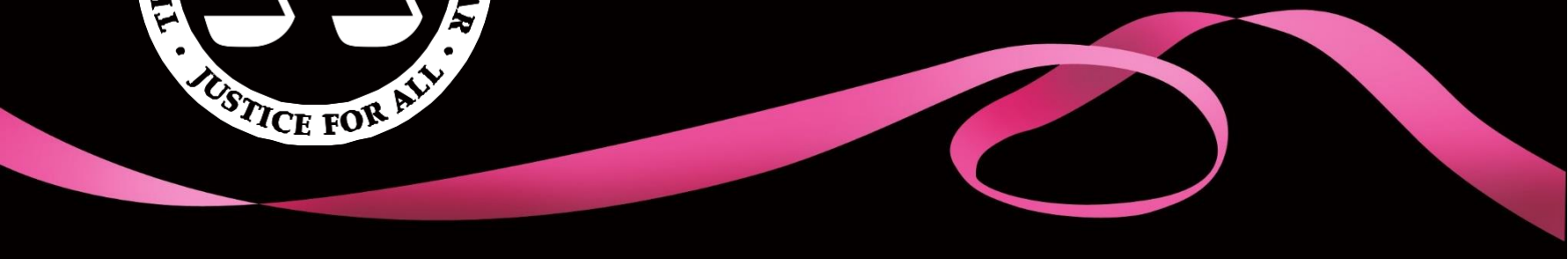


Fair Recruitment Guide 2015

A best practice guide for the Bar



The Bar Council
Integrity. Excellence. Justice.



Recruitment guidelines

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Introduction: the aim of the Fair Recruitment Guide

This Guide is designed to assist chambers in achieving best practice and fairness in recruitment and selection at the Bar, which will help to ensure recruitment of the best candidates from the widest possible pool of talent.

The Guide is designed also to assist chambers to meet rules on recruitment and training in the Bar Standards Board (BSB) Handbook

(<https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/the-handbook-publication/>). It contains the essential content for training courses that meet the Handbook training rules rC110 (3) (c) and (d)

(<https://www.barstandardsboard.org.uk/about-bar-standards-board/equality-and-diversity/equality-and-diversity-rules-of-the-bsb-handbook/>)

These rules state:

rC110 'you must take reasonable steps to ensure that in relation to your *chambers* or BSB *authorised* body:

- 1) there is in force a written statement of policy on equality and diversity; and
- 2) there is in force a written plan implementing that policy;
- 3) the following requirements are complied with:

Training

- c. except in unforeseen and exceptional circumstances, the person with lead responsibility for any selection panel and every member of all selection panels must have received recent and appropriate training in fair recruitment and selection processes.

Fair and Objective Criteria

- d. recruitment and selection processes use objective and fair criteria;

Equality Monitoring

- e. your *chambers* or BSB *authorised* body:

- i. conducts a regular review of its policy on equality and diversity and of its implementation in order to ensure that it complies with the requirements of this Rule C110; and
 - ii. takes any appropriate remedial action identified in lights of that review
- f. subject to Rule C110.3h *chambers* or BSB *authorised* body regularly reviews:
- i. the number and percentages of its workforce from different groups; and
 - ii. applications to become a member of its workforce; and
 - iii. in the case of chambers, the allocation of unassigned work
- g. the reviews referred to in Rule C110.3.f above include:
- i. collecting and analyzing data broken down by race, disability and gender
 - ii. investigating the reasons for any disparities in that data; and
 - iii. taking appropriate remedial action
- h. the requirement to collect the information referred to in Rule C110.3.g does not apply to the extent that the people referred to in Rule C110.3.f.i and Rule C110.2.f.ii refuse to disclose it.

Further information can be found in the [BSB's Handbook](#). Training is defined in the BSB's Handbook as any course of study covering the areas included in the contents of this Guide. Private study of this Guide will be considered adequate to satisfy rule C110.3.c. although the BSB in its Guidelines to the Equality and Diversity Rules encourage course attendance by at least one panel member.

Fair Access to the Profession

The [Independent Reviewer on Social Mobility and Child Poverty](#) published a progress report in May 2012 on 'Fair Access to Professional Careers'. This report refers to the legal sector starting to make real efforts to address fair access and social mobility and recommends other professions follow the legal profession's lead. However, it finds that there is a lot more to be done and that entry to the law is "still too socially exclusive". Information on entrants to the Bar is published on the [Bar Council's website](#).

The final report of the working party chaired by Lord Neuberger on '[Entry to the Bar](#)' (2007) acknowledged 'concerns that pupillage and tenancy selection procedures may tend

to discriminate against applicants from less privileged or minority ethnic backgrounds, as well as those applicants who were older or had a disability' (P79 Entry to the Bar, 2007). Given that the majority of chambers do not have the human resources staff found in larger organisations or easily accessible advice about best practice in recruitment and selection procedures; the Report recommended that the Bar Council encourage good practice in pupillage and tenancy and employment selection, and this Guide is designed to do just that. The Report noted that 'the best chambers know that they can only stay on top by selecting the very best; and they know that the very best may come from any social background, so it is in their own interests to look for candidates from across all backgrounds. Chambers that are not the very best may often wish to move into that category, so they have the same interests' (p.80, Entry to the Bar).

This Guide neither requires nor suggests that chambers lower standards or compromise on the high-quality skills that make the Bar what it is. It is about ensuring that all capable individuals have a fair chance of entering, and progressing within, the Bar. 'A rigorous equal opportunities compliant recruitment process', the Report stated 'will in fact support and promote recruitment on merit and therefore fairness and excellence at the Bar.' (p.82, *ibid*).

How to use the Fair Recruitment Guide

The Guide covers the four key principles of fair and effective selection, and explains bias and discrimination in the selection and recruitment context and how they should be avoided. It also provides practical guidance on every stage of the recruitment process: from determining selection criteria to shortlisting; and from interviewing and assessing through the use of work samples; to making an offer and supplying effective feedback. The final chapter suggests practical steps that chambers can take to monitor and evaluate their recruitment and selection processes.

The same broad principles explained in this Guide apply to the recruitment of assessed mini-pupils, pupils, starter tenants, established practitioners and staff.

The term recruitment covers the whole process of filling a vacancy, from seeking applicants to making the selection decision. Selection refers to the process of choosing from among those candidates who have applied, and includes application forms, short-listing and any mechanisms used to help the decision making process, such as selection tests, references and interviews.

Using the Guide

- All of the recommendations can be carried out by chambers without the use of external contractors.
- The Guide is designed to be accessed electronically and can be used as a modular reference tool with links provided to Bar Council, BSB and other useful websites for further guidance.
- **Chapter 13: Monitoring and evaluation** contains an explanation of and link to a Bar Council's online monitoring tool to assist chambers with monitoring recruitment.
- The appendices provide templates and exercises for use in the recruitment process.
- The person designated with responsibility for chambers' recruitment and selection process should be familiar with the entire contents of the Guide and is recommended to have attended a training course based on its contents.
- Members of selection panels should give special attention to chapters 1, 2, 7, 8 and 10 on the *Principles of Fair Selection, Avoiding Bias in Recruitment, Shortlisting, Interviewing and Evaluation* and *Making a Selection Decision* and are recommended to have received training based on the Guide.
- This Guide will apply also to members of entities which are regulated by the BSB.

Further information and support

Further information on best practice in recruitment and on recruitment skills training courses can be obtained from the Bar Council's website www.bar.council.org.uk

The Bar Council's Equality and Diversity helpline number is 0207 611 1321.

Chapter 1: Principles of fair and effective selection

Overview

There are four underlying principles of fair and effective selection – reliability, validity, objectivity, transparency. These principles underpin this Guide. This chapter considers each of these principles in detail and explains how they should be applied to ensure fair selection and recruitment.

Ensuring fair selection

Ensuring that selection processes are designed to be fair, objective and free from bias is vital to ensuring that the best candidates are selected, regardless of their background or other irrelevant factors. The importance of objectivity and fairness in selection underpins all the chapters and guidance within this Guide. Guidance is also provided on bias and how to prevent it affecting the recruitment process.

To achieve reliability, validity, objectivity, transparency in their recruitment processes, chambers should:

- a) ensure at least one member of any panel responsible for recruitment has received recent training in all the topics covered in this Guide and in equal opportunities and diversity.
- b) ensure all those involved in shortlisting, interviewing or assessing receive training on the chapters in this Guide on: Principles of Fair and Effective Selection, Avoiding Bias in Recruitment, Shortlisting, Interviewing, and Evaluation and Making a Selection Decision.
- c) set clear selection criteria based on the skills/competencies required for the position
- d) consider the best ways to measure each criterion e.g. oral communication skills are best measured at interview or through an oral presentation test

- e) ensure the selection process (e.g. application form/interview/ work sample) is capable of testing all the relevant criteria
- f) ensure that marking of each candidate is consistent and be alive to the dangers of subconscious biases such as the tendency to favour candidates who have a similar background to your own (more information in Chapter 2: Avoiding bias in recruitment)
- g) consider whether some candidate information should not be passed onto selectors if it is not relevant to the criteria such as name of school or university institution attended
- h) ensure panel members make accurate notes of what a candidate says and does during the interviews and any role plays or presentations and that scores given for each criterion relate to evidence obtained from the selection process, and
- i) encourage panel members to avoid reaching conclusions until all information relevant to the selection criteria has been evaluated.

Principle 1: Reliability

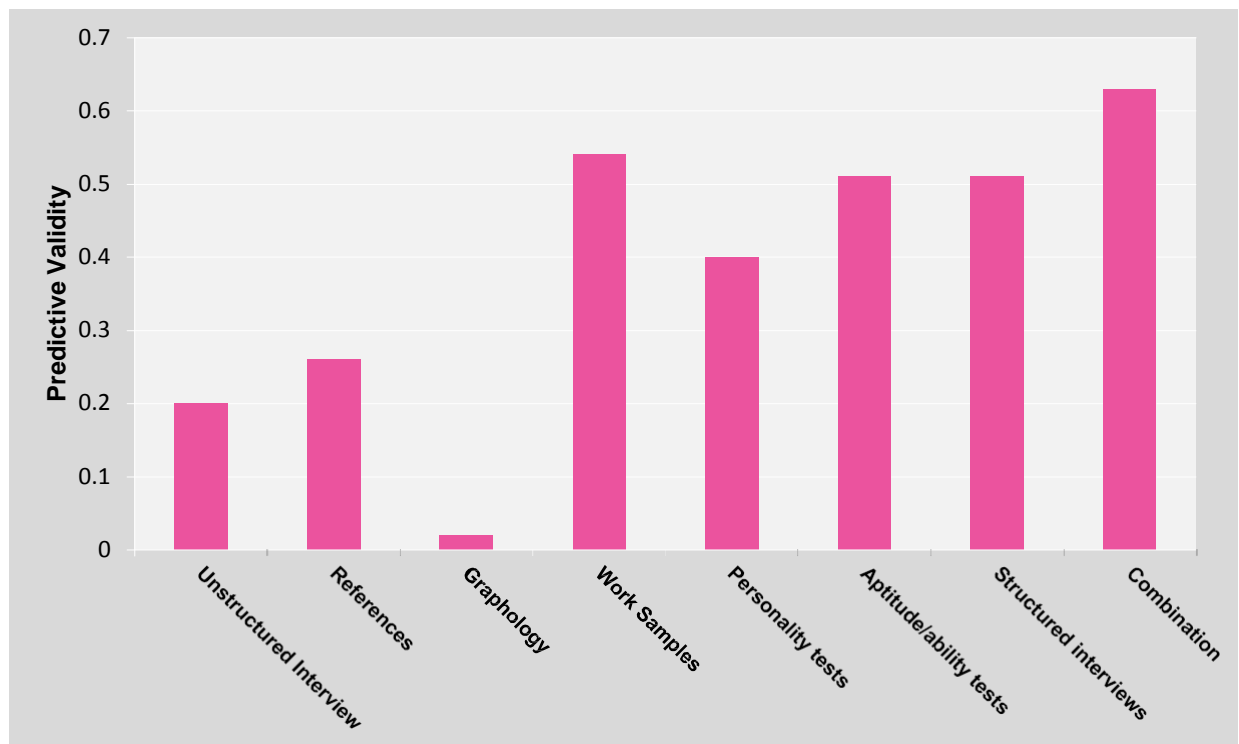
To be reliable, any assessment method must produce consistent results over time, and across different assessors (i.e. panel members).

Principle 2: Validity

Whilst an assessment method may produce consistent results, those results must also be valid. Validity is concerned with the assessment method's success at measuring what chambers set out to measure.

Assessment methods differ in their success at measuring candidates' suitability for a post (predictive validity) and need to be chosen carefully. The graph below shows typical levels of validity for common assessment methods used in Europe. However, chambers should note that the actual predictive validity that can be achieved will vary according to how well a given method reflects the most important skills required by the job.

Graph 1: Predictive validity of different assessment methods¹



Principle 3: Objectivity

Objectivity is concerned with ensuring that your processes, selection methods and recruitment of panel members are free from bias or unfair discrimination (explained further in [Chapter 2: Avoiding bias in recruitment](#)). Chambers should review their recruitment processes for any potential bias, direct discrimination and indirect discrimination, and keep those processes under review.

The following measures, amongst others, help to ensure an objective recruitment process:

¹ Reference: Schmidt, FL & Hunter, JE 1998, 'The Validity and Utility of Selection Methods in Personnel Psychology: Practical and Theoretical Implications of 85 Years of Research Findings', *Psychological Bulletin*, vol. 124, no. 2, pp. 262-274).

Huffcutt, A.I. & Arthur, W. (1994). Hunter & Hunter (1984) Revisited: Interview Validity for Entry-Level Jobs. *Journal of Applied Psychology*. 79, 184 – 190.

Journal of Occupational and Organizational Psychology (2001), 74, 441–472 Personnel selection, Ivan T. Robertson* and Mike Smith

- Ensuring that as many panel members as possible have received recent training in fair recruitment and selection processes and that panel members follow a consistent and thorough approach to assessing and marking/rating.
- Ensuring that all candidates undertake the same selection exercises under the same conditions (some reasonable adjustments may need to be made for disabled candidates such as increased time or the provision of test materials in accessible formats).
- Ensuring that shortlisters and interviewers apply the selection criteria consistently to all candidates.
- Ensuring that recruiting panels do not discuss their views about candidates until they have individually rated the candidate. Views on candidates should be discussed at the panel rating session. The exception to this is if the panel are discussing ratings solely to ensure consistency between panel members.
- Ensuring that selection decisions are not made until after all assessments have been marked.
- Ensuring that diversity monitoring data on each stage of the selection process is reviewed to identify discrepancies in the proportions of different groups of applicants that are successful and unsuccessful. The reasons for discrepancies should be investigated and action taken to remove any unfairness in the process if necessary.

Principle 4: Transparency

Transparency refers to the entire selection process and how clear, unambiguous, transparent and open the process is. Discussion with pupils indicates that transparency is important to them when selecting their 'chambers of choice'. In particular, pupils valued transparency in relation to the criteria chambers used in their selection processes, how they would be assessed, what the pupillage would entail and about remuneration.

Transparent processes and selection methods do not try to 'catch out' a candidate. Instead, they provide all the information that a candidate (and recruiting panel) need in order for them to perform to the best of their ability. If, for example, part of the selection process is to undertake an 'advocacy exercise', a transparent process would inform candidates that this is what will be happening. With this knowledge, candidates are more likely to leave feeling as though the selection process was fair and effective, regardless of how they performed.

Chapter 2: Avoiding bias in recruitment

Overview

One of the principles of effective selection is that candidates are selected on the basis of an **objective** assessment of how well they meet the requirements of a given role. However, the accurate and objective assessment of candidates is vulnerable to the conscious and unconscious preferences or biases of those involved in the selection process. These biases can influence the interactions between assessors and candidates, the recall of information, and how evidence is subsequently evaluated.

This chapter provides chambers with an understanding of how our biases can inadvertently undermine the recruitment and selection process, and supplies practical guidance on how bias can be overcome.

What is bias?

Bias is a term that describes a tendency or preference towards or against a particular perspective or group that interferes with the ability to be impartial or objective. Some biases are conscious; we are aware that we have them and are aware when we display biased opinions. Other biases are unconscious; we are not aware that we have them and they can lead us to draw inferences that are inaccurate and unfair.

Table 1: Some different types of bias that exist

Type of bias	Description
Primacy and recency effects	People tend to remember the first and last few events in a series of activities better than those in the middle. This can restrict our ability to accurately assess a candidate using all of the evidence that was gathered during their assessment.
Halo/horns effect	There is a tendency to assume that if someone is good/poor at a particular task, they will be good/poor at other tasks. This can then lead to a skewed evaluation of other evidence about a candidate's performance.
First impressions	Our impression of someone is influenced heavily by the first important piece of information we receive about them. Once we have formed an impression we rarely modify it, and we tend to seek information that confirms (rather than contradicts) our initial view.

Stereotypes	Stereotypes are beliefs about the characteristics associated with members of particular groups and usually include positive or negative judgments about a group. These beliefs and judgments influence our reactions to individuals that we associate with a particular group, even though our stereotypes may be incorrect. In selection this can result in individuals being treated in subtly more or less favourable ways, as well as influencing assessments of suitability.
Contrast effect	The over emphasis of a candidate's qualities/performance as a consequence of comparing that person with another. This can be avoided by comparing candidates against an agreed standard (i.e. what is in your criteria or role profile).
Lack of concentration	It is very difficult to listen or observe continuously. When concentration lapses, we tend to reconstruct what we think we heard or wanted to hear, leading to poor judgments being made.
Prejudice	This involves pre-judging, usually without having correct or complete information. It is concerned with having certain attitudes and beliefs about particular groups, and is an extreme form of stereotyping. It is important that panels heighten their self-awareness of possible prejudicial attitudes to minimize the unjust impact on individuals and to avoid the potential legal consequences.
Central tendency	There is a tendency among selectors to give candidates mid-score e.g. a rating of three on a one to five scale. Whilst this might be a valid rating for the candidate, it is important to encourage full and wide use of the rating scale, using the full range of scores where it merits it.

Examples of biased outcomes that can result from the above can include:

- Favouring candidates who have a similar background to your own. In particular, we tend to rate people with similar characteristics/interests to ourselves more favourably than those who we consider dissimilar. This can result in chambers recruiting barristers that are similar to existing members rather than recruiting in a genuinely meritocratic way that would encourage a more diverse and socially mobile profession that is more representative of society as a whole.
- Believing that students from certain universities are more likely to be of a high academic standard than students from elsewhere, and allowing that belief to pre-judge a candidate rather than allowing the candidate's performance to determine the assessment.
- Assuming that female barristers in their twenties or thirties will leave chambers or employment to have children.
- Rejecting candidates who have had previous careers on the assumption that they will lack commitment.

- Assuming that disabled applicants will not be able to develop a viable career in self-employed practice.
- Assuming that applicants with a 2:2 degree classification do not have sufficient intellectual ability to be a barrister.

Discrimination in recruitment

Under the Equality Act 2010 (the 'EA 2010') it is unlawful for chambers or any employer to treat an individual less favourably because of a "protected characteristic". The listed characteristics are: race, sex, pregnancy and maternity, gender reassignment, sexual orientation, marriage and civil partnership, disability, age, religion or belief. Race encompasses colour, ethnic or national origin and nationality. The legislation covers the entire working relationship including the pre-employment selection stage, pupillage and tenancy. The provisions covering barristers are to be found principally in sections 47 and 48 of the EA 2010, although there is a provision relating to positive action in respect of barristers and advocates in sections 158 and 159 of the EA 2010. It is important to note that the legislation covers pre-employment selection stages and not only employment.

Forms of discrimination which can occur during the recruitment process:

Direct discrimination

Direct discrimination occurs when chambers treats an individual less favourably than someone else because of one of the above protected characteristics. For example, restricting applications for pupillage to men is directly discriminatory on grounds of gender. Similarly a requirement that only non-UK nationals must provide evidence of competency in English language would be discriminatory on grounds of race. With the exception of certain types of age discrimination, direct discrimination cannot be justified.

Associative discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example a pupil applicant is rejected because their partner is disabled.

Perceptive discrimination

This is direct discrimination against an individual because others think the individual possesses a particular protected characteristic. It applies even if the person does not actually possess that characteristic. For example, an applicant could be unlawfully discriminated against on the basis of an incorrect assumption that he or she is gay.

Indirect discrimination

Indirect discrimination occurs when chambers applies an apparently neutral provision, criterion, or practice, which, leads to people from a particular group being treated less favourably than other people. For example, if all chambers social events took place in the evening this could be shown to unfairly disadvantage female tenants who are more likely to be primary carers. The provision, criterion or practice can be justified if it can be shown to be a proportionate means of achieving a legitimate aim.

The duty to make reasonable adjustments

Barristers have a positive duty to make a reasonable adjustment for disabled people where a provision, criterion, physical feature or practice puts a disabled person at a substantial disadvantage in comparison with non-disabled people. The duty also covers the requirement to provide auxiliary aids for disabled people where reasonable. For example, this may mean providing a visually impaired applicant with an application form in an accessible format or providing extra time in a written test to a candidate who is dyslexic.

Key checklist

- ✓ Check your processes for any potential direct or indirect discrimination.
- ✓ Keep an open mind when interviewing or assessing candidates. Don't be unduly influenced by first impressions. Leave your judgments until after the interview is over.
- ✓ Adhere to the selection criteria that the panel has decided on and avoid being distracted from these.
- ✓ Base your decisions and ratings on objective evidence - what the candidate actually said or did, rather than assumptions.
- ✓ Challenge panel members' evidence when you disagree on their rating for a candidate.
- ✓ Take time in between interviews/exercises to have a break. It will help you to concentrate.
- ✓ Keep accurate notes to help you remember what was said.

Chapter 3: Selection criteria

Overview

Selection criteria identify the key qualities that lead to excellent performance in a particular role. These criteria are sometimes called ‘competencies’ or ‘knowledge, skills, experience and abilities’ or ‘role specification criteria’, and they all have the purpose of providing the recruiting panel with a consistent framework from which to assess candidates. They also provide applicants with a clear and transparent indication of what chambers will be measuring during the selection process. Before drawing up selection criteria chambers must consider the role it is recruiting for and the key skills or competencies that are required to perform the role well.

Selection criteria form the basis against which information about candidates is gathered and assessed, and guide the whole selection process. Determining the criteria is one of the most important parts of the entire selection process. Impeccable shortlisting, skillful interviewing and stringent decision making will be wasted if the criteria against which evidence is gained and assessed are irrelevant or inappropriate.

The BSB Handbook requires chambers to use objective and fair criteria in their recruitment and selection process. Using this Guide will help chambers to produce selection criteria that are relevant, clear, fair and objective and this is of central importance to the successful identification of the best candidates.

Barristers’ chambers vary considerably, and the skills needed to be a barrister are wide ranging. It is therefore very important to consider carefully the skills/competencies that are most important for your chambers’ pupils, tenants and employees, e.g. advocacy, analytical ability, written expression, drive/determination, and relations with clients. Ensuring that there is a clear, shared understanding of the selection criteria among members of the recruitment panel is critical to the success of the process. A sample selection criteria template for pupils and starter tenants is included at Appendix 1.

Devising criteria for the first time

The following checklist will help chambers to identify the key ‘**competencies**’ that are required for successful performance in the role in question. A **competency** is a mixture of

knowledge, skills, attitudes and behaviours that is required for effective performance in a role (e.g. effective communication, influencing skills, or resilience.) Essentially, competencies form the basis of the selection criteria. The [Pupillage Handbook](#) (Appendix H) provides detail about the competencies for a pupillage role. Where chambers are hiring not only for pupillage but for a future tenant, other criteria may also be relevant and important to include.

- Carry out a mini job analysis for the role you want to recruit for, and/or the role that (for example) the pupil will develop into.
- Identify barristers or members of staff within chambers who are familiar with the role, ask them to set out the key skills, and identify those characteristics which lead to superior performance for pupil selection (the skills which are most closely associated with gaining tenancy) and those characteristics which undermine successful performance.
- Consider past good and poor performance in previous role-holders and extract the factors that led to success or failure. The different perspectives of at least five people allows for consistent themes to be identified.
- Collate the characteristics into the key themes. Then extract the key criteria.
- Review the criteria with role experts (e.g. current pupils, starter tenants or members of staff) to ensure that the criteria are accurate, relevant and that nothing fundamental has been missed.

Competency frameworks

Some chambers find it useful to present selection criteria under various headings such as 'qualifications', 'knowledge and experience' and 'skills and abilities'. Others prefer to write all their criteria in terms of competency frameworks such as 'effective communication', 'influencing', and 'team working'; transforming the need for a certain qualification/experience into the skills and behaviours that this is assumed to bring.

Having a framework has the advantage of bringing order and organisation to a list of criteria. It is important that the criteria clearly relate back to performing the role successfully. Further guidance can be found in the [Pupillage Handbook](#).

Revising existing criteria

Existing criteria for particular roles need to be kept under review, and adjusted as the demands of the role develop and change. Criteria need to be written in a clear and concise

manner that avoids ambiguity. If candidates regularly misinterpret what is required of them and if panels find themselves in regular disagreement as to who are the better candidates, then it is likely that the criteria are insufficiently clear and therefore confusing. The criteria should be revised before they are used again.

Defining effective criteria

The following questions will help when defining criteria:

Qualifications

- What are the minimum legal or professional requirements?
- What are chambers' specific requirements?
- Why are any differences between the two necessary?
- What are the reasons for setting the degree or A-Level grade requirement at X? Can this be justified? Could this unfairly restrict the potential pool of candidates?
- What alternative qualifications are acceptable?
- Are there other ways of measuring the knowledge or skills this qualification brings?

Experience

- What types of experience are needed? What opportunities could candidates have had to acquire this experience – for example at school or university, in work or work experience or in social activities?
- Opportunities for extensive travel or study abroad and to take unpaid work experience will be affected by family, cultural and socio-economic background. Ensure experience related criteria do not build bias into the selection process.
- Does length of experience matter? Or is it the variety of experience? Or possibly the depth of experience?

Abilities and skills

- What skills and abilities are required?
- What is an appropriate level to expect for someone entering this role?
- What does high performance of a particular ability or skill actually look like?
- Can chambers effectively measure performance on this ability or skill during the selection

process?

Using mini-pupillage as a pre-screening tool for pupillage

Some chambers use assessed mini-pupillages as the first stage in the selection process for pupillage. It is recognised that barristers will wish to provide 'informal work experience' opportunities and, indeed, the important role that it plays in raising awareness of career opportunities. However where the completion of a mini-pupillage or work experience is a condition for obtaining pupillage itself, the BAB Handbook rC110 3.d. requires that chambers and other Approved Training Organisations (ATOs) have an open and fair recruitment process. Further guidance on this is available in the [Pupillage Handbook](#).

Checking criteria

Ensure

- Criteria can be directly related to the role profile i.e. they are relevant to the successful performance in the role.
- Criteria are set at appropriate levels for the role e.g. it may be that 'advocacy skills' feature for both pupils and tenants but the description of what would constitute an acceptable level, varies.
- Criteria are suitable for potential candidates and do not rely on specific knowledge or experience gained from working within specific chambers.

Avoid

- Wording that implies the candidate should be of a particular gender, race, age or any other protected strand
- Criteria that is likely to have an indirectly discriminatory effect.
- Criteria which aim to reduce the number of applicants but cannot be objectively justified.

'How to use criteria' checklist

The following next steps are recommended:

- Decide if all criteria are to be of equal 'weight' in the forthcoming selection process or if there are some criteria that are more important than others. This needs to be agreed by all panel members.
- Decide well before shortlisting or interviewing how the 'weightings' will be used. This ensures that the panel will be using a consistent framework within which to assess and make decisions.

- Decide how the criteria will be measured – for example, will it be through the application form, a structured interview, a work sample, or another assessment method? Further guidance on which assessment methods are best measures of specific criteria can be found in [Chapter 4: Choosing assessment methods](#).
- Publicise the criteria in the information available to candidates so candidates have a clear idea as to what information should be presented in their applications, and demonstrate a professional and transparent approach to selection.
- Ensure that the selection criteria guide the entire selection process i.e. that application forms elicit evidence against the criteria, that shortlisting is undertaken and interview questions are devised on the basis of them, that any other work samples or exercises are structured to give candidates the opportunity to demonstrate their competence against the criteria, and that all selection decisions are made on the basis of candidates' performance against these.

Weighting criteria

How you weight criteria is likely to be extremely important in the ultimate decision between candidates. It is important in order to ensure that individual assessors are approaching the criteria in a consistent manner.

There are different approaches used to apply 'weightings' to criteria. Historically, 'weightings' have been given to criteria that are absolutely essential to a role rather than merely desirable to have. When shortlisting, the successful candidate should meet all of the essential (or weighted) criteria, whereas they may not fully meet all of the desirable criteria.

However there is a problem if the essential criteria are set at a level that the majority of candidates meet easily, as it means that there may be too many candidates to invite to interview, and there is a danger of selecting on grounds outside the agreed criteria.

It is therefore important for chambers to be clear about what their essential criteria are, and why they are important.

Another approach to 'weighting' criteria is to distinguish between performance and potential. Some chambers are interested in criteria that will bring success in the immediate role and also what could bring success in potential future roles, e.g. pupillage and tenancy. Where specific criteria are similar for current and future roles (e.g. communication skills), albeit required at different levels of expertise, it would be reasonable to weight these criteria accordingly. Chambers would then need to identify the best assessment methods to use to measure these criteria during the selection process (see [Chapter 4: Choosing assessment methods](#)).

Key checklist

- ✓ Take time to review and revise selection criteria.
- ✓ Make use of different people's views when determining criteria.
- ✓ Challenge assumptions behind criteria, and the tendency to retain criteria just because 'they have always been there'.
- ✓ Write clear, explicit, justifiable criteria.
- ✓ Consider the equality aspects of setting various criteria.
- ✓ Use the criteria to guide the selection process.

Chapter 4: Choosing assessment methods

Overview

Once chambers have decided upon their selection criteria, they need to identify how each criterion will be measured during the selection process. This will involve choosing an appropriate and reliable assessment method that provides the most evidence for the specific criterion.

Typically for pupillage, selection methods that have been chosen include the application form, and one or more interviews. Rather than using an interview alone, a combination of interview and work sample will increase the validity and reliability of the assessment, ensuring that effective selection decisions are made. Some assessment methods are complex to design or assess and others are particularly prone to 'adverse impact' for particular groups and therefore should be avoided. Table 2 on page xx illustrates the differing levels of validity in different assessment methods.

Advantages and disadvantages of different assessment methods

- Assessment methods can be generally divided into three groups: interviews, psychometric tests and work samples. Psychometric tests in recruitment and selection processes are complex to design, can be expensive to purchase, require trained administrators and may add minimal value to a structured process as recommended in this Guide.
- You are advised to use work samples as part of your assessment process. However, you should be careful about assessing candidates with different levels of legal qualification and experience, so for example a work sample used to assess experienced barristers may not be appropriate when assessing candidates for pupillage.

The assessment methods above are not effective measures of academic achievement (i.e. grades attained at school/ university/ GDL or BPTC level) or motivation. These are best assessed through the application form and the interview respectively.

Work samples

Work samples seek to simulate different activities that form part of the role for which the candidate is being assessed. It is recommended that chambers design bespoke work sample exercises that are specific to the chambers, and the criteria that they are assessing. Guidance on how to do this is provided in [Chapter 9: Work samples](#).

Advantages of work samples

- They have good face validity in that they are highly relevant to the role.
- They give applicants an insight into the content of the role for which they are applying.
- They are good at predicting the job performance of candidates. Using work samples in combination with a structured interview further enhances the effectiveness of selection decisions.
- They are a cost efficient solution where the exercises are likely to be used for large numbers of candidates.

Disadvantages of work samples

- Work samples are best designed to be used for the selection of a specific role, so they need to be designed by chambers. Some are quicker and easier to produce than others; those which may take longer than average to develop are indicated below.

Written case study

In this type of work sample exercise, candidates are provided with the details of an anonymised/fictional case or legal problem and are asked to give a written response to specific questions. Case studies are particularly useful in measuring criteria such as written communication and analysis of complex information.

This type of work sample can take a little longer to develop by chambers and it takes longer for the candidate to complete than some other forms of exercise. However they are very realistic and give a good indication to the candidate about the nature of the role.

Role plays (e.g. pleas in mitigation, bail applications, etc.)

A role play exercise involves the candidate being given a brief about a situation or a meeting that they are about to have, and then having time to prepare for that meeting. The candidate then has the actual meeting with the 'role player'. The role player could easily be a barrister within chambers playing the part of a particular character e.g. a judge, or a client. The role

play can be designed to elicit the criteria that chambers are interested in, and are particularly useful in measuring interpersonal skills, communication and ability to work under pressure.

Group discussion

In this form of work sample, a number of candidates are given a brief and then asked to discuss the brief, usually with the aim of jointly solving a problem or coming to a decision, or being able to defend their particular position effectively. Candidates may be given the same brief, or may be given different roles and/or objectives for the exercise. Group discussions are particularly useful in measuring interpersonal skills, influencing, teamwork and communication.

Some candidates' performance may be affected by the behaviour of other members of the group and therefore reduce the consistency and accuracy of assessment. Group exercises may cause problems with the timing of the assessment and interview process. Typically, there will be insufficient interviewers for every candidate that takes part in the group exercise to be interviewed immediately before or after the exercise, thus causing some candidates to wait between these two stages of the process.

Presenting a legal argument

Candidates are given time to prepare a presentation, which they then present to the panel of interviewers/recruiting panel. Sometimes candidates are given the presentation topic in advance of the interview date. The selection panel often ask questions following the presentation. If candidates are given the presentation topic in advance, the recruiting panel/assessors cannot be certain that they prepared it without help from others. Assessors will need to decide on an appropriate length of preparation time given to candidates before an exercise. A short period may replicate typical working conditions in some practice areas and may advantage the experienced over inexperienced candidate. Presentations may be informal or formal and simulate the requirement for an applicant to give a verbal argument or response to questions, such as making a bail application, or an ethics dilemma. In this type of exercise, the candidate would present their verbal argument to the panel and may be asked questions by the recruiting panel. Presentations are particularly useful in assessing persuasiveness, advocacy and communication skills.

Table 2: The effectiveness of assessment methods in assessing different selection criteria

	Intellectual Achievement	Analytical Thinking	Effective Communication	Influencing /Advocacy	Resilience	Interpersonal Skills	Drive and Determination	Working Independently	Motivation
Ability tests	-	High	-	-	-	-	-	Medium	-
Personality questionnaires	-			Low	Low	Low	Low	Low	-
Case study	-	High	High (written communication)	High	Low	Low	Low	High	-
Presenting a legal argument	-	Medium	High	High	High	High	High	Low	-
Role play	-	Low	High	High	High	High	High	Low	-
Group discussion	-	Low	High	High	High	High	High	Low	-
In-tray	-	Medium	Low	Low	-	Low	Medium	High	-

The assessment methods above are not effective measures of Intellectual Achievement (i.e. Grades attained at degree/Bar Course/College) or Motivation. These are best assessed through the application form and the interview respectively.

Key checklist

- ✓ Use work sample exercises. When used together with a structured interview, they are very effective in predicting the future performance of candidates.
- ✓ Identify which assessment method best measures the criteria that you want to assess.
- ✓ Choose the assessment method(s) that best measures your criteria.
- ✓ Base exercises on real issues or cases that pupils/tenants may face (alter or combine cases to preserve anonymity, where appropriate).
- ✓ Ensure that you inform candidates about your selection criteria, how they will be measured and at what stage of the selection process.
- ✗ Don't leave it to the recruiting panel to decide how they want to mark the exercise – there needs to be a formal marking process and guidelines to ensure consistency.

Chapter 5: Attracting and advertising

Overview

This chapter has been designed to guide chambers on:

- how to make themselves attractive to the best candidates;
- what to do to increase the diverse range of applications that they receive; and
- what to include in advertisements, and where to advertise.

The best candidates are likely to receive several offers from different sets so it is important for chambers to distinguish themselves from the rest – by building a strong brand image that attracts high quality candidates. Chambers should also consider how they can attract applications from able candidates from non-traditional and less advantaged backgrounds.

Establishing an attractive image

There is no shortage of applicants for mini-pupillage and pupillage, but chambers will want to ensure that they attract the very best candidates. The process of attracting the top talent and becoming ‘a chambers of choice’ takes time and should not be limited to specific recruitment periods.

Chambers’ websites provide a useful medium to ‘sell’ the opportunities open to those who want join, for example testimonials from previous pupils and information about how chambers approach pupillages and mini pupillages. Websites should be accessible to those with disabilities. For further information about developing accessible websites visit the RNIB: www.rnib.org.uk/professionals/webaccessibility

Publishing chambers policies which conform to best practice in the areas of diversity, flexible working and parental leave will also serve to promote your chambers.

Recruitment fairs provide an opportunity to raise chambers’ profile with prospective pupils. It is worthwhile carefully reflecting on the image to convey to students by your chambers’ stand, promotional materials and the barristers representing the set.

External accreditation and membership of equality networks can enhance a chambers' reputation, as can a chambers' public commitment to positive employment practices. Examples of such external accreditation and networks can be found at the following sites

[Stonewall](#)



[Positive about Disabled People](#)



[Investors in People](#)



[Widening the applicant pool](#)

Chambers should seek to expand the pool from which their applicants are drawn, in order to reach excellent candidates from under-represented groups, such as those from lower socio-economic backgrounds.

In addition, chambers may use positive action initiatives; these are explained in the Bar Council's [Guide to Positive Action](#) (s. 158 and 159 Equality Act 2010)

Positive action may be taken to improve under representation of particular groups in pupillage and tenancy as well as any employed position in chambers. Such action may include providing encouragement to disadvantaged groups to apply for a particular type of work, and/or training to help fit them for that work.

The following guidelines are recommended to widen your pool of applicants:

- Review marketing material to ensure that your chambers will be perceived by all groups of potential candidates as welcoming and inclusive. Include a reference to your chambers' diversity policies and processes within the marketing literature.
- Contact the Bar Council Careers Officer or the student officers at the Inns of Court to find out how chambers can help to build links with schools and universities with higher proportions of students from lower socio-economic backgrounds, through initiatives such as the Bar Council's 'Speak up for Others' scheme, nationwide careers events, and placement schemes such as the Social Mobility Foundation Placement week and Inner [Temple's Pegasus Access Scheme](#) for mini- pupils.
- Work experience and mini pupillages are an effective way of providing those from low income and non-traditional backgrounds with an insight into the work of the Bar and encouraging future pupillage applications. Provided that work experience/ mini pupillage is un-assessed and has no bearing on students' selection for pupillage, such opportunities can be targeted at groups under- represented in chambers. Chambers can assist those from less advantaged backgrounds by covering travel expenses and offering funding.

Advertising checklist – the importance of advertising

All pupillages must be advertised on pupillage portal in accordance with the BSB Handbook rules. This helps to ensure that a wide range of candidates from all groups are aware of the opportunity (BSB Handbook – Rule Q61). A lack of advertising and reliance on informal or traditional networks will restrict the applicant pool and reduce the likelihood of finding the best possible candidates.

Where chambers only source starter tenants from their own pupils, there is no need to advertise these vacancies as the advert will state this. However, where opportunities for starter tenants are broadened to include candidates outside chambers, it is recommended that these roles are advertised.

Content of recruitment advertisements

- All adverts should briefly cover the following:
 - Purpose of role, and content.

- Selection criteria
 - Information about chambers – sell chambers to potential candidates
 - Location
 - Reward package – consider including benefits other than pupillage award, such as flexible working or exceptional development opportunities
 - Application procedure - indicate how candidates can access and submit the application form and include commitment to make reasonable adjustments for disabled candidates. Provide the closing date and, where possible, the expected interview dates
- If chambers are taking active measures to improve diversity and social mobility within chambers, it is good practice to specifically state that chambers welcomes applications from specific groups that are under-represented in chambers. A positive statement about chambers commitment to equality and diversity and social mobility in the advertisement will encourage applications from different groups as will including symbols for external accreditations, such as the Two Ticks scheme to encourage disabled applicants.
 - Take care not to use language, such as: ‘mature’, ‘dynamic’ or ‘energetic’ that may appear to indicate a preference for older or younger applicants. This may deter suitable candidates and could inadvertently unlawfully discriminate on the grounds of age.
 - Use gender-neutral language (to avoid potential sex discrimination).
 - Ensure that any photographs or illustrations do not indicate that applicants are only sought from a particular group or groups.

Placing advertisements

- Check the [Pupillage Portal timetable](#).
- The deadline for advertising in many magazines can be 4 weeks or more before publication and additional time will be needed to agree the layout of the advert.
- If using a recruitment agency, choose one that has achieved the Diversity Assured Recruitment Standard, or has signed up to the Recruitment and Employment Confederation (REC) Diversity Pledge and Code of Practice.

- If using an agency, it is useful to have a single point of contact in both your chambers and the agency. Both of these should have sufficient authority to make any necessary decisions.

Chapter 6: The application process

Overview

This chapter outlines the steps chambers need to take in relation to the application process. It provides guidance on the independent processing of applications by chambers, recommending the use of application forms rather than CVs, and specifically focuses on the pupillage selection process and the use of the Pupillage Portal.

Pupillage application process

All pupillage places must be advertised in accordance with the BSB Handbook rQ61 and posted on the Bar Council's pupillage website. Chambers are not obliged to use the Pupillage Portal to process applications from candidates although this is recommended. However even those chambers not using the Pupillage Portal to process applications should bear in mind the timings of its selection process, in particular the first stage when advertisements should be submitted to the Pupillage Portal.

The latest information on the Pupillage Portal can be found on www.pupillages.com

The Pupillage Portal

The Pupillage Portal operates one season per year (exact dates for the current year can be found on the website). The main stages involved in the Pupillage Portal application process and their approximate durations are:

- **Pre-Season** (30 days) Chambers place advertisements and other information on the Portal.
- **First Round** (30 days) Students make their applications during this stage.
- **First Round Applications under Consideration** (4 months) Chambers process applications and make selection decisions.
- **First Round Offers** (30 days) Chambers may only make first round offers during this period. Applicants have 14 days to accept any offer made to them.

If chambers use the Pupillage Portal to manage applications from pupils, they must use its application form. However before using the Pupillage Portal, it is recommended that you review the standard questions covered by the Pupillage Portal's application form to assess their relevance to your selection criteria and identify any gaps. The Pupillage Portal allows chambers to include additional questions for applicants to their chambers; however applicants are restricted to a maximum of 500 words in responding to all of the supplementary questions combined. Consequently where chambers have several questions for applicants, they may wish to send out an additional application form to Pupillage Portal applicants or use their own bespoke application form.

Managing applications outside of the Pupillage Portal

If your chambers do not use Pupillage Portal, you will need to decide whether to use an application form or request a CV and covering letter for applications for pupillage. It is recommended that chambers use application forms rather than CVs since candidates are more likely to supply specific evidence that is needed for the short listing process. Application forms also facilitate easier comparison between candidates in relation to selection criteria and are less susceptible to professional coaching than CVs.

Content of application forms

A suggested template for an application form is included at [Appendix 2: Sample Pupillage](#) However, the following is general guidance for chambers to create their own bespoke standardised forms:

- Preferably, application forms should be developed specifically for the position you are recruiting for in your chambers. This allows for sections to be dedicated to the collection of information about each of the shortlisting criteria.
- Standardised application forms should be grouped into sections, where similar questions and information are themed together.
- Historical information, such as education and employment should be listed in chronological order.
- If your chambers is not using the Pupillage Portal to process applications, ensure that the application form and any associated information is available to download from your chambers' website.

- In relation to the particular skills that are identified in your selection criteria, you should consider what evidence of skills, achievements and personal attributes can be sought from the application form. It is helpful to ask candidates to provide specific examples illustrating how they meet the criteria. For example:
 - If you wanted evidence of **Influencing/Advocacy Skills**, you might ask ‘Describe an occasion when you have influenced the outcome of a decision. What tactics did you use and why do you think you were successful?’ or ‘Please describe a specific example that demonstrates your skill in presenting a strong case for a particular point of view’. “Do you have good advocacy skills?” however is less likely to procure an answer that will help you assess the candidate.
 - For **Resilience**, you might include a question such as, ‘Describe a situation in the past where you have worked effectively, despite difficult or stressful conditions’, or ‘Provide an example to illustrate your effectiveness when working under pressure.’
 - For **Commitment to a Career at the Bar**, potential questions might include: ‘Why do you want to become a barrister?’, ‘Which aspects of the law are you most interested in and why?’ or ‘What have you done to prepare for a career at the Bar?’

These questions can either be included on the application form itself or, where a generic application is used, candidates should be asked to provide this evidence either in a general section in the form or in addition to the form.

- Seek details of referees. State a preference for academic, employment or personal referees on the form.
- Ask candidates to provide information about any special requirements should they be shortlisted for interview. This may include requests for a reasonable adjustment by a disabled applicant.
- Diversity monitoring information can be sought on the application form or on an accompanying form. See **Chapter 13: Monitoring and evaluation** for guidance on diversity monitoring.

The application pack

The following information should be provided to potential applicants at the same time (or in the same place) as the application form:

- Role Profile

- Advertisement
- Guidance on completing the application form, if applicable
- Selection criteria that will be assessed
- Information about the selection process –what stages will be involved, the assessment methods that will be used, and the dates for these, if known.
- Your chambers’ Pupillage Policy and information about what to expect as a pupil in your chambers.
- Information on the pupillage award and about any earnings received in the second six months of pupillage.
- Information on tenancy and the selection process following pupillage, where applicable.
- Chambers’ policies including equality and diversity, maternity/ parental leave and flexible working.
- Chambers’ promotional information written for potential members.
- Disabled applicants should be provided with the opportunity to request a reasonable adjustment to the recruitment process. For example, they may wish to return the application form in a different format such as in paper form or on tape where appropriate.

The application pack, alongside the information provided on your website, is a critical marketing exercise for chambers in developing their brand as a ‘chambers of choice’ for prospective pupils. The care taken over this should have a significant impact on the quality and diversity of the initial pool of applicants that the advertisement attracts.

Organising the selection process

It is critical that chambers plan their selection process thoroughly in order to prevent problems or delays which may result in chambers losing excellent candidates. The following information will help when planning the application process for new roles within chambers:

- Plan marketing activities such as career talks and stalls at careers fairs well in advance of starting your application process.
- Allow sufficient lead time for placing recruitment advertisements in publications.
- The most challenging part of administering the selection process is finding suitable dates for shortlisting or interviewing when all members of the panel are available. Agree these dates at the outset and build the process around these dates. Ensure that there are contingency plans in place for panel members that are not available at short notice.
- Specify the dates of interviews or assessment exercises in the recruitment advertisement or application pack to give applicants early notice.
- Allow sufficient time for references to be taken up and the formal checks to be completed before an offer is made.

Chapter 7: Shortlisting

Overview

Once candidates start applying to chambers, there will be a large volume of applications that need to be shortlisted. This short-listed pool should closely match the key criteria that you are looking for in a candidate.

Shortlisting tends to be the part of the selection process which is the most open to bias. This is where the largest number of applications is assessed in the shortest amount of time. If applicants have not been directly and specifically asked to provide evidence against each of the criteria, the panel will be trying to reach conclusions on the basis of vague information. The risk of missing information or over-interpretation is then likely to be high.

This chapter is designed to make shortlisting as easy and as efficient as possible, ensuring that high quality candidates are identified and that all applicant information is assessed in a consistent manner.

Shortlisting checklist

The following checklist provides a step-by-step guide on how to shortlist effectively. Ensure that chambers, all panel members and those shortlisting have agreed a list of selection criteria. These should include both essential and desirable skills and qualities that you are looking for in the candidate. For further guidance on setting your criteria, see [Chapter 3: Selection criteria](#).

All panel members and those shortlisting should be aware of the criteria; the rating scale and any weighting that are to be applied to the criteria. The shortlisting panel must also be aware of the need to avoid bias. (See [Chapter 2: Avoiding bias in recruitment](#))

Preparation

- Decide who will be involved in shortlisting from your chambers – this group will be known as the ‘**Shortlisting Panel**’. The shortlisting panel should include at least one member from the ‘**Recruiting Panel**’ who will be involved in the interview and assessment stages. The BSB Handbook (rC110 3 c and d) requires members of chambers and BSB authorised bodies’ selection panels to be trained in fair selection methods as set out in this Guide.
- Ensure that all members of this panel are aware of the criteria that you are shortlisting from. It is also essential to agree “**weightings**” (i.e. what are the relative priorities) for the skills, knowledge, experience and behaviours being assessed, as this may help in the final decision when left with a large number of applicants who all meet different criteria to varying degrees. For further information about weightings, see [Chapter 3: Selection criteria](#).
- Have a ‘Shortlisting Panel meeting’ to familiarise the panel with the criteria and what constitutes appropriate evidence for the different ratings the panel is using. For example, what differentiates ‘excellent’ from ‘good’, for a given criterion? The meeting is also an opportunity to identify any information that it is unsuitable to take into account such as ‘prior knowledge’ or ‘hearsay’ about a candidate.
- Agree a **rating scale** (or scoring mechanism) to use to assess each criterion. Choose a scale that the panel members are confident about applying consistently. ([Appendix 3: Shortlisting - Templates](#)) Also agree the **Shortlisting Rules**, e.g. are there absolute minimum criteria which must be met for a candidate to be offered an interview. These rules need to be agreed by all those shortlisting in order to ensure consistency.
- Copy the applications and number both sets. Keep one set aside as these will be your original in case of need to refer back to them at any point. Ensure that these are kept securely.
- Consider anonymising the applications before they are sent to the shortlisting panel. The simplest way to do this is to remove all candidates’ details such as name, address and perhaps even the names of school, college or university, and replace them with a number. Removing the names of school, college or university where they studied may help to reduce unconscious biases.
- Ensure that all diversity monitoring information has been taken off the application before you start. This information will be needed later and it should be used for the purposes of monitoring your selection processes (see [Chapter 13: Monitoring and evaluation](#)).

Double marking of all applications has the benefit of increasing consistency. If chambers do not have the resources to double mark then undertake a calibration exercise. This involves taking a random sample of 5-10 applications and asking all those shortlisting to mark them. Then discuss the scores and calibrate them so that all are agreed on how the ratings will be awarded for the other candidates. It should then not be necessary to double mark all the applications, although it is good practice to double mark every 20th application.

Shortlisting

- Aim to spend the same amount of time on each application to ensure as much consistency in the process as possible.
- Study the whole application before you begin to classify or assess it and check for positive and negative evidence against the criteria that you are measuring. Highlight this evidence on the form.
- One method is to circle the evidence and write + or – on it (depending on whether it is positive or negative evidence), and write what criterion it relates to. For example, “+ Advocacy Skills”.
- Once you have completed this for the whole application, rate each criterion against the rating scale, using a **Shortlisting Form** (see templates for an example in [Appendix 3: Shortlisting - Templates](#)).
- Apply your shortlisting rules and decide whether the candidate is a ‘Decline’, ‘Accept’ or ‘Borderline’.
- Keep a note of the key reasons for the decision on each candidate. The short listing form and any supporting notes will be consulted if applicants request feedback for reasons why they were not short listed.

Invitation to next stage

- All candidates that meet the agreed Shortlisting Rules should be invited for interview or to the next stage of assessment. If there are still too many candidates at this stage, desirable criteria can be made more stringent – as long as this is looked at for each application in turn.
- Do not shortlist any candidate that does not meet the minimum criteria.
- Invite shortlisted candidates for assessment/interview.

- When inviting candidates to the next stage of the process, ask them to make you aware of any special requirements or reasonable adjustments that they may have. These may include dietary requirements if relevant, access issues into chambers, time slots for interviews, or disabilities which may require you to provide specialist equipment or extra time for candidates. Further guidance is set out in the BSB's Guidelines on the [Equality and Diversity rules in the BSB Handbook](https://www.barstandardsboard.org.uk/media/1596730/bsb_equality_rules_handbook_june_2014.pdf) (https://www.barstandardsboard.org.uk/media/1596730/bsb_equality_rules_handbook_june_2014.pdf)
- Candidates that are not short listed should receive notification in writing, informing them of their decision and thanking them for their application.
- Keep the shortlisting forms and application forms in a secure place for six months. After this time, those for unsuccessful applicants can be securely disposed of.
- Reference checks after the shortlisting stage should happen at the last stage of the selection process, and before an offer is to be made.

Key checklist

- ✓ Consider anonymising all applications before passing to panel members.
- ✓ Take off diversity monitoring information and ensure you log/monitor this so that your selection processes can be monitored and evaluated.
- ✓ Ensure that panel members are aware of the criteria, rating scale, and shortlisting rules.
- ✓ Conduct a 'Calibration' session in order to moderate selectors' rating scales.
- ✓ Review the whole application before you classify or evaluate it.
- ✓ Look for positive and negative evidence against each criterion.
- ✓ Use the Shortlisting Form to rate each criterion for each application, making a note of key evidence.
- ✓ Apply your Shortlisting Rules consistently to all candidates.
- ✓ Send out notification letters to unsuccessful applicants.

- ✓ Check to see if any candidates have a disability or special requirements for the next stage.
- ✓ Keep all your documentation on file for 6 months before disposing of it securely.

Chapter 8: Interviewing

Overview

There are several methods of assessing candidates which can be used after shortlisting. This chapter covers the most frequently used method of assessment – the interview. Interviews enable candidates to talk about their skills, and provide opportunities for them to demonstrate their knowledge, motivation, experience and ability to communicate. Interviews also provide an important opportunity for chambers to sell themselves to prospective pupils and differentiate themselves from other sets. It is recommended that chambers supplement an interview with another assessment method such as work sample to ensure that some very important selection criteria are measured more than once. This is to obtain a more accurate reflection of a candidate's competence, thereby increasing reliability.

This chapter covers different types of interviews, how to design interview questions, provides a structure for conducting interviews, and discusses the skills required to be an effective interviewer. Sample interview record form, rating form and interview questions are provided in [Appendix 5: Interview Record Form Template](#) to this Guide.

Types of interviews

There are different types of interview that are used in selection. The following list describes the majority of them;

- Unstructured interview – the Panel have no set questions and therefore the areas explored are different for each candidate, sometimes with the intention of assessing whether the candidate will 'fit in' to chambers. This form of interview is strongly discouraged since it tends to be heavily prone to subjectivity and bias, and has very poor predictive validity.

- Biographical interviews – these largely focus on the candidate's career or employment history. They are easy to conduct and often help to establish a good rapport with the candidate. However they can easily distract the Panel from the relevant agreed criteria. They are more likely to allow personal biases

to influence decisions and increase the danger of biased and potentially discriminatory decisions being made.

- Structured, criteria based interviews - these have an agreed, consistent structure for the interviews and the same overall questions for all candidates. There are several ways of structuring an interview, but with all of them the objective is to collect relevant information on the criteria (or competency) for the role. Candidates are required to provide specific examples from any area of their life illustrating how they meet the criteria. Candidates are asked the same opening questions although follow up questions will vary according to candidates' responses. These interviews create a degree of consistency for all candidates and ensure that relevant information is collected. Overall this is the type of interview with the best predictive validity and is recommended for use by chambers.

Interview preparation checklist

The following guidance provides a step by step approach to preparing for interviews.

Recruiting/interview panels

- Decide on the membership of the recruiting panel. Some diversity in panel members helps ensure objectivity of marking, and also help candidates feel more at ease, and challenges some candidates' stereotypes about the Bar.
- An interview panel of three is advisable. This is small enough to enable rapport to be developed between interviewers and a candidate while bringing different perspectives on the candidate's performance. Having only one interviewer reduces the reliability of interviews as decisions will need to be based on their sole evidence (which can be prone to bias). Having more than three interviewers on a panel can be unwieldy in terms of structure and planning and be intimidating for some candidates. It is important to try to ensure consistency of panel members across different interviews – this will increase the reliability and validity of the process.
- At least one individual within the panel should have attended a course on recruitment and selection training – ideally all should have. All should be familiar with the contents of this Guide.

Check that no-one on the panel has any special relationship or conflict of interest with any of the candidates. If possible they should not be involved in the assessment of anyone closely connected to them (family, friend) as this can cause difficulties for both candidate and interviewer, and affect either objectivity or the appearance of objectivity in the interview process.

- Decide upon the following
 - Who will chair the interviews?
 - Which criteria will be measured in the interview (this should already have been decided when designing the selection criteria and deciding upon assessment methods).
 - How much time will be given for each interview bearing in mind the number of criteria? About 45 minutes is considered a suitable amount of time for an interview as candidates and panels may not be able to concentrate for any periods much longer than this without a break and it will be difficult to cover all the selection criteria in less than 45 minutes.
 - How much time there will be between interviews for writing up and discussing? It is essential to leave sometime between interviews to enable panel members to individually classify their evidence and evaluate the candidate. Later they will convene for a 'panel discussion' and compare their ratings and evidence.
 - Who will be responsible for which areas of questioning so that the same format can be used with all candidates?
- Familiarise the interviewers with all the key documentation e.g. role profile, selection criteria, application forms etc.
- Conduct a pre-meeting in which the final details can be agreed including: role of the chair; sequence of questioning; protocols for keeping to time; protocols for interrupting; clarification on inappropriate questioning and protocols for dealing with this if it should inadvertently occur; and the note taking policy.
- Design an interview schedule and timetable.

Candidates

- Give candidates as much information in advance as is reasonably possible as this helps them to prepare, and to some extent reduces the risk of a candidate's feelings of anxiety interfering with the interview.
- Ensure that all candidates are given equal opportunity to access the same information about the interview.

- Information should be sent to candidates with details about the place, time, and format of the interview. This should include informing them of any other assessments and exercises they will be undertaking, and the expected dress code.

Environment

- Organise how candidates will be received. Inform staff within chambers that interviews are taking place and who to expect. Arrange refreshments and ensure that the waiting area is pleasant and welcoming.
- Plan how candidates can be entertained in the eventuality of interviews overrunning, for example by providing reading material about chambers. Is there someone available they could converse with e.g. current pupils or starter tenants? This will help to create a favourable impression of your chambers.
- Arrange the interview room and ensure that there are no interruptions. Consider the seating arrangements. There is nothing wrong with sitting behind a desk, but try to ensure that the room is set up in a way as not to intimidate candidates (e.g. try not to have a long distance between the panel and the candidate).

Making reasonable adjustments

When inviting candidates for interview ask them to contact a named person in chambers should they wish to request a reasonable adjustment for the interview. Examples of reasonable adjustments for an interview may include:

- Holding the interview in an accessible room.
- Providing extra time to candidates.
- Allowing candidates time for breaks should they require one.
- Providing material in larger print if needed/used.
- Providing a certain type of chair for candidates to sit in.
- Providing a hearing loop if required.

Designing interview questions

As discussed, the interview panel should convene well in advance of any interviews to devise and agree a list of interview questions and a structure for the interview. Panels should refer to the selection criteria and construct questions that will elicit evidence against each criterion and the behaviours that underpin that criterion.

Interview questions should be devised to put candidates at ease and to elicit information relevant to the selection criteria.

Competency (or Criterion) based questions

When devising criterion based questions, panel members should construct questions that are in the past tense rather than future tense. These questions require candidates to provide examples of what they have actually done, rather than hypothetical answers which do not necessarily inform panels of how a candidate will actually behave or respond. There is much evidence to indicate that **past performance is a good predictor of future performance**.

Some examples of competency-based questions are:

- “Tell me about a time when you have had to work with others, under challenging conditions, to achieve a particular outcome”. (Team working)
- “Give me an example of a time when you came up with a new or different way of doing things.”(Innovation/Creativity)
- “Please give us an example of a time when you had to work hard to convince others to your way of thinking.” (Influencing/Advocacy)

Situational (or hypothetical) questions

Situational questions should be devised to measure criteria that chambers could not easily measure in a competency based interview – these may include criteria such as judgment, advocacy and ethics. When designing these questions, panels need to structure them in a way that asks candidates what they would do in a given situation. Examples might include:

- “What piece of XYZ legislation would you change, and why?” (Advocacy, Knowledge of XYZ legislation, Communication)
- “If you were the Secretary of State and had to reduce legal aid expenditure, where would you start?” (Advocacy, Knowledge of Legal Aid, Communication)
- “If a client describes their case to you and you actually knew one of the parties mentioned, what would you do and why?” (Ethics)

There is a difference between asking these types of questions in an interview, and asking detailed case specific questions which are more likely to constitute a ‘work sample’ exercise. The latter are detailed in [Chapter 10: Evaluation and making a selection decision](#).

Often situational questions are asked within a competency based interview. This is acceptable as long as the candidate is aware that the panel are asking a situational or hypothetical question and that a past example is not required on this occasion.

Biographical questions

Biographical questions should be drawn from candidates' application forms. For example:

- What is the most important thing you have learnt through study for your degree?
- Why did you choose to become a barrister?
- What skills most qualify you for this role?
- What is your ultimate career goal?
- Where do you see your career in 5 years?
- What difficulties have you had to encounter to achieve your goals?

Care should be taken to ensure that the questions still elicit evidence for the selection criteria that chambers are trying to assess.

Question types

The prime objective when questioning candidates is to get enough information against each criterion, both positive and negative, to come to an accurate and fair assessment. This requires both consistency and flexibility. Consistency in the criteria that are being explored and the initial questions asked of each candidate, but flexibility in how they are probed and followed up.

The types of questions that are useful to ask are:

Open – Questions that require candidates to give an extensive answer. These are good at encouraging candidates to talk and in opening up areas for further discussion.

Probing – Questions that explore a topic further and delve deeper, focusing on specific aspects.

Closed – Questions that are very specific and require a one word answer. These are only good for establishing key facts and can be used to tie an area off before moving on to the next area of questioning. They are also useful when a candidate talks a lot and you do not need them to expand further.

It is much better not to ask multiple questions, or multiple choice type questions as these can be very confusing for the candidate. It is also, of course, much better not to ask leading questions as this merely allows the candidate to adapt their answers.

Questions which are based on assumptions, stereotypes and concerns related to gender, ethnicity, disability, religion, sexual orientation, age and socio-economic background can be seen as biased and should be avoided. They are likely to be offensive or patronising to the candidate and could lead to claims of unlawful discrimination. Typical questions include:

- Asking women about plans for marriage/children.
- Asking women what their partner does.
- Asking about childcare arrangements.
- Asking ethnic minority candidates where they (or their parents) are from.
- Asking ethnic minority candidates about their plans to stay in the UK.
- Asking candidates about their religious observances and if they need time to pray.
- Asking disabled candidates about their health and hospital appointments.
- Asking disabled candidates about the ability to cope with the pressures of the role if other candidates are not asked this question.
- Questions on home life, economic background, etc.

Panels must be vigilant not to stray into these areas particularly if they are exploring a candidate's career history from the application form. Panels should also ensure that all questions are criterion or competency-related and thus can and should be reasonably asked of all candidates.

Panels should not divert time to exploring a candidate's disability, or to exploring any potential adjustments that would need to be made to the role if they were successful. Focusing on the disability takes away questioning time from the candidate's abilities and could make them perform less well at interview.

The Equality Act 2010 prohibits health related questions of an applicant either orally or in writing before an offer has been made. This does not prevent questions being asked for the purposes of making reasonable adjustments, equality monitoring, or establishing whether the applicant will be able to perform a function intrinsic to the work concerned e.g. lifting heavy items. Once an offer has been made, health related questions can then be asked, however chambers would need to exercise caution around the potential for disability discrimination.

Where a disabled candidate may need reasonable adjustments to enable them to practise from particular chambers, these should be discussed once it has been decided to make an offer to the candidate. The possible need for such adjustments should play no part in the decision. This is covered in greater detail in [Chapter 11: Making an offer](#).

Questioning techniques

A simple model to use when probing is the 'STAR' model, described below. STAR is an acronym for Situation, Task, Action and Result – a useful tool to remember when interviewing.

STAR model of questioning

- Start by asking an open question that relates to the criterion you want to assess.
- Clarify the situation and/or the task that the candidate was involved in. Ensure that the candidate does not spend too much time on this, and move them on.
- Ask what actions the candidate took (what they specifically said or did rather than what generally happened). The majority of time should be spent on this as it will provide specific relevant evidence against the criterion that you are assessing.
- Ask what result or outcome was achieved.

Skills of an effective interviewer

An effective interviewer requires the following key skills:

Building rapport

Establishing a positive rapport can help the candidate to relax, focus on the questions, and provide comprehensive and honest answers. Interviewers should bear in mind that interviews are a two way process and that candidates are selecting the chambers they wish to join. A pleasant and welcoming selection panel are likely to make a more favourable impression than an impersonal or even hostile one. Interviewers should therefore try to foster an approach that is professional, friendly and interested in the candidate and their experience.

The interview panel should:

- Welcome the candidate warmly into the interview room, and spend a couple of minutes on 'chit-chat' to try and put them at ease. Do this before moving onto the introduction of the interview.
- Try to build and maintain rapport throughout the entire interview and not just when questioning the candidate. This can be achieved through "active listening" and positive body language.
- Show interest. As well as the obvious body language conventions of smiling, making eye contact and nodding this involves employing a positive, interested tone of voice and verbally acknowledging what the candidate has said.

- Be aware of how to interrupt or redirect a candidate. It is sometimes necessary to interrupt a candidate who is not providing an appropriate response to a question. However this is best achieved with a friendly tone such as:

'I was really interested in what you were saying when you mentioned X, could we return to look at that further? What exactly was your role?'

Panel members should be aware of their body language and the impact that it is having on a candidate. Facial expressions and body language may have the effect of encouraging or discouraging candidates, and the impact of their behaviour may be greater for some groups than others, for example those with past experience of discrimination may be more sensitive to 'negative' body language. Interviewers should strive to maintain an open and friendly demeanor towards all candidates.

Active listening

It is not enough for interviewers to listen; they also need to show that they are listening. They can do this by reflecting on or linking back to what the candidate has said previously. For example:

'You mentioned earlier that you had previously worked on xxx case. I'd like to explore that a little further. Could you tell me more about what you did?'

Summarising what a candidate has said is also a good way of demonstrating active listening. It also has the added advantage of allowing the interviewer to check that the candidate has understood the information correctly and to think about the next question to ask.

Observing

The recruiting panel need to use their observation skills as well as their listening skills. They should:

- Look at the candidate and observe what they say or do.
- Try not to make judgments about the candidate while observing them.
- Be careful not to be influenced by irrelevant characteristics such as their physical appearance, gender, race or age.

Recording accurately

In a good interview a great deal of information is observed and obtained from the candidate. It is impossible for anyone to remember all the facts and details accurately and therefore note taking is crucial. In a panel interview it is recommended that all interviewers make their own notes. However, this is challenging to do whilst also maintaining rapport with the candidate, maintaining sufficient eye contact, listening to candidates' responses and forming a follow up question. It is therefore

recommended that when one panel member is questioning, the others will take greater, though not sole, responsibility for note taking.

The ability to remain impartial and objective throughout the interview is crucial. As far as possible notes should be a record of what the candidate says or does during the interview or assessment. Panel members should avoid making evaluations or judgments when taking notes during an assessment – judgment on a candidate’s performance is best reserved until after the assessment or interview is over. It is also helpful to keep in mind that under the Data Protection Act interview notes may be disclosed to the individual to which they refer.

Classifying and evaluating

All members of the recruiting panel are required to individually classify the evidence they have collected against the selection criteria and rate the candidate against each criterion. An Interview Record Form should be used for this activity ([Appendix 5: Interview Record Form Template](#)), which should be undertaken immediately after each interview.

The process of classifying and rating the interview is exactly the same as that covered in [Chapter 7: Shortlisting](#), and is covered in further detail in [Chapter 10: Evaluation and making a selection decision](#). Once all interviews have been completed, a ‘panel discussion’ will take place where panel members convene to compare their ratings, discuss the evidence and arrive at an agreed rating for each candidate.

Chapter 9: Work samples

Overview

It is strongly recommended that chambers use one or more work sample exercises together with a structured, criteria based interview to maximise the accuracy of their assessment. It is important that the exercises that chambers design and use are applicable to the content of the role and are suitable for assessing the most important selection criteria for that role. Where such exercises accurately reflect the skills needed by a barrister, they can be excellent predictors of future performance.

This chapter provides guidance on how to develop and administer the most popular types of work sample, and provides a sample of an exercise and related paperwork. Guidance on how to observe and record exercises is also provided.

Choosing work sample exercises

The choice and design of a work sample test is critical in ensuring that the tests produce information on the criteria that your chambers wish to apply. The recruiting panel needs to decide on the specific test(s) well in advance of the application process (see **Chapter 4: Choosing assessment methods**).

Work sample exercises should be designed to simulate a key aspect of the role that you are selecting for. For oral exercises this might include conducting a client meeting, a bail application, advocating a point of view, or dealing with an ethical dilemma. Written exercises might involve an opinion or an application to court. Practical issues also need to be considered when choosing a type of exercise. These include:

- Which aspects of the role can easily be replicated in a work sample?
- Which types of work sample will fit with the proposed interview/assessment schedule? How much time can be allowed for a work sample?
- What resources will be needed for the type of work sample chosen? These will vary according to the style of the assessment exercise.

Further information on the advantages and disadvantages of different types of work sample can be found [Chapter 5: Attracting and advertising](#).

Designing work sample exercises

The content

The content of a work sample is based on a common problem or activity found in the role which draws out the behaviours and skills you wish to assess. Chambers often base exercises on a recent (anonymised) case or they may identify common issues found in a number of cases and create a fictional case around these.

The level of difficulty of a work sample exercise must be carefully judged.

- Pitch the difficulty so that most candidates will be able to make a reasonable attempt at the exercise.
- Balance the difficulty of the task with the amount of time you are allowing candidates to complete the work sample.
- Decide how much information you will give candidates: do you expect them to have the knowledge and experience to complete the exercise, or do you need to give them additional information and/or guidance? For any area of law covered, you need to try to ensure equal familiarity between candidates, or at least that the marking scheme takes into account different levels of experience. Alternatively, a topic may be chosen which requires no prior specialist legal knowledge but is designed to test analytical or advocacy skills.
- Include some difficult and complex elements to the exercise to distinguish between 'average', 'good' and 'excellent' candidates.

The structure

A work sample exercise consists of a number of elements which will need to be designed in advance of the recruitment round:

- Administration Instructions
- Candidate Brief
- Assessor Brief
- Assessor Rating Form

Guidance to assist chambers in producing each of these elements is provided below.

[Appendix 6: Candidate's Brief - Example](#) and [Appendix 7: Exercise Rating Form - Example](#), provide samples for the assessors' instructions and the candidate's brief, rating the work and how to assess the work for a work sample exercise. It also provides template observation forms to record observations about candidates.

'Piloting' or 'trialing' a new work sample exercise is necessary before it is used for selection. If possible, pilot the exercise on individuals with a similar level of knowledge and experience to prospective candidates; e.g. for pupillage, find a graduate 'pilot' candidate with no knowledge of your chambers or ask existing pupils/starter tenants to undertake it. A member of the recruitment panel should then score the exercise to check that the rating form is clear.

- Ask 'pilot' candidates whether the initial instructions were clear.
- Check whether the time allocated is sufficient to complete the task.
- Check whether the exercise provides a realistic opportunity for candidates to demonstrate the behaviours being assessed.
- Check that the behaviours or other criteria being assessed are accurately reflected in the marking guide for the assessors.
- Check that the scoring process for the exercise is clear and can be applied consistently by the panel.
- Revise the work sample content in line with the findings of the pilot.

Key checklist

- ✓ Design a work sample that is representative of the demands of the role.
- ✓ Choose exercises that will provide evidence against the key selection criteria.
- ✓ Provide clear instructions for the candidate, and make sure they understand these before starting the exercise.
- ✓ Set out detailed instructions to assessors for administering and marking the exercise. Define what is being assessed and how to evaluate the evidence.
- ✓ Trial an exercise with a mock candidate and recruitment panel member before using it.
- ✓ Time the exercise carefully, so all candidates have the same amount of time in which to complete the exercise.
- ✓ Ensure that reasonable adjustments are put in place for disabled candidates.
- ✓ Where appropriate observe non-verbal as well as verbal behaviour.

- ✓ Take verbatim notes – not a summary of what a candidate said.
- ✓ Evaluate the candidate's performance after the work sample exercise has concluded.
- ✗ Do not design the exercise to be more difficult than the demands of the role itself; you could reject some excellent candidates unnecessarily.
- ✗ Do not assume assessors will interpret the marking guidelines in the same way; discuss and agree how to use the guidance.
- ✗ Do not discuss candidates with colleagues on the recruitment panel before you have individually rated their performance. This may prematurely influence how they rate them. Instead discuss the candidates after each panel member has given them a rating against each criterion. Ratings can be modified later.
- ✗ Keep original notes/ratings as records. Avoid making irrelevant or personal notes on the observation forms. Under the Data Protection Act, forms may be disclosed to candidates.

Chapter 10: Evaluation and making a selection decision

Overview

The process of coming to a selection decision involves several stages: classifying and collating evidence against each criterion; evaluating the evidence to reach a rating; combining ratings across different assessment methods; discussing any differences between individual panel members' to agree final candidate ratings; and finally, choosing the best candidate on the basis of the ratings they achieved.

This chapter is designed to take panels through the steps of classifying, evaluating and integrating information to ensure that fair, objective and effective selection decisions are made. Guidance and checklists are provided for each step of the process.

Classifying evidence

Each member of the recruiting panel should classify their observations from every exercise they observed individually. The best time to do this is straight after the exercise or interview, where time permits. Classifying involves the following steps:

- Take the Observation Forms from an exercise (i.e. the interview record form, or exercise observation form) and read it through to get an overview of what the candidate said or did.
- Re-read your notes in detail and highlight information, classifying it in relation to the criteria that you are assessing, and indicate whether it is positive or negative. Circle or highlight sections of your notes that provide evidence against each criterion, making a note of which criterion it links to. Essentially this is the same as the process you followed in [Chapter 8: Interviewing](#).
- Information relating to the criteria will not fall neatly in one place on your observation forms so ensure you read your notes fully. Go through all your notes for the exercise and classify all evidence that you can. This is best done by assessors collating evidence for each criterion sequentially. It is possible for

assessors to collate evidence against all the criteria together from their notes if they are very familiar with the criteria.

Evaluation of candidates

Once evidence has been classified for an exercise, each criterion needs to be evaluated and given a rating. The starting point in any evaluation must be the criteria set at the beginning of the process.

- Summarise the key evidence for each criterion, both positive and negative, onto the exercise rating form. This summary should assess how well the candidate demonstrated the elements of the criterion and give brief examples of what they did. A bullet point style helps in providing accessibility of the information and makes it easy to see the balance of positive and negative evidence.
- Rate the evidence (using the agreed rating scale) taking account of the breadth and depth of the evidence emerging from the examples, as well as on the basis of the balance of positive and negative evidence.
- Ensure that you are not being influenced by any biases when awarding ratings. Different types of biases are described in [Chapter 2: Avoiding bias in recruitment](#). It can be useful to analyse what is prompting a negative reaction to a candidate, as this may be personal bias or a reaction to poor interpersonal or communication skills of a candidate. It is valid to record and assess relevant behaviour at the interview as part of the evidence for the selection criteria; however it should not take undue precedence over all other information gathered.
- There can be a tendency amongst assessors to place too much weight on the negative evidence and thus under-rate the candidate.
- There is a natural tendency for assessors to want to compare candidates to each other. If this is done before the ratings are awarded, there is the risk that some candidates will be under or over-rated depending on who they are being compared with. An average candidate can appear good if following a particularly poor candidate, likewise they can appear marginal if compared with someone who excelled. In awarding the ratings, care must be taken to compare candidates to a common standard (i.e. the role profile) and not with each other. Once the ratings have been made, candidates can be compared with each other to see who scored the highest.
- There can be occasions when reviewing recorded notes that no evidence can be found for a particular criterion. No evidence may not mean poor candidate performance if the candidate was not asked a question regarding this criterion in the interview, or if they were not specifically instructed to attend to a particular aspect in a work sample exercise. This should be checked. If the candidate was

asked for examples in the interview but could not provide them, or was guided to focus on a particular aspect in the work sample exercise and chose not to, then it is an indication of poor performance.

- Be aware of, and avoid where appropriate, the tendency to award candidates a mid-score.

Agreeing panel ratings

Once every member of the recruiting panel has individually classified and evaluated every exercise for every candidate, they need to convene and have a 'panel discussion'. The purpose of this discussion is to agree a final 'panel rating' for every criterion, in every exercise, for every candidate. The panel discussion is crucial to ensure the objectivity of the selection process, and having multiple assessors increases reliability as ratings are awarded based upon the evidence of many individuals, not just one. It is also useful in situations where an assessor has recorded a rating of 'no evidence'. It may be that other panel members have recorded evidence that their colleague has missed and so a rating can be awarded.

Where there are discrepancies in ratings between panel members, a full discussion of the evidence supporting the ratings should take place. It is possible that different assessors have recorded and taken account of different evidence. It is important that panel members challenge the ratings/evidence and not each other. If there are no discrepancies, and all panel members have the same rating, there will be little or no discussion.

Once evidence has been discussed, a firm/final rating on each criterion should be agreed by the panel. This may or may not be the average of the preliminary ratings. Where it is agreed that 'no evidence' is a valid rating, a decision must be made as to how to progress. It is useful for the panel to keep their original notes and ratings for each candidate, as well as the final ratings in one folder for each candidate. The original ratings can sometimes be useful to refer back to when making selection decisions.

It is advisable for the chair or the most dominant personality not to automatically have the final say on awarding ratings as there can be a tendency for 'groupthink' with some panel members 'agreeing' too readily and not bringing alternative evidence to the fore. This scenario is particularly likely when the panel is tired or in a hurry to finish. It is important to ensure that each panel member has an equal role in the discussion and that no one individual has more 'say' or 'decision making power' than the others.

Draw together key themes to emerge from the evidence gathered during the assessment exercises, as these will form the basis for feedback. Two strengths and two developmental areas (if applicable) should be sufficient for providing feedback to each candidate.

Integrating ratings across different assessment methods

Where a criterion has been assessed by more than one exercise or interview, it is often the case that a candidate will score differently on the same criterion in different exercises. In such cases the panel will need to integrate the different exercise scores to reach an overall rating for the candidate on that criterion.

In arriving at the overall rating it is not appropriate to simply take the average of the ratings. Instead assessors should discuss the different exercise scores and agree a final score for the candidate on the criterion in question. This should take into account the opportunity for the candidate to demonstrate the criteria in question in each exercise and the strength of the evidence provided.

Making the selection decision

Deciding who to appoint or make an offer to should be relatively simple – it should simply be the candidate(s) who achieved the highest ratings across all the assessment exercises. No other information should influence this decision as all evidence and any discrepancies between panel members' ratings will have been discussed during the earlier stages of the panel discussion.

Unlike shortlisting, there is rarely a strict decision making rule for the final selection decision, other than **to take the best candidate, as long as they meet your agreed minimum requirements**. There may be occasions when the best candidate still has some development needs. In such cases, the panel will need to determine whether to appoint or to re-advertise the role.

Key checklist:

- ✓ Take a structured, step-by-step approach to classifying the evidence gathered from an interview or work sample exercise.
- ✓ Identify both positive and negative evidence against each criterion being assessed.
- ✓ Summarise both positive and negative evidence on the rating form.
- ✓ Make ratings on the basis of evidence. Ensure that ratings reflect the balance of positive and negative evidence obtained.
- ✓ Discuss evidence and agree final ratings for each exercise during the panel discussion. Avoid letting the panel discussion become a mere formality; be willing to challenge the ratings and provide alternative evidence.
- ✓ Use a matrix when integrating the information from different sources.

- ✓ Apply weightings where applicable.
- ✓ Choose the best candidate for the role based upon your selection decision making rules.
- ✓ Use the same approach for each candidate.
- ✗ Do not 'give in' to a panel member when you disagree with their evaluation of a candidate. Ensure a constructive discussion of evidence takes place.
- ✗ Do not compromise on your minimum standards – it is better not to make an offer at all in these circumstances.

Chapter 11: Making an offer

Overview

This chapter covers the elements of the recruitment process that take place after the selection decision has been made. A conditional offer is made to the successful candidate dependent on final checks of their suitability, including references and verifying their qualifications. The successful candidate must be given full details of the terms of their contract with chambers and arrangements must be put in place to make reasonable adjustments for any successful candidates with a disability who have requested them.

The importance of keeping full records of the selection process is also discussed, with guidance provided on what information needs to be kept and the length of time it should be retained.

Making a conditional offer

The offer a candidate receives from chambers, whether formal or informal, must contain sufficient detail about the terms and conditions of their pupillage or tenancy, for them to decide whether to accept it. Offers for pupillage, mini-pupillage, tenancy or employment should always be made in writing. Even oral offers at interview can be legally binding, so it is important that chambers take care to represent terms and conditions accurately. If candidates feel that the role or terms have been misrepresented to them, this may affect performance. Where an offer of pupillage is being made with the possibility of future tenancy, it is recommended that information is also provided on chambers' tenancy terms in addition to the pupillage contract.

There are two types of conditions which may be included in conditional offers:

- Pre-conditions, such as satisfactory references and successful completion of qualifications.
- Post-conditions, such as completion of a satisfactory probationary period.

An offer letter should clearly state any conditions attached to the offer. It should also specify the main terms of the contract.

Ensuring the candidate has a right to work in the UK

Chambers have a responsibility to check that candidates have the legal right to work in the UK before they are appointed. Chambers must see and take copies of relevant documentation. In practice, candidates are usually asked to bring these documents with them when they attend chambers for interview. The [UK Border Agency \(UKBA\)](#) provides full advice on documentation .

The following is acceptable:

- Passport confirming that the person is either a British Citizen or from the European Economic Area (EEA).
- A birth certificate confirming birth in the UK or Republic of Ireland.
- A passport or other travel document endorsed to show the holder is exempt from immigration control, is allowed to stay indefinitely and has no time limit or restriction on their stay in the UK.
- A biometric residence permit issued by the UKBA which indicates the holder can stay indefinitely.

Whilst citizens of EEA countries (and their immediate family members) have the right to work in the UK, chambers must still ask individuals from EEA nations to produce a document showing their nationality, e.g. passport or national identity card.

Obtaining references and checking qualifications

The purpose of obtaining references is to corroborate important information provided by the candidate about their academic qualifications and employment history and to seek the referee's assessment of the candidate's suitability for the position in chambers.

Prior to employment the successful candidate should be asked to provide chambers with the original certificates for all relevant qualifications. Chambers should take copies and retain these on file.

Informing unsuccessful candidates

The manner with which unsuccessful candidates are treated can have a significant impact on chambers' reputation among future potential pupils and barristers. Many candidates will have invested considerable time and energy into their application. Consequently informing unsuccessful candidates needs to be managed professionally and sensitively. Some guidelines are provided below:

- If you have a reserve or second choice candidate who is appointable, do not reject that candidate until all checks have been successfully completed on the preferred candidate and they have accepted the offer.
- Chambers may wish to send a 'holding letter' to second choice candidates whilst they complete checks for the preferred candidate, informing them that you are still considering their application.
- Tell candidates at the interview when they can expect to hear the result of their application, try to be realistic about how long the selection process is likely to take. However it is important to note that a protracted selection process may result in the best candidates receiving earlier offers by other chambers.
- Chambers can inform unsuccessful candidates of the outcome in writing or by telephone. A letter is the most usual method used in selection processes where there are many candidates. Where there are fewer candidates, and particularly when there are internal candidates, such as for starter tenancies, a conversation may be more appropriate; however all conversations should be followed up by written confirmation.
- Thank candidates for their interest in the chambers and wish them well for the future. It is also recommended that chambers offer feedback to rejected shortlisted candidates on their interview/assessment performance, giving details of whom to contact for this. Although this can take time, over the longer term offering and providing good quality feedback to unsuccessful candidates will assist unsuccessful candidates, promote a positive image for chambers and help to attract high quality candidates in the future.

Keeping records of the selection process

All documents relating to the selection process should be retained for twelve months following the completion of the recruitment process. Candidates can make a claim of unlawful discrimination to an Employment Tribunal within three months of the decision – however this deadline may be extended in certain cases. If the selection process is challenged, you will need to have comprehensive records to help your chambers defend the claim.

Application forms, notes, rating forms and the other documents containing personal data on candidates are covered by the Data Protection Act. They need to be kept securely and procedures should be in place to securely dispose of documentation relating to unsuccessful applicants once the twelve month period has expired.

Chambers will need to record information for monitoring and evaluation purposes, which should be retained for several years. This should be stored electronically and data held on individuals should be anonymised using reference numbers rather than recording names. There is further guidance on data protection **in the BSB's Guidance on the Diversity Data Collection Rules** and on monitoring in **Chapter 13: Monitoring and evaluation**.

Making reasonable adjustments for disabled pupils, tenants and staff

The Equality Act 2010 places a positive duty on individual barristers and their clerks to make 'reasonable adjustments' to prevent a provision, criterion or practice, or physical feature of premises, placing disabled people at a substantial disadvantage in comparison with non-disabled people. This duty applies to the recruitment of a disabled pupil or tenant or an employee. Whether an adjustment is reasonable depends on:

- The effectiveness of the adjustment in overcoming the disability;
- How practicable the adjustment is;
- The cost of the adjustment. Chambers own resources are relevant but the availability of assistance from other sources should be considered, such as through the Access to Work programme operated by Jobcentre Plus (see below).

The types of adjustments required will very much depend on the individual's disability. It is therefore strongly recommended that chambers initially consult the individual about their needs and how these can be best addressed. The following are examples of possible reasonable adjustments:

- Alterations to the physical features of premises such as widening of doors to enable wheel chair entry, lift installation or changing of colour schemes that may have an impact on visibility;
- Purchase of specialist equipment such as screen reading computer software or a special chair;
- Re-allocation of job tasks;
- Relocation of the person's work station;
- Provision of an assistant or reader;
- Alteration of normal working hours.

The Bar Council's Panel of Disability Advisors can provide chambers, disabled pupils and barristers with practical information about appropriate reasonable adjustments in

self-employed practice. The Panel can be contacted through the Bar Council's [Equality and Diversity policy team](#). Funding towards the cost of adjustments may be available from Access to Work (see below).

Where an individual's needs are complex and potentially difficult to reasonably accommodate, chambers are advised to obtain an expert assessment from an Occupational Health Specialist. Suitable advisors can be found through [The Society of Occupational Medicine](#).

Access to Work

The Access to Work (AtW) programme is a government funded initiative that provides disabled people and the organisations they work for with practical advice and support with extra costs associated with meeting the disabled person's needs. Typical adjustments funded include specialist equipment to help a disabled person function in the work place, adaptation to premises, a reader or assistant and help with the additional costs of travel to, or in, work for people who are unable to use public transport. AtW can be contacted through the local Jobcentre Plus office and the application must be made by the disabled self-employed barrister or pupil themselves or, in the case of an employee, by the chambers. The application process can take several months and individuals are advised to apply as soon as they receive an offer of tenancy or pupillage. It is important to note that AtW will not make retrospective payments for adjustments already in place.

Chapter 12: Effective feedback

Overview

The aim of this chapter is to provide guidance about how to give effective and constructive feedback to candidates after the selection process. Providing feedback is paramount for candidates (particularly for pupillage applicants) so that they can improve for future interviews if unsuccessful, and to ensure that candidates leave with a favourable impression of chambers.

Why chambers should offer feedback

It is good practice for any organisation to offer feedback to candidates after a recruitment process, but it is not a legal requirement. Providing feedback is important for many reasons:

- Candidates who have received good quality feedback are more likely to perceive the decision as having been made fairly, even when they do not necessarily agree with it.
- It enhances chambers reputation among prospective pupils by giving them the perception of a professional selection process.
- It can provide an opportunity for chambers to influence successful candidates to join them in the face of competing offers.
- It enables candidates to understand where their strengths and development needs lie and identify what they need to do to improve.

Who should receive feedback?

It would normally be reasonable to provide feedback to anyone who has been shortlisted and taken part in your interview or assessment process, but not to all those who completed the application form. Due to the large volume of pupillage applications, providing feedback to candidates who are not shortlisted would be very

time consuming; however, it is courteous to inform such candidates whether they have been shortlisted or not. If candidates have asked for feedback, it is important that you provide it. It is also important that you let candidates know that they can ask for feedback should they want it.

Constructive feedback

The main purpose of constructive feedback in selection is to help candidates understand aspects they did well or could improve. This applies to candidates who have been successful and offered a position, as well as those who have not. The feedback should be timely and specific. Constructive feedback is not personally critical; it is descriptive and should always be directed to the action/behaviour, and not something about the person. See feedback template at Appendix 7.

Key checklist

- ✓ Provide oral feedback rather than written.
- ✓ Use specific examples or quotes of what the candidate said or did.
- ✓ Provide feedback per competency, criteria or exercise through which the candidate was assessed.
- ✓ Provide a balance between positive and constructive feedback.
- ✓ Focus on behaviour and evidence provided, rather than personality or any other irrelevant characteristics.

Chapter 13: Monitoring and evaluation

Importance of monitoring and evaluation

Regular monitoring and evaluation of chambers' selection processes is vital to ensure that no particular groups of applicants are being unfairly disadvantaged. For example chambers may find that they are not attracting as wide a range of applicants as expected or that some groups consistently score higher at interviews than others. It may be that prejudices and attitudes of which selectors are not even conscious are influencing decisions. Monitoring enables these types of issues to be identified and the underlying reasons for them to be examined. If there are no discrepancies, statistics may support the objectivity of a particular process in the event of a challenge.

In his 2012 report, *Fair Access to Professional Careers*, the Independent Reviewer on Child Poverty and Social Mobility praised the introduction of socio-economic data collection, recognising this as one area where the legal sector was 'at the forefront of driving activity aimed at changing access to professional jobs'. The report urged other professions to follow suit (*Fair Access to Professional Careers*, p37).

The chambers' Equality and Diversity Officer or other senior member of chambers should have a specific responsibility for ensuring monitoring procedures are implemented, data are collected and analysed. The results should be reported on to chambers' Management Committee at regular intervals.

Collecting monitoring data from candidates

Chambers should collect monitoring data from questions on an application form or by using a separate monitoring form. The BSB's Handbook rC110 3.f and g. requires equality monitoring within chambers and the regular review of applications for assessed mini-pupillage, pupillage, staff and membership of chambers. The review must include:

- collecting and analysing data broken down by race, disability and gender;
- investigating the reasons for any disparities in that data; and
- taking action aimed at removing or reducing the disadvantage experienced by any group.

This is a minimum requirement for recruitment diversity monitoring and chambers may wish to include further strands in its monitoring, for example, age or socio-economic background, to support chambers' policies to promote diversity and social mobility. See diversity monitoring questionnaire in [Appendix 8: Monitoring and Evaluating - Template](#).

Chambers should be aware of the provisions of the Data Protection Act 1998, the BSB Handbook Rule C110 3 n. requiring the appointment of a Diversity Data Officer and the [BSB Guidance on Diversity Data Collection Rules](#) (see https://www.barstandardsboard.org.uk/media/1596730/bsb_equality_rules_handbook_june_2014.pdf). Individuals have a right to request access to and request correction of sensitive personal data held by chambers.

Candidates should be informed of why the information is being collected, how it will be used and about how it will be stored confidentially and securely. The collection of diversity data from individuals must be voluntary and individuals should not be made to feel compelled to provide it.

It should be made clear to applicants that their response to the disability monitoring question will be used for monitoring purposes only. A question asked separately from diversity monitoring questions should be included in the application pack to enable disabled applicants to request a reasonable adjustment related to their recruitment, employment or membership of chambers.

Recording monitoring data

Monitoring data should never be made available to the recruitment panel during the selection process. Someone independent of the recruitment panel should record monitoring data.

The Bar Council has developed an online tool to aid chambers entering and analysing diversity data.

Please use the link below to access the [Recruitment Monitoring Tool](#) (<http://www.barcouncil.org.uk/for-the-bar/professional-practice-and-ethics/equality-and-diversity-guidance/fair-recruitment-guide/>)

This tool is an excel spreadsheet which allows for easy collating and reporting of candidate outcomes by diversity strand through the recruitment and selection process. It will help to identify the success rates of different groups of applicants and any adverse impact the recruitment process may have upon different groups.

The spreadsheet contains instructions on how to use it and queries about using this can be sent to equality@barcouncil.org.uk

For the purposes of monitoring recruitment it is important that data is not totally anonymised as it may be necessary to link the data to the person to whom it relates. However, the identity of individuals can be concealed in the analyses by the use of identification numbers. Chambers should ensure that any circulation or publication of its analyses of diversity data do not reveal the identity of an individual.

An example of a completed monitoring evaluation spreadsheet is provided below:

Applicant ID No:	Sex	Ethnicity	Disability	Educational background	Shortlist	Passed first stage?	Passed final stage?
001	M	White British	No	Fee	No	-	-
002	F	White other	No	Fee	Yes	Yes	No
003	M	Indian	Yes	State	Yes	Yes	Yes

All spreadsheets should be password protected, with only those responsible for monitoring and analysis of the data allowed access to the data. The data should be stored confidentially for a period of 12 months. Anonymised analyses should be kept so that checks on the recruitment and selection process can be made and patterns of success observed over a number of years.

Analysing and reporting on monitoring data

The analysis of results of each stage of the recruitment process should be examined.

The selection process should be analysed as follows:

- Applications received from different groups. Chambers should consider whether the representation of applicants from different groups, such as men and women, is proportionate. For example, the proportions of different groups for pupillage could be compared with UK domiciled students graduating from the Bar Professional Training Course. It can be useful to compare data with external comparators such as the Higher Education Statistics Agency (HESA) diversity data on UK domiciled post graduate students or Labour Force Survey data of graduates. The Bar Council can advise chambers or other BSB authorised bodies with identifying suitable statistics for benchmarking.

- Where under representation of a particular group is identified among applicants, chambers should review the marketing of vacancies and take steps to attract applications from more diverse groups. Information on permitted positive action is available in a Bar Council Guide on [Positive Action](http://www.barcouncil.org.uk/for-the-bar/professional-practice-and-ethics/equality-and-diversity-guidance/positive-action-guidance-2012/) (see <http://www.barcouncil.org.uk/for-the-bar/professional-practice-and-ethics/equality-and-diversity-guidance/positive-action-guidance-2012/>)
- Success rates for different groups. Chambers should assess the relative success rates of different groups through the selection process. Differential success rates at shortlisting and appointment need to be investigated to ensure that the assessment process has been designed, and is being conducted, in an objective and fair manner. Assessment exercises may need to be reviewed or training provided for interviewers or exercise markers.
- Proportions of appointments by group. As well as stage by stage comparisons it can be useful to look at the overall likelihood of different groups being appointed, i.e. the proportions of appointments from each group. Small disparities at each stage may combine to create a large disparity that needs to be addressed. Where the number of appointments made in a recruitment exercise is small, the data should be compiled with data from future exercises so that patterns in recruitment can be assessed over time.

Sources of data:

The BSB monitors the composition of the Bar, both with the support of the Membership Records department and by carrying out and commissioning a variety of surveys of the profession. Research publications and statistics on employed and self-employed barristers, pupils and BPTC student can be found on [the Bar Council and BSB websites](#).

The Bar Council provides statistics and trends about the Bar of England and Wales which are updated annually. Particular focus is given to data relating to the profile of the profession and members and prospective members of the Bar in the vocational and pupillage training stages over the past five years.

Appendix 1: Selection Criteria: Template

There is not one set way of writing selection criteria, the important thing is that they are in a usable format for their purpose i.e. to give the recruiting panel a consistent framework from which to gather and assess information in order to make an objective decision as to who is the best candidate.

Below is a list of criteria that can be used as a starting point when selecting pupils and starter tenants. The broad criteria are similar for both roles but the level of expertise expected of a pupil will inevitably be lower than that expected of a starter tenant. Likewise the **amount** and **type** of evidence that can be gathered in order to assess the criteria will be different.

Table 1: Examples of selection criteria

Criterion	Indicators
Intellectual achievement	<p>A good record of achievement in formally assessed qualifications.</p> <ul style="list-style-type: none"> ▪ At least 3 'B's at 'A' level (or equivalent). ▪ A 2:2 degree level or above.
Analytical thinking	<p>The ability to absorb and process a large amount of complex and detailed information both quickly and accurately.</p> <ul style="list-style-type: none"> ▪ Can deal effectively with written, numerical and spoken information. ▪ Can quickly distinguish between relevant facts and irrelevant information. ▪ Relates facts to key aspects of the law. ▪ Is able to unpick complex arguments. ▪ Does not over-interpret information or make unwarranted assumptions. ▪ Does not panic when faced with a deluge of information.
Effective communication	<p>Communicates readily and clearly both verbally and in writing.</p> <ul style="list-style-type: none"> ▪ Communicates clearly, giving sufficient background information to aid understanding without overloading the

	<p>audience.</p> <ul style="list-style-type: none"> ▪ Structures communication to aid understanding. ▪ Adapts style and language of communication to the needs of the audience. ▪ Presents complex legal points simply and accurately. ▪ Listens to others and builds on their points.
Influencing/ advocacy Skills	<p>Can build strong, logical cases for various points of view regardless of own personal perspective. Can deliver with confidence and impact, using tactics and emotion to support the logic in gaining agreement.</p> <ul style="list-style-type: none"> ▪ Builds a logical, rational argument based on fact and a good understanding of the law. ▪ Predicts objections and has arguments in place to combat them if they are raised. ▪ Has a good understanding of influencing tactics and is willing to use them. ▪ Can influence on an emotional level as well as on a rational one.
Resilience	<p>Is comfortable in handling conflict and does not back away from tackling difficult or stressful situations. Remains calm and in control when under pressure.</p> <ul style="list-style-type: none"> ▪ Comfortable and skillful in handling conflict. ▪ Remains calm and in control when under pressure. ▪ Is able to give unpalatable news. ▪ Can cope with working in a highly competitive environment.
Interpersonal skills	<p>Is skillful in building productive working relationships with both colleagues and clients. Treats people with courtesy and respect regardless of who they are.</p> <ul style="list-style-type: none"> ▪ Builds effective working relationships. ▪ Treats others with courtesy and respect.

	<ul style="list-style-type: none"> ▪ Has a genuine interest in others and works to understand their points of view. ▪ Connects with others and demonstrates empathy.
Drive and determination	<p>Has a strong focus on what needs to be achieved and puts energy and effort into ensuring that goals and outcomes are met.</p> <ul style="list-style-type: none"> ▪ Focuses on achieving outcomes. ▪ Works to get round obstacles; does not give up. ▪ Is proactive in shaping what gets done, whilst being cognisant of where the boundaries of their own responsibility lie. ▪ Ensures that deadlines are met and that promises are kept.
Motivation	<p>Is committed to a career as a Barrister. Has a good understanding of what a career in chambers entails, the negative as well as the positive aspects, and is energised by the realities of the role.</p> <ul style="list-style-type: none"> ▪ Career choice to become a Barrister is considered and well thought out. ▪ Has a good understanding of both positive and negative realities of the role. ▪ Is willing and able to undertake the less glamorous aspects. ▪ Is motivated by the role.
Ability to work independently	<p>Is able and motivated to work on their own, seeking guidance as and when is appropriate.</p> <ul style="list-style-type: none"> ▪ Demonstrates ability to work independently. ▪ Able to rely on their own judgement when guidance cannot be found elsewhere. ▪ Does not get distracted or demotivated when working alone.

Town			
County/region			
Postal code			
Country			
Email address			
Telephone Numbers			
Home/correspondence			
Mobile			
Are you willing to be contacted by SMS?	Yes		No
	Please circle either 'Yes' or 'No'		
School/college education			
Course Name	Year	Grade	Date obtained

Higher education			
Date attended from/to			
Course name	Type	Grade	Date obtained

Legal education	
Course type	
Grade	
Dates of study from/to	
BPTC (if applicable)	
Status	
Grade	
Dates of study from/to	
Proposed date of call	

Employment history/work experience (relevant to application)	
Employer	
Address	
Date from/to	
Position	
Experience gained:	
Employer	
Address	
Date from/to	
Position	
Experience gained:	

Employer	
Address	
Date from/to	
Position	
Experience gained:	
Employer	
Address	
Date from/to	
Position	
Experience gained:	
Employer	
Address	
Date from/to	
Position	
Experience gained:	

Membership of an Inn of Court	
Inn of Court	
Membership status and number	
Date from	
Professional memberships	
Professional body	
Membership number and status	
Date from:	
Professional qualifications	
Qualification	
Awarding body	
Grade and status	
Details	If you trained initially in another profession, you may wish to BRIEFLY explain your background in this profession.

Positions of responsibility, prizes and awards
Please provide details of any positions of responsibility you have held:

Please provide details of any scholarships, awards or prizes:

Please answer the following questions, using a maximum of 300 words per answer.

Why do you want to be a barrister?

What types of practice are you interested in and why?

What do you hope to gain from your pupillage?

Please identify any experiences/skills that you have, which will help you in your career.

Please comment on a recent civil or criminal case, explaining the significant points of law involved.

Please give an example of a time when you worked hard to influence someone to your way of thinking. Please provide the situation, what you did/said, and the result that it had.

Referees

Academic /professional	
Name	
Address	
Town	
County	
Postcode	
Country	
Telephone	

Academic /professional	
Name	
Address	
Town	
County	
Postcode	
Country	
Telephone	
Email	

Personal	
Name	
Address	
Town	

County	
Postcode	
Country	
Telephone	
Email	

Appendix 3: Shortlisting - Templates

Rating scales

Agree a rating scale (or scoring mechanism) to use to assess each criterion. Three or four point scales are usually used in shortlisting as the amount of information presented tends not to lend itself to finer distinctions. Choose a scale that the panel feels comfortable with (see examples below).

The following is an example of a shortlisting form or a template which you can then edit. It also provides an example of some Shortlisting Rules. It is recommended that you do not simply use this example. Please discuss and agree your own template and shortlisting rules with your chambers and panel members.

Candidate number:				
Essential criteria	Rating scale			
	1 Not met	2 Partially met	3 Fully met	4 Exceeds
Academic Degree Achievement e.g.: 1 st = Exceeds, 2.1 = Fully met, 2.2 = Partially met (unless there are extenuating circumstances in which case it may be a 3), and below 2.2 = Not met				
Desirable criteria				
Competent or outstanding grade in BPTC. Outstanding is Exceeds, Very Competent is Fully met, Competent may be a Partially met etc. (IF COMPLETED)				
Written communication and presentation of the Application form				
Evidence of some legal experience (including work experience or mini pupillage)				
Performance during mini-pupillage (if assessed)				

Evidence of other work or life experience				
Achievement in areas relating to law e.g. mooting, debating awards				
Reason/motivation for applying to our Chamber				
Intellectual aptitude e.g. awards/prizes				

Shortlisting rules (an example):

Basic rule: All essential criteria should be a minimum of 3 or above.

Advanced rule: Any desirable criterion that is rated as 1 (Unsatisfactory) should be rejected.

If more than two desirable criteria are rated as 2 or below, they should be rejected.

Comments/evidence:

Does the applicant have a disability? Yes No

(For those chambers who have the Two Tick Symbol): If the applicant has indicated that they have a disability and they would like to take part in the guaranteed interview scheme, then place a tick in the following box:

Yes No

Invite to 2nd stage? Yes No

Appendix 4: Shortlisting – Exercise 1

The following is an extract taken from a Pupillage Portal application form.

University level education:

London School of Economics, 2008. Awarded a 2.1

Career motivation:

A career at the Bar will provide me with the intellectual rigours that I relish, and the opportunity to develop an independent career. The exposure that I have had to law through mini-pupillage, work placements and mooting has confirmed my determination to pursue a career at the Bar. I am particularly excited by variety and opportunities offered by advocacy work. I recently led the BPP mooting team in the quarterfinals of the OUP Mooting Competition.

Commercial and chancery law appears to me as both intellectually challenging and rewarding. I enjoyed the work that I was exposed to on my mini-pupillages. At law school I have been taking extra courses entitled ‘Law and the City’ and ‘Company Law’ which have further ignited my interest in the relevance of commercial and chancery law to modern business. Answering today’s problems involves detailed and analytical research into the origins of the law combined with logical and thorough argument, in order to apply long-standing legal principles to modern-day situations.

Use the following rating scale and criteria to assess the above:

Criteria	1 Not met	2 Partially met	3 Fully met	4 Exceeds
Minimum of a 2:2 degree (1 st preferred – which would be fully met)				
Motivation to apply to the Bar				
Effective written communication (i.e. the presentation, overall content and structure of their application)				

Appendix 4 (cont'd):

Shortlisting: Exercise 1 – Answer

In Exercise 1 you were asked to rate the following extract from an application form, using the techniques outlined in this Chapter. The following is an example of how we have classified and rated the information:

University level education:

London School of Economics, 2008. Awarded a **2.1 (+ University Achievement)**

Career motivation:

A career at the Bar will provide me with the intellectual rigours that I relish, and the opportunity to develop an independent career. The exposure that I have had to law through mini-pupillage, work placements and mooting has confirmed **my determination to pursue a career at the Bar. I am particularly excited by variety and opportunities offered by advocacy work. I recently led the BPP mooting team in the quarterfinals of the OUP Mooting Competition** (+ Motivation to apply to the Bar).

Commercial and chancery law appears to me as both are intellectually challenging and rewarding. I enjoyed the work that I was exposed to on my mini-pupillages. **At law school I have been taking extra courses entitled 'Law and the City' and 'Company Law' which have further ignited my interest in the relevance of commercial and chancery law to modern business** (+ Motivation to apply to Commercial). Answering today's problems involves detailed and analytical research into the origins of the law combined with logical and thorough argument, in order to apply long-standing legal principles to modern-day situations (**Overall communication ++**).

Criteria	1 Not met	2 Partially met	3 Fully met	4 Exceeds
University achievement			✓	
Motivation to apply to the Bar/to our chamber			✓	
Effective written communication				✓

Appendix 4 (cont'd): Shortlisting – Exercise 2

The following is an example of a full Pupillage Portal Application. Use the Shortlisting Form and Rules on the following pages to review this application. Please rate each criterion and decide whether to invite the candidate to interview, or not.

School level education:

Oakmeeds 6th Form (Haywards Heath)

AS Level: General Studies - A (2004)

AS Level: French - B (2004)

A Level: English - A (2005)

A Level: History - A (2005)

A Level: Politics - B (2005)

GCSE Mathematics - A (2003)

GCSE English Language – A (2003)*

GCSE English Literature – A (2003)*

GCSE Art – B (2003)

GCSE History – A (2003)

GCSE French – A (2003)

GCSE Biology – B (2003)

GCSE Chemistry – A (2003)

GCSE Drama – A (2003)

Higher Education:

University College London BA English Literature (2008) – 2:1

CPE/Postgraduate Diploma in Law Details:

City University

Start date: 9/2008

End date: 6/2009

CPE: Common Professional Examination in Law

Grade: Distinction

BPTC:

Inns of Court School of Law

Start date: 9/2009

Graduation date: 6/2010

Grade: Predicted Very Competent

Status: Expected

Legal work experience:

Employer: ACB Chambers

Date From: 8/2009

Date To: 8/2009

Position: Mini-pupil

Address: London

Responsibilities/achievements: I attended an application for a split trial and an application for security for costs, and looked at a professional negligence dispute.

Employer: DEF Chambers

Date From: 7/2009

Date To: 7/2009

Position: Mini-pupil

Address: London

Responsibilities/achievements: Assisting on the preparation of a case for the Privy Council I learnt about the rigours of company law. I had a detailed introduction to the role of precedent in the construction of an argument. I also attended the chancery applications list and gained a brief snapshot of the variety of work undertaken by the chancery bar.

Employer: GHI Chambers

Date From: 1/2009

Date To: 1/2009

Position: Mini-pupillage

Address: *London*

Responsibilities/achievements: *I attended a shipping arbitration; a case management conference concerned with the admissibility of European Parliament evidence in English courts and read some papers related to an insurance dispute concerning subsidence.*

Non legal work experience/employment:

Employer: *Student Union Bar, City University*

Date From: *2007*

Date To: *2008*

Position: *Bar staff*

Address: *London*

Responsibilities/achievements: *Responsible for serving drinks and light refreshments and for ordering stock and maintaining the bar. Part-time role.*

Employer: *Walker and Green Solicitors*

Date From: *2009*

Date To: *2009*

Position: *Summer work (part time) as a junior/assistant*

Address: *London*

Responsibilities/achievements: *Office junior helping out the solicitors with research and case work, filing, shadowing their meetings and learning about the law.*

Language skills:

English (Native)

French (Conversational)

Hindi (Native)

IT skills:

Fully competent in use of Microsoft Packages, Word, Excel, PowerPoint, Outlook.

Membership of Inns of Court:

Professional memberships:

Positions of responsibility, prizes and awards:

Positions of responsibility:

Head of House at 6th Form. Member of the debating society at university.

Scholarships, awards or prizes:

2004 – Sixth Form Academic Scholarship, Oakmeeds

Achievement prize – Oakmeeds 2003

Interests and recreational activities:

I enjoy hiking and outdoor activities. I am also a keen debater and was a member of the University Debating Society. For the past three years I have helped to organise and run the City University Drama Productions.

Why do you wish to become a barrister?

I look forward to the intellectual challenge of a career at the Bar, in particular the Commercial Bar. I think it is hard to find another career in which one is confronted on a regular basis by such challenging and stimulating material. I also enjoy the strategic element of litigation, both in and out of the court room, something I have seen on mini-pupillages.

What areas of law interest you?

- 1. Commercial other than Shipping*
- 2. International/ECC*
- 3. Public Law*
- 4. Admiralty & Shipping*

What type of practice are you interested in, and why?

I would especially like to practice in commercial law. Through mini-pupillages in commercial sets, I have learnt that commercial work is intellectually very challenging,

bringing a good balance between research and advocacy. I am interested in shipping and admiralty work because of the interesting subject matter of the disputes. I like the fact that most commercial cases have an international aspect, and that I would be able to apply aspects of conflict of laws. I would also very much like to be involved in international arbitrations. My interest in the international arena also extends to public international law and EU law. It would be wonderful to be involved in what are such important problems in our current world. Domestic public law also appeals because of its human interest, and because of opportunities for advancement of the law.

What do you hope to gain from your pupillage?

I would like to undertake a pupillage at XX because of its highly esteemed and broad commercial practice. I am aware of your reputation for excellence. The emphasis on developing pupils and the opportunities to undertake work across all chambers' practice areas are important considerations for me as an applicant. I am very attracted by your Chamber's commitment to integrating pupils into the life of the chambers, and it would be inspiring to work at the footsteps of such leading practitioners. I hope to gain knowledge of a modern approach and advocacy during pupillage, skills that will prepare me for tenancy.

How do you hope to contribute to your future chambers?

I will be able to contribute by being hard working, inquisitive and enthusiastic at all times. I pride myself in the rigour I take in everything that I do. I am intelligent, analytical have good communication skills and am highly self-motivated.

Why do you believe you will make a good barrister?

A career at the Bar will provide me with the intellectual rigours that I relish, and the opportunity to develop an independent career. The exposure that I have had to law through mini-pupillage, work placements and mooting has confirmed my determination to pursue a career at the Bar which I know I will be successful at. I am particularly excited by variety and opportunities offered by advocacy work. I believe I have the intellectual ability, curiosity and drive to become a great barrister.

Please identify any experience/skills gained that you believe may help you in your career:

- Ability to organise
- Self-motivation
- Confidence
- Advocacy
- Communication skills
- Analytical thinking
- Drive and determination

Appendix 4 (cont'd): Shortlisting Form – Exercise 2

Candidate number:				
Essential criteria	Rating Scale			
	1 Not met	2 Partially met	3 Fully met	4 Exceeds
Academic degree achievement e.g.: 1 st = Exceeds, 2.1 = Fully met, 2.2 = Partially met (unless there are extenuating circumstances in which case it may be a 3), and below 2.2 = not Met				
Desirable criteria				
Competent or outstanding grade in BPTC. Outstanding is Exceeds, Very competent is Fully met, Competent may be a Partially met etc. (IF COMPLETED)				
Written communication & Presentation of the application form				
Evidence of some legal experience (including work experience or mini pupillage)				
Performance during mini-pupillage (if assessed)				
Evidence of other work or life experience				
Achievement in areas relating to law e.g. mooting, debating awards				
Reason/motivation for applying to our chamber				
Intellectual aptitude e.g. awards/prizes				

Shortlisting rules (an example):

Basic rule: All essential criteria should be a minimum of 3 or above.

Advanced rule: Any desirable criterion that is rated as 1 (Unsatisfactory) should be rejected.

If more four or more desirable criteria are rated as 2 or below, they should be rejected.

Comments/evidence:

Does the applicant have a disability? Yes No

(For those chambers who have the Two Tick Symbol): If the applicant has indicated that they have a disability and they would like to take part in the guaranteed interview scheme, then place a tick in the following box:

Yes No

Invite to 2nd stage? Yes No

Appendix 4 (cont'd):

Shortlisting Form – Exercise 2 - Answer

School Level Education:

Oakmeeds School (Haywards Heath)

AS Level: *General Studies - A (2004)*

AS Level: *French - B (2004)*

A Level: *English - A (2005)*

A Level: *History - A (2005)*

A Level: *Politics - B (2005) (2 A's and a B at A-Level)*

GCSE *Mathematics - A (2003)*

GCSE *English Language – A* (2003)*

GCSE *English Literature – A* (2003)*

GCSE *Art – B (2003)*

GCSE *History – A (2003)*

GCSE *French – A (2003)*

GCSE *Biology – B (2003)*

GCSE *Chemistry – A (2003)*

GCSE *Drama – A (2003)*

Higher education:

University College London BA English Literature (2008) – 2:1 (+ Degree, but not a first)

CPE/Postgraduate Diploma in Law Details:

City University

Start date: *9/2008*

End date: *6/2009*

CPE

Common Professional Examination in Law

Grade: *Distinction* (+ Achievement / Intellectual aptitude)

BVC

Inns of Court School of Law

Start date: 9/2009

Graduation date: 6/2010

Grade: *Predicted Very Competent*

Status: *Expected*

Legal work experience (+ evidence of mini-pupillage, - not assessed)

Employer: *ABC*

Date From: 8/2009

Date To: 8/2009

Position: *Mini-pupil*

Address: *London*

Responsibilities/achievements: *I attended an application for a split trial and an application for security for costs, and looked at a professional negligence dispute.*

Employer: *DEF Chambers*

Date From: 7/2009

Date To: 7/2009

Position: *Mini-pupil*

Address: *London*

Responsibilities/achievements: *Assisting on the preparation of a case for the Privy Council I learnt about the rigours of company law. I had a detailed introduction to the role of precedent in the construction of an argument. I also attended the chancery applications list and gained a brief snapshot of the variety of work undertaken by the chancery bar.*

Employer: *GHI Chambers*

Date From: 1/2009

Date To: 1/2009

Position: *Mini-pupillage*

Address: *London*

Responsibilities/achievements: *I attended a shipping arbitration; a case management conference concerned with the admissibility of European Parliament evidence in English courts and read some papers related to an insurance dispute concerning subsidence.*

Non legal work experience/employment (+ some previous work experience, - limited)

Employer: *Student Union Bar, City University*

Date From: 2007

Date To: 2008

Position: *Bar staff*

Address: *London*

Responsibilities/achievements: *Responsible for serving drinks and light refreshments and for ordering stock and maintaining the bar. Part-time role.*

Employer: *Walker and Green Solicitors*

Date From: 2009

Date To: 2009

Position: *Summer work (part time) as a junior/assistant*

Address: *London*

Responsibilities/achievements: *Office junior helping out the solicitors with research and case work, filing, shadowing their meetings and learning about the law.*

Language skills

English (Native)

French (Conversational)

Hindi (Native)

IT skills

Fully competent in use of Microsoft Packages, Word, Excel, PowerPoint and Outlook.

Membership of Inns of Court:

Professional memberships:

Positions of responsibility, prizes and awards:

Positions of responsibility:

Head of House at 6th Form.

Member of the debating society at university. (+ Enjoys debating – some evidence for achievement relating to law, - no evidence of winning any competitions)

Scholarships, awards or prizes:

2004 – Sixth Form Academic Scholarship, Oakmeeds (+ Prizes/awards, - nothing recent)

Achievement prize – Oakmeeds 2003

Interests and recreational activities:

I enjoy hiking and outdoor activities. I am also a keen debater and was a member of the University Debating Society. For the past three years I have helped to organise and run the City University Drama Productions. (+ interest in law, + Enjoys debating – some evidence for achievement relating to law, - no evidence of winning any competitions)

Why do you wish to become a barrister?

I look forward to the intellectual challenge of a career at the Bar, in particular the Commercial Bar. I think it is hard to find another career in which one is confronted on a regular basis by such challenging and stimulating material. I also enjoy the strategic element of litigation, both in and out of the court room, something I have seen on mini-pupillages.

What areas of law interest you?

5. *Commercial other than Shipping*
6. *International/ECC*
7. *Public Law*
8. *Admiralty & Shipping*

What type of practice is you interested in and why?

I would especially like to practice in commercial law. Through mini-pupillages in commercial sets, I have learnt that commercial work is intellectually very challenging bringing a good balance between research and advocacy (+ Motivation). I am interested in shipping and admiralty work because of the interesting subject matter of the disputes. I like the fact that most commercial cases have an international aspect, and that I would be able to apply aspects of conflict of laws. I would also very much like to be involved in international arbitrations. My interest in the international arena also extends to public international law and EU law. It would be wonderful to be involved in what are such important problems in our current world. Domestic public law also appeals because of its human interest, and because of opportunities for advancement of the law.

What do you hope to gain from your pupillage?

I would like to undertake a pupillage at XX because of its highly esteemed and broad commercial practice. I am aware of your reputation for excellence. The emphasis on developing pupils and the opportunities to undertake work across all chambers' practice areas are important considerations for me as an applicant. I am very attracted by your Chamber's commitment to integrating pupils into the life of the chambers, and it would be inspiring to work at the footsteps of such leading practitioners. I hope to gain knowledge of a modern approach and advocacy during pupillage, skills that will prepare me for tenancy. (+Motivation to apply to us)

How do you hope to contribute to your future chambers?

I will be able to contribute by being hard working, inquisitive and enthusiastic at all times. I pride myself in the rigour I take in everything that I do. I am intelligent, analytical have good communication skills and am highly self-motivated.

Why do you believe you will make a good barrister?

A career at the Bar will provide me with the intellectual rigours that I relish, and the opportunity to develop an independent career. The exposure that I have had to law

through mini-pupillage, work placements and mooting has confirmed my determination to pursue a career at the Bar which I know I will be successful at. I am particularly excited by variety and opportunities offered by advocacy work. I believe I have the intellectual ability, curiosity and drive to become a great barrister.

Please identify any experience/skills gained that you believe may help you in your career.

- Ability to organise
- Self motivation
- Confidence
- Advocacy
- Communication skills
- Analytical thinking
- Drive and determination

Candidate number: EXAMPLE 2				
Essential criteria	Rating Scale			
	1 Not met	2 Partially met	3 Fully met	4 Exceeds
Academic Degree Achievement e.g.: 1 st = 'exceeds', 2.1 = 'fully met', 2.2 = 'partially met' (unless there are extenuating circumstances in which case it may be a 3), and below 2.2 = 'not met'			✓	
Desirable criteria				
Competent or outstanding grade in BPTC. Outstanding is 'exceeds', 'very competent' is 'fully met', 'competent' may be a 'partially met' etc. (IF COMPLETED)			✓ expected grade only	
Written communication and presentation of the application form			✓	
Evidence of some legal experience (including work experience or mini pupillage)			✓	
Performance during mini-pupillage (if assessed)	-	-	-	-
Evidence of other work or life experience		✓		
Achievement in areas relating to law e.g. mooting, debating awards		✓		
Reason/motivation for applying to our Chamber			✓	
Intellectual aptitude e.g. awards/prizes		✓		

Shortlisting rules (an example):

Basic rule: All essential criteria should be a minimum of 3 or above.

Advanced rule: Any desirable criterion that is rated as 1 (Unsatisfactory) should be rejected.

If candidate has four or more desirable criteria rated as 2 or below, they should be rejected.

Comments/evidence:

- 2:1 degree from City University. 2 A's and one B at A-Level.
- 3 mini-pupillages undertaken – no evidence that they were assessed however.
- Awarded a scholarship but nothing in recent years.
- Member of debating society at university but no mention of key positions held or awards won.
- Motivated and interested in Commercial Law.
- Worked in a Bar (not very relevant) but at least some evidence of work experience.

Does the applicant have a disability? Yes No

(For those chambers who have the Two Tick Symbol): If the applicant has indicated that they have a disability and they would like to take part in the guaranteed interview scheme, then place a tick in the following box:

Yes No

Invite to 2nd stage? Yes No

Appendix 5: Interview Record Form Template

The following template is an Interview Record Form. Essentially this is a form that chambers can use to write in their interview questions, and where each panel member can record the candidate's response during the interview.

Candidate: _____ Role applying for: _____

Panel member name: _____ Date: _____

Criterion/ competency being assessed	Question	Candidate's response
Influencing/ advocacy <i>(This is an example only.)</i>	Tell me about a time when you tried really hard to influence someone to your way of thinking. <ul style="list-style-type: none">▪ Why was this important to you? ▪ How did you go about it? ▪ What information did you get in advance? (Look for tactical as well as data) ▪ What were the building blocks of your case?	<i>Write their response in here</i>

	<ul style="list-style-type: none"> ▪ Did you use any tactics? ▪ What were they? ▪ What was the result? ▪ Have you an example where you have had to present a point of view that you did not necessarily fully agree with? ▪ How did you do this? 	
<p>Write competency/criterion in here.</p>	<p>Write open question and probes in here.</p>	

Appendix 5 (cont'd): Interview Rating Form Template

The following template is an example of an interview rating form.

Interview rating form

Panel member name: _____ Candidate name: _____

Date: _____

Rating Scale:	1 Not met	2 Partially met	3 Fully met	4 Exceeds
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Criterion/competency	Key evidence from the interview	Rating
<p>Communication</p> <p>Communicates readily and clearly both verbally and in writing.</p> <ul style="list-style-type: none"> ▪ Communicates clearly, giving sufficient background information to aid understanding without overloading the audience. ▪ Structures communication to aid understanding. ▪ Adapts style and language of communication to the needs of the audience. ▪ Presents complex legal points simply and accurately. ▪ Listens to others and builds on their points. 	<p><i>Write down bullet point notes here to justify the rating that you have awarded.</i></p>	<p><i>Insert your rating here.</i></p>

<p>Influencing/advocacy</p> <p>Can build strong, logical cases for various points of view regardless of own personal perspective. Can deliver with confidence and impact, using tactics and emotion to support the logic in gaining agreement.</p> <ul style="list-style-type: none"> ▪ Builds a logical, rational argument based on fact and a good understanding of the law. ▪ Predicts objections and has arguments in place to combat them if they are raised. ▪ Has a good understanding of influencing tactics and is willing to use them. ▪ Can influence on an emotional level as well as on a rational one. 		
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Agreed final panel ratings:

Criterion	Rating
Effective communication	
Influencing/advocacy	

Appendix 5 (cont'd): Interview Questions – Template

The following interview questions are structured under the criterion (or competency) that they measure. They are included here to provide chambers with a framework to use when designing their mini-pupillage/pupillage/tenancy interview.

Criterion	Example question
<p>Analytical thinking</p> <p>The ability to absorb and process, a large amount of complex and detailed information, both quickly and accurately.</p>	<p>Tell me about a time when you have had to absorb and process a large amount of complex information.</p> <ul style="list-style-type: none"> ▪ What was it you had to achieve? ▪ What information did you have to process? ▪ How did you go about this? ▪ How long did you have? ▪ Are there any techniques you used to make this an easier task? ▪ What assumptions did you make? ▪ What were your conclusions? ▪ What factors did you weigh in coming to this judgement? ▪ How was this judgement received by others?
<p>Effective communication</p>	<p>Tell me about the principles you use in communicating with others.</p>

<p>Communicates readily and clearly both verbally and in writing.</p>	<p>Give me an example of when you have tailored your communication to a particular audience.</p> <ul style="list-style-type: none"> ▪ What were you trying to communicate? ▪ Who were you trying to communicate with? ▪ How did you adapt the message? ▪ How did you adapt the style/method of communicating? ▪ Were you successful? ▪ How do you know?
<p>Influencing/advocacy skills</p> <p>Can build strong, logical cases for various points regardless of own personal perspective. Can deliver with confidence and impact, using tactics and emotion to support the logic in gaining agreement.</p>	<p>Tell me about a time when you tried really hard to influence someone to your way of thinking.</p> <ul style="list-style-type: none"> ▪ Why was this important to you? ▪ How did you go about it? ▪ What information did you get in advance? (Look for tactical as well as data) ▪ What were the building blocks of your case? ▪ Did you use any tactics? What? ▪ What was the result? ▪ Have you an example where you have had to present a point of view that you did not necessarily fully agree with? ▪ How did you do this?
<p>Resilience</p>	<p>Tell me about some of the situations you have had to handle where there was conflict involved?</p>

<p>Is comfortable in handling conflict and does not back away from tackling difficult or stressful situations. Remains calm and in control when under pressure.</p>	<ul style="list-style-type: none"> ▪ You mentioned the How did you get involved in this? ▪ What did you do? Why? ▪ What happened? ▪ How did you feel when this was going on? ▪ Did this have an impact on the way you handled things? ▪ What did you learn from this? ▪ Have you had situations where you have applied this? ▪ When you are under pressure to get things done what is your typical way of dealing with things? ▪ Give me an example? ▪ What did you do?
<p>Interpersonal skills</p> <p>Is skillful in building productive working relationships with both colleagues and clients. Treats people with courtesy and respect regardless of who they are.</p>	<p>Tell me about a time when you have had to work closely with someone to get something done.</p> <ul style="list-style-type: none"> ▪ What did you have to achieve? ▪ How well did you know your colleague before this? ▪ How did you work together? ▪ What difficulties did you face in the task? ▪ How did you sort them out? ▪ What difficulties did you face in the relationship? ▪ How did you sort them out? ▪ In working with others, what do you consider to be your strengths? ▪ Tell me about a time when you had to work with someone who was difficult/you didn't particularly like. ▪ How did you approach this?

<p>Drive and determination</p> <p>Has a strong focus on what needs to be achieved and puts energy and effort into ensuring that goals and outcomes are met.</p>	<p>Tell me about how you have gone about meeting something challenging.</p> <ul style="list-style-type: none"> ▪ What needed to be achieved? ▪ In what aspects was this challenging? ▪ What resources were at your disposal? ▪ How did you organise these to meet the challenge? ▪ What blockages did you have to overcome? ▪ How did you do this? ▪ What help did you get? ▪ Were there any blockages that were impossible to overcome? ▪ What did you do? ▪ Tell me about a time when you missed a deadline. What was the reason? ▪ How did you feel about that?
<p>Motivation for the Bar</p> <p>Is committed to a career as a Barrister. Has a good understanding of what a career in chambers entails, the negative as well as the positive aspects, and is energised by the realities of the role.</p>	<p>How did you come to the decision to become a Barrister?</p> <ul style="list-style-type: none"> ▪ What alternatives did you consider? ▪ Why did you not pursue them? ▪ What is it about a career at the Bar that appeals to you? Why? ▪ All careers have less glamorous and less appealing aspects, what do you see as the more negative aspects of this career? ▪ How do you feel about these? ▪ Tell me about any experience you have of dealing with these? ▪ If you were not successful in securing a Pupillage/Tenancy in the next 6 months what options would you consider?

Appendix 5 (cont'd): Interviews – Example Extract

Criterion explored: Influencing/advocacy

Tell me a time when you have really worked hard to influence someone.

I really enjoy influencing others, I can put together a rigorous argument and I generally succeed in all that I attempt.

Could you give me a specific example of when you have done this?

Well, when I was at university I was the treasurer of the wine and spirits society and one of four officers of the society. Together we were responsible for deciding on the events we would put on. The usual events were tutored tastings held in the Student's Union. I was keen to put on something a bit different and suggested that we visit one of the English vineyards for a tour and a tasting dinner, staying overnight. The other three were not keen, so I set out to influence them.

Why was this important to you?

I was interested in doing something a bit different. The tastings in the Union were fine but were getting a little boring. The numbers attending had fallen off and now just attracted a hardcore of people who just wanted to get drunk. We charge our members £10 for a tasting but often get wine merchants to provide the wine for free. We had quite a big surplus in the accounts and I saw the opportunity to reduce this by subsidising the travel and accommodation for our members. It was also getting to the end of the academic year and theoretically we are not supposed to make a profit.

What were your colleagues' objections?

They were worried about costs. They also were worried about the amount of organisation it would take. I also suspect that they were worried about the behaviour of our members, but they never said this up front.

How did you go about influencing them?

When I first proposed it I had assumed that they would agree and so I wasn't fully prepared. When they were not keen, citing costs and work to organise it I decided to let it go for then. I went away and got estimates of costs from a coach company. I discovered that there was a Youth Hostel a few miles from the vineyard I had in mind that would provide accommodation very cheaply. I also spoke to the vineyard for costings for a maximum of 30. I looked at our

surplus and discovered that we could subsidise resulting in a total cost/person of only £25. I spoke to several members of the society that hadn't been to events for some time to find out from them what would engage them more. A lot of the women said that it had turned into a 'loud lad's booze up' and that they wanted something more refined. I asked if they would be interested in the vineyard trip and generally people were very positive. I also had chats with the other officers individually to try to find out other concerns and seemed to get a more positive response one to one. I then raised it again at the next committee meeting – I was prepared this time.

What were the building blocks of your case?

- The need to re-engage a wider range of members
- The fact we had fallen into a rut in what we did
- The surplus
- The costs
- The interest from members, especially the women
- The different nature of the event and how it would prompt better behavior from the hard core (if they went)
- Fun
- My willingness to organise it

Did you use any tactics?

I'm not sure. I had spoken to people individually which probably warmed them up. I could have made reference to this if anyone was difficult to shift but I didn't really need to. They just agreed to do it.

How did the trip go?

Very well. We got 32 people so I had to go back and check costs, which were within budget, and we had a really good time.

Appendix 5 (cont'd): Interviews – Exercise

Which of the following types of questions are good to use during an interview, and which ones are not good to use? When might they be good or not good to use? Please tick the box you think is appropriate and write down how you think the question could be rephrased if it is not good to use.

Type	Example	Good to use	Not good to use
Open	Give me an example of a time when you....?		
Closed	Did you..? Have you..? How many..?		
Leading	This job requires individuals to have excellent people skills. How are your people skills? Is that why you did x.?		
Hypothetical	How would you deal with an angry client? What would you do if..?		
Multi choice	What motivates you about the Bar; the status, money, or being able to have challenging debates?		
Probing	In what way? Tell me more... Who, what, when, where, why, how..?		

Double headed	What are you doing in your current Chamber and why is it that you want to leave?		
Theoretical/ technical questions	What is your knowledge of the X piece of legislation?		
Question		Good to use	Not good to use
What would your partner think about you joining our chambers?			
Would you need to take much time off for your disability?			
Please talk me through your career history.			
Tell me about a time when you had to make a difficult decision.			
Please tell me why this chambers appeals to you and what qualities you could offer us...?			
What would you do if you were faced with an angry client?			
How would you describe yourself...?			
What did you learn from that experience?			
What outside of work interests do you have?			

Appendix 5 (cont'd): Interviews – Answer

Type	Example	Good to use	Not good to use
Open	Give me an example of a time when you....?	✓	
Closed	Who was involved..? Have you done this before..? How many..?	✓ but only for clarification	
Leading	This job requires individuals to have excellent people skills. How are your people skills? Is that why you did x..?		✓
Hypothetical	How would you deal with an angry client? What would you do if..? <i>Rephrase to ask for a specific example.</i>		✓
Multi choice	What motivates you about the Bar; the status, money, or being able to have challenging debates? <i>Keep it simple – What motivates you about the Bar?</i>		✓
Probing	In what way? Tell me more... Who, what, when, where, why, how..?	✓	

Multiple	What are you doing in your current job and why is it that you want to leave? Separate out the two questions and ask them individually.		✓
Theoretical/ technical questions	What is your knowledge of the X piece of legislation?		✓ only if this relates to the selection criteria

Question	Good to use	Not good to use
What would your partner think about you joining our chambers? Unnecessary – won't tell you anything.		✓
Would you need to take much time off for your disability? Illegal question.		✓
Please talk me through your career history. Won't tell you much about the criteria you are interested in.		✓
Tell me about a time when you had to make a difficult work related decision.	✓	

<p>Please tell me why this chambers appeals to you and what qualities you could offer us...?</p> <p>Multiple – split it up into two separate questions.</p>		✓
<p>What would you do if you were faced with an angry client?</p> <p>Hypothetical – rephrase to ‘Please give me an example of a time when you had to deal with an angry client or an angry individual.’</p>		✓
<p>How would you describe yourself...?</p> <p>Self-assessment question – very limited, won’t give you any evidence against the selection criteria.</p>		✓
<p>What did you learn from that experience?</p>	✓	
<p>What outside of work interests do you have?</p> <p>Irrelevant and may unknowingly lead you down an ‘illegal’ route of questioning e.g. if the response is something to do with their religion.</p>		✓

Appendix 6: Candidate's Brief - Example

Candidate brief

Your task

You are a pupil in the third sixth of your pupillage with Marlborough Chambers. You have been asked to prepare a bail application for one of your clients. You have 15 minutes to prepare your case after which you will present your application to a panel of judges (the recruiting panel).

You should include the following information in your bail application:

- X – insert key outputs in here
- Y
- Y

You will then have five minutes to present your arguments to the panel. Expect the judges to ask questions about your application after you have finished your presentation.

Background information

- Insert background information relevant to the case in here.
- It needs to be quite short, so that the candidates don't use all of their preparation time reading, and should include some contentious points that the panel can question the candidate about.
- There needs to be scope in the exercise for an excellent candidate to 'shine' and differentiate themselves from an 'average' candidate's performance.

The candidates need to be provided with all the necessary legal information, as the exercise will assume no prior knowledge of the law.

Criteria being assessed

Communication

Communicates clearly, giving sufficient background information to aid understanding without overloading the audience.

Influencing/advocacy

Builds strong, logical cases for various points of view regardless of own personal perspective. Delivers with confidence and impact, using tactics and emotion to support the logic in gaining agreement.

Resilience

Is comfortable in handling conflict and does not back away from tackling difficult or stressful situations. Remains calm and in control when under pressure.

Appendix 6 (cont'd): Assessors' Brief - Example

Assessor's brief

Introduction

The candidate has been given the attached Candidate Brief which provides details of a case and asks them to prepare an application for bail. They have been told that they will be making their presentation to a panel of judges played by the recruiting panel. In playing the role of the judges, you will be challenging the arguments made in the candidate's application and asking questions.

The candidate has five minutes to present their application to you. They should not be asked questions during their presentation.

After the completion of their application, you will play the role of one of the judges and will challenge the arguments made in the application and ask questions. You will have up to fifteen minutes to do this.

Standard questions that you should ask are provided later in this document. Additional questions may be asked where you think it is necessary.

Administration

To ensure that all candidates are assessed under the same conditions, the timings of this exercise should be strictly adhered to. You should assign one panel member as a time keeper to stop each candidate's presentation after 5 minutes (allowing them merely to finish their sentence).

If the candidate finishes their presentation within 5 minutes, the time keeper should confirm with the candidate that they are finished and have nothing further to add. Each panel member will need to monitor the time taken for the question and answer session, so that all of the questions can be asked in the time available.

This exercise has been designed to be used either as a stand-alone exercise, or to be used immediately preceding an interview (when the assessors playing the judges, will then assume the role of interviewers).

The following instructions are designed for use with a stand-alone exercise. If the assessment exercise is to be followed immediately by an interview with the same panel,

the introduction should be modified accordingly.

When the candidate enters the assessment room, one of the panel members should introduce the exercise by reading the following:

Good morning /afternoon, [candidate's name], may I introduce myself and my colleague(s): Judge [1st assessor's name] and Judge [2nd assessor's name] etc. I believe that you want to make a bail application. Due to significant pressures on our time today, we will have to limit your application to 5 minutes, which allow us sufficient time afterwards to discuss your request. In order to keep the necessary records of your request for bail, we will take notes throughout your application.

Do you have any questions before you start?

Questions

In order to test Resilience and Influencing and Advocacy Skills, it is necessary to be challenging in your questioning (without being aggressive, combative or overbearing).

Each candidate will be asked the same questions and you are provided with these questions and follow up questions to probe their initial answers further however, you have the discretion to ask alternative probing questions if you feel they are required.

Q1. Insert questions in here that specifically relate to the criteria being assessed.

Q2.

Q3.

Q4.

Criteria being assessed

Communication

Communicates clearly, giving sufficient background information to aid understanding without overloading the audience.

Influencing/Advocacy

Builds strong, logical cases for various points of view regardless of own personal perspective. Delivers with confidence and impact, using tactics and emotion to support the logic in gaining agreement.

Resilience

Is comfortable in handling conflict and does not back away from tackling difficult or stressful situations. Remains calm and in control when under pressure.

Appendix 6 (Cont'd): Work Samples - Template

The following templates can be used to record your observations for a work sample exercise. Copies of this should be made available for the selection panel for them to record their observations.

Observation form for a presentation /presenting a legal argument/ advocacy exercise

Candidate Name:		Date:
Panel member name:		
Evidence	Other/ non verbal observations	
Write verbatim notes here.	(Record non verbal behavior or other observations here including any start/finish times or periods when the candidate was silent.)	

Observation form for a role play exercise

Candidate name:		Date:
Panel member name:		
Evidence	Role player notes	Non verbal/timings
Write verbatim notes here.	(Add occasional prompts or questions that the role player asked the candidate.)	(Record non verbal behavior or other observations here.)

Observation form for a group discussion exercise

Candidate 1	Other/ group observations	Candidate 2
<p>Write verbatim notes here, including any periods of silence for candidate 1 that you are observing.</p>	<p>(Make short notes here about any key topics raised by others in the group.)</p>	<p>Write verbatim notes here, including any periods of silence for candidate 2 that you are observing.</p>

Appendix 7: Exercise Rating Form - Example

Panel member name: _____ Candidate name: _____

Date: _____

1	2	3	4	5
Little or no evidence	Some evidence	Good evidence	Very good evidence	Excellent evidence

Effective communication	
<p>Communicates clearly, giving sufficient background information to aid understanding without overloading the audience.</p>	
Positive indicators	Negative indicators
<ul style="list-style-type: none"> • Provided sufficient background information to help the judges understand the situation. • The application was well structured. • The correct degree of formality and respectfulness was used when speaking to the judges. • Complex legal points were presented simply and accurately. • Listened carefully to the judges' questions carefully and gave clear responses to the questions 	<ul style="list-style-type: none"> • Provided insufficient background information. • Provided an excessively detailed description of the background to the case. • Lacked structure, was difficult to follow. • Used an informal style, inappropriate to the situation. • Legal points were inaccurate and confusing. • Did not directly answer the questions the judges asked; seemed to re-iterate points made in the presentation.
<p>Key evidence:</p>	

Summarise positive and negative evidence here

Rating: *Insert your rating here*

Influencing / advocacy skills

Builds strong, logical cases for various points of view regardless of own personal perspective. Delivers with confidence and impact, using tactics and emotion to support the logic in gaining agreement.

Positive indicators	Negative indicators
<ul style="list-style-type: none">• Provided a strong, logical case in support of the bail application.• The arguments used were based on fact and correct interpretation of relevant law.• Presented the case confidently and with impact.• Bail application acknowledged the contentious issues and provided a counter argument.• Skillfully answered questions in a way that strengthened their point of view.• Used both logical and emotional influencing tactics.	<ul style="list-style-type: none">• Argument for bail was weak and confused.• Arguments used were unsupported by the facts.• Did not present any relevant legal points in support of the application for bail.• Delivered the bail application in an unassuming and hesitant manner.• Came across as arrogant and over confident.• Responses to questions were not persuasive.• Demonstrated a limited range of influencing techniques. Tended to use the same style even when ineffective

Key evidence:

Summarise positive and negative evidence here

Rating: *Insert your rating here*

Resilience

Is comfortable in handling conflict and does not back away from tackling difficult or stressful situations. Remains calm and in control when under pressure.

Positive indicators	Negative indicators
Etc	Etc

Agreed Final Panel Ratings:

Criterion	Agreed panel rating
Effective communication	
Influencing/advocacy	
Resilience	

Appendix 7 (cont'd): Exercise Rating Form - Example

The following is an example of a 'model answer' rating form.

Effective communication	Score
Well structured application for bail. (1 mark)	
Provided sufficient background information. (1 mark)	
Accurately interpreted and described complex legal points such as X and Y. (2 marks)	
Listened to judges' questions and gave clear responses. (2 marks)	
Displayed the appropriate degree of formality and respectfulness. (1 mark)	
Notes/evidence:	Total:
Influencing/advocacy skills	
Provided a strong, logical case in support of bail application. (2 marks)	
Arguments were based on facts and correct interpretation of law. (2 marks) – specify detailed facts here.	
Presented the case with confidence and impact. (2 marks)	
Predicted contentious issues and provided counter arguments in application for bail e.g. xyz (3 marks)	

Skillfully answered questions to strengthen their point of view. (3 marks)	
Used both logical and emotional influencing tactics with success. (2 marks)	
Notes/evidence:	Total:

Agreed final panel ratings:

Criterion	Rating / score
Effective communication	
Influencing/advocacy	
Resilience	

Appendix 7 (cont'd): Integrating Ratings - Example

If the interview has been supported by other work sample exercises, it is necessary to reach an overall agreed assessment rating for each criterion, for every candidate. This process is known as 'integration', and takes place during the panel discussion. The following steps are recommended:

- Put all the agreed panel ratings into a '**Criterion by Exercise**' matrix for each candidate – an example is provided below and in the templates.

Please assume a 5 point rating scale had been used here, where:

Rating scale				
1	2	3	4	5
Poor	Developable	Acceptable	Good	Outstanding

Criterion by exercise matrix for: Joe Bloggs				
Assessment exercise	Communication	Influencing /advocacy	Analytical thinking	Drive and determination
Interview	3	2	4	3
Advocacy exercise	4	2	3	3
Overall				

- Complete the matrix by agreeing an **overall rating** for each criterion. In arriving at the overall rating it is not appropriate to simply take the average of the ratings. The overall rating should be a whole number and not an average.

Assessors should take account of:

- The amount of evidence provided by each exercise (interview/advocacy exercise)
- The validity and reliability of the evidence
- The comprehensiveness of the evidence

Often the overall score will be easy to determine as the ratings may be consistent across each exercise. In the above example, this is true for the criteria: Influencing/Advocacy and Drive and Determination.

At times the overall rating is difficult to determine, particularly if only two assessment exercises were used in your selection process. In these situations, the evidence needs to be discussed again and agreement has to be made on the final rating.

Some chambers prefer to total the ratings for each competency arriving at a total **score**, rather than agree a final rating. This approach is acceptable as long as the same approach is used for each candidate. It has the advantage of being chambers to easily see who performed the best, which is useful when dealing with a large pool of candidates.

Example of overall ratings awarded:

Rating scale				
1	2	3	4	5
Poor	Developable	Acceptable	Good	Outstanding

Criterion by Exercise Matrix				
Candidate: Joe Bloggs	Communication	Influencing /advocacy	Analytical thinking	Drive and determination
Interview	3	2	4	3
Advocacy exercise	4	2	3	3
Overall rating	4	2	3	3

Or, if using a total score approach:

Rating scale				
1	2	3	4	5
Poor	Developable	Acceptable	Good	Outstanding

Criterion by exercise matrix				
Candidate: Joe Bloggs	Communication	Influencing /Advocacy	Analytical thinking	Drive and Determination
Interview	3	2	4	3
Advocacy exercise	4	2	3	3
Overall score	7	4	7	3

- Either of the above approaches for awarding final ratings is acceptable as long as a consistent approach is used for every candidate.
- Once this has been completed, the panel should draw together key themes to emerge from the evidence from the assessment exercises as these will form the basis of the feedback. Two strengths and two developmental areas (if applicable) should be sufficient for providing feedback to each candidate.
- The process of 'integrating' ratings should be then repeated for every candidate. After this, the recruiting panel will be in a position to make selection decisions.

Please note that not all assessment exercises will have been designed to measure exactly the same criteria. In some instances a criterion may only have been measured once (e.g. in an interview). The overall rating in this instance would be the same as the agreed panel rating for a particular criterion. For example:

Criterion by exercise matrix				
Candidate: Joe Bloggs	Communication	Influencing /advocacy	Analytical thinking	Drive and determination
Interview	3	2	Not assessed	3
Advocacy exercise	4	2	3	3
Overall rating	4	2	3	3

In this example, the overall rating for analytical thinking is based on one source of evidence; the advocacy exercise.

Appendix 7 (cont'd): Effective Feedback - Template

This template can be used to help plan feedback to both successful and unsuccessful candidates after their interview or assessment process.

Recruiting panel Member:	<i>Write name here.</i>	Date:
Candidate name	<i>Write name here.</i>	
Job reference:	<i>Pupillage / Mini-pupillage / Tenancy / Other</i>	
Positive evidence	<i>Insert 2 or 3 things that the candidate did well, in relation to the criteria you were measuring.</i>	
Constructive evidence	<i>Insert 2 or 3 things that the candidate could improve (if relevant), in relation to the criteria you were measuring.</i>	
Development suggestions	<i>Insert one or two developmental suggestions (if relevant).</i>	
Candidate reaction	<i>Write a couple of notes in here after your feedback conversation for future reference.</i>	

Appendix 7 (Cont'd): Effective Feedback - Exercise

Please review each of the following extracts from a feedback conversation and decide whether it is effective feedback to give or not. If it is not effective, please explain why it is not and what would make it more effective.

Feedback	Effective (please tick)	Ineffective (please tick)	Comments
"Your presentation was good."			
"You advocated a clear and rational argument for your case and were undeterred by challenges from the panel. You also came across as confident."			
"In the interview you came across as very nervous and quite shy."			
"You were unable to come up with solid arguments about the limitations of the X (piece of legislation)."			
"Overall your two main areas for development are X and Y....."			
"What do you think were your overall strengths from the assessment day?"			
"You failed to provide a solid answer to the question about The Human Rights Act."			
"The panel felt that you had limited legal experience and limited experience of mini-pupillage in a relevant area of law."			

Appendix 7 (cont'd): Effective Feedback - Answer

Answers to the exercise are provided below.

Feedback	Effective (please tick)	Ineffective (please tick)	Comments
"Your presentation was good."		✓	Too vague. In what way was the presentation good?
"You advocated a clear and rational argument for your case and were undeterred by challenges from the panel. You also came across as confident."		✓	Somewhat specific, but how did the candidate demonstrate that they were confident?
"In the interview you came across as very nervous and quite shy."		✓	What did the candidate do to show that he/she was nervous? Needs to be more specific. Also avoid feedback about someone's personality.
"You were unable to come up with solid arguments about the limitations of the X (piece of legislation)."		✓	Elaborate on the arguments that the candidate gave. What is meant by 'solid'?
"Overall your two main areas for development are X and Y....."	✓		Fine to use when summarizing themes at the end of feedback.
"What do you think were your overall strengths from the assessment day?"		✓	Good example of getting the candidate to self reflect. Useful at the beginning of

			feedback.
“You failed to provide a solid answer to the question about The Human Rights Act.”		✓	Avoid words such as “failed” and “solid”. It is too vague.
“The panel felt that you had limited legal experience and limited experience of mini-pupillage in a relevant area of law.”	✓		Quite specific – could elaborate on what experience the candidate does have.

Appendix 8: Monitoring and Evaluating - Template

Strictly Private and Confidential

Diversity Monitoring Questionnaire

Candidate reference: *insert reference number here*

XYZ Chambers wishes to ensure that we are able to recruit, develop and retain the most talented barristers, pupils and staff to our chambers. We value the diversity of backgrounds, skills and experiences found in our chambers, and actively promote an inclusive culture where all our members and staff are able to flourish. As part of meeting our commitments to equality and diversity, our chambers collects and analyses statistical information on all those that apply for positions here. This enables us to ensure that we continue to attract and select our pupils and members solely on the basis of talent and their potential to succeed.

The information that you are asked to provide in the section below will be treated in the strictest confidence. The information requested covers those areas covered in the BSB’s Equality Rules and Guidance. It will be held confidentially by the Senior Clerk and will be used solely for statistical monitoring purposes.

You are not obliged to answer all or any of the questions but in providing this information you will help us to ensure that our recruitment is fair and objective for all.

Q1. Please tick a box below to indicate whether you are:

Male	<input type="checkbox"/>
Female	<input type="checkbox"/>

Q2. From the list of age bands below please tick a box to indicate the category that includes your current age in years:

25-34	<input type="checkbox"/>
35-44	<input type="checkbox"/>
45-54	<input type="checkbox"/>
55-64	<input type="checkbox"/>
65+	<input type="checkbox"/>

Q3. What is your ethnic group? Choose one of the groups below to indicate your ethnic group (please tick one box only):

White

British/English/Welsh/Northern Irish /Scottish	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Gypsy or Irish Traveller	<input type="checkbox"/>
Any other White background	<input type="checkbox"/>

Black/African/Caribbean/Black British

Caribbean	<input type="checkbox"/>
African	<input type="checkbox"/>
	<input type="checkbox"/>
Any Black/Caribbean/Black background	<input type="checkbox"/>
Other British background	<input type="checkbox"/>

Mixed

White/Black Caribbean	<input type="checkbox"/>
White/Black/African	<input type="checkbox"/>
White/Asian	<input type="checkbox"/>
	<input type="checkbox"/>

Asian or Asian British

Indian	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>
Bangladeshi	<input type="checkbox"/>
Chinese	<input type="checkbox"/>

Other Mixed	<input type="checkbox"/>	Any Other Asian background	<input type="checkbox"/>
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Other ethnic group

Arab	<input type="checkbox"/>
Any other ethnic group	<input type="checkbox"/>

Q4. Do you consider yourself to have a disability?

(The Equality Act 2010 defines a person as having a disability if he or she has a physical or mental impairment, which has a substantial long term, adverse effect on his or her ability to carry out normal day-to-day activities. "Long term" means that the impairment is likely to or has lasted for 12 months or more).

(a) Do you consider yourself to have a disability according to the definition above?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

(b) Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

Yes, limited a lot	<input type="checkbox"/>
Yes, limited a little	<input type="checkbox"/>
No	<input type="checkbox"/>

If you would like to discuss any reasonable adjustments to the recruitment process please contact [contact name and telephone]. This information will not be used in the selection process.

Q.5 What is your sexual orientation?

Bisexual	<input type="checkbox"/>
Gay Man	<input type="checkbox"/>
Gay woman/lesbian	<input type="checkbox"/>
Heterosexual/straight	<input type="checkbox"/>
Other	<input type="checkbox"/>

Q6. What is your religion or belief?

No religion or belief	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>
Christian (all denominations)	<input type="checkbox"/>
Hindu	<input type="checkbox"/>
Jewish	<input type="checkbox"/>
Muslim	<input type="checkbox"/>
Sikh	<input type="checkbox"/>
Any other religion	<input type="checkbox"/>

Q8. What is your socio-economic background?

(a) If you went to university (to study a BA, BSc course or higher) were you part of the first generation of your family to do so?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Did not attend university	<input type="checkbox"/>

(b) Did you mainly attend a state or fee paying school between the ages of 11-18?

State	<input type="checkbox"/>
Fee paying	<input type="checkbox"/>

(c) If you attended a fee paying school, did you ever receive any kind of financial award to cover 50% or more of the school fees?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Q.9 Do you have caring responsibilities?

(a) Are you a primary carer for a child or children under 18?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

(b) Do you look after or give any help or support to family members, friends, neighbours or others because of either:

- Long term physical or mental ill-health/disability
- Problems related to old age

(Do not count anything you do as part of your paid employment).

No	<input type="checkbox"/>
Yes, 1-19 hours a week	<input type="checkbox"/>
Yes, 20-49 hours a week	<input type="checkbox"/>
Yes, 50 or more hours a week	<input type="checkbox"/>

Appendix 8 (cont'd): Monitoring and Evaluating - Exercise

The following tables have been taken from a chambers spreadsheet. They are based upon data collected from candidates who were applying for pupillage.

Table 2: Shortlisting rates by Ethnicity

	Number of applicants	Number shortlisted to 2 nd stage	Percentage of group shortlisted (%)
White	304	36	11.8
Ethnic minority	129	17	13.2

After a second stage structured interview and a work sample exercise, the following results emerged:

Table 3: Pupillage offer rates by Ethnicity

	Number interviewed (second stage)	Number offered pupillage	Percentage of group offered pupillage (%)
White	36	3	8.3
Ethnic minority	17	1	5.9

Is there any potential bias occurring at any stage of the selection process? If so, where?

If so, what actions could you take to address any issues?



Appendix 8 (cont'd): Monitoring and Evaluating - Answer

The answer to the exercise is provided below.

Table 2: Shortlisting rates by ethnicity

	Number of applicants	Number shortlisted to 2 nd stage	Percentage of group shortlisted (%)
White	304	36	11.8
Ethnic minority	129	17	13.2

11.8 divided by 13.2 = 0.89 or 89%

There appears to be no significant difference in the shortlisting rates between white and ethnic minority candidates.

After a second stage structured interview and a work sample exercise, the following results emerged:

Table 3: Pupillage offer rates by ethnicity

	Number interviewed (second stage)	Number offered pupillage	Percentage of group offered pupillage (%)
White	36	3	8.3
Ethnic minority	17	1	5.9

5.9 divided by 8.3 = 0.71 or 71%

The difference in success rates between the groups is greater and therefore there could be potential for bias in the process. Ethnic minority candidates are performing less well compared to white candidates during the second stage of selection (i.e. the interview and work sample).

If so, what actions could you take to address any issues?

Chambers needs to review its second stage selection process. Check selection criteria are related to the role, have been correctly weighted and are being applied throughout the selection process. Check the interview and work sample design and the criteria being measured. Are rating schemes being applied consistently by panel members? Have panel members been trained? The principles of fair and effective selection should be applied to each of the above and followed in practice – a thorough check for this needs to occur.

Where the number of appointments made in a recruitment exercise is small, the data should be compiled with data from future exercises so that patterns in recruitment can be assessed over time.



*The General Council of the Bar is the Approved Regulator of the Bar of England and Wales.
It discharges its regulatory functions through the independent Bar Standards Board.*

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