



The Bar Council

Probationary tenancy (commonly known as Third Six Pupillage): Good Practice Guidelines

NOTE: These guidelines are intended to apply to all short term contracts in Chambers for barristers who have completed their pupillage, but are yet to secure tenancies. Included within this category are positions otherwise referred to as third six pupillages, probationary or fixed-term tenancies, or squatting.

This guidance note sets out 10 principles which the Bar Council considers should apply to all third six pupillages, and is intended to operate as a checklist for sets of Chambers and third six pupils alike.

1. Third six pupillage vacancies should be centrally advertised on the Bar Council's website at www.barcouncil.org.uk/becoming-a-barrister/pupil-barristers/probationary-tenancies-vacancies.html, and state:
 - 1.1. the duration of the third six pupillage; and
 - 1.2. the type of work that the third six pupil can expect.
2. Chambers should recruit third six pupils using a fair and transparent recruitment process. This should include principles of fair recruitment outlined in the Equality and Diversity rules (rC110.1 and rC110.3.d) ¹, which includes but is not limited to:
 - 2.1. a set criteria for all applicants;
 - 2.2. equality and diversity monitoring processes;
 - 2.3. an accurate record using score sheets to compare the performance of applicants; and
 - 2.4. an interviewing panel, of which one must have attended the Bar Council's Fair Recruitment training.
3. An offer of a third six pupillage should be made either:

¹ Supporting Information on the equality rules of the BSB Handbook – <https://www.barstandardsboard.org.uk/for-barristers/compliance-with-your-obligations/equality-and-diversity-rules.html>

- 3.1. with a stated intention to offer a full term tenancy upon conclusion; or
- 3.2. indicating that an application can be made for full tenancy during or at the conclusion of the third six pupillage; or
- 3.3. as a set period of further training and development only.
4. Chambers should assign a member of Chambers to mentor the third six pupil. The mentor should be:
 - 4.1. responsible for the third six pupil's career development, remuneration and wellbeing; and
 - 4.2. accountable to the panel in Chambers who are responsible for recruiting tenants.
5. Chambers should make clear both in their advertisement and to third six pupils before they start whether they would offer them a guaranteed minimum earnings scheme or pupillage award and chambers should consider whether those pupils should be reimbursed for any reasonable travel expenses incurred during the third six pupillage period.
6. Third six pupils should not be expected to make financial contributions towards Chambers.
7. The clerks and Chambers' management staff should ensure fair allocation of work to the third six pupil, in the same manner as for any other member of Chambers [rC 110.3.i and rC 112].
8. The third six pupil should be involved in the same career development and social events as other members of Chambers.
9. The progress of the third six pupil should be monitored by members of the Pupillage Committee or relevant practice group where appropriate.
10. In the event that the third six pupillage is not converted into a tenancy, the third six pupil should be given full and transparent feedback.

Important Notice

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