



The Bar Council



ADR Resolutions  
Management Consultancy

## Model appraisal policy and guidelines

- Purpose:** To assist barristers' chambers to fulfil their obligations to their employees.
- Scope of application:** Those who are responsible for employees in chambers.
- Issued by:** Chambers Management Panel
- First issued:** September 2024
- Last reviewed:** September 2024
- Status and effect:** **Please see the notice at end of this document. This is not "guidance" for the purposes of the BSB Handbook I6.4.**

The Bar Council's Chambers Management Panel has worked with [ADR Resolutions LLP](#) to produce the following template appraisal policy and guidelines for barristers' chambers.

The policy is designed to help barristers' chambers fulfil their legal obligations to their employees.

A summary of the relevant obligations can be found [on the policies and procedures for chambers webpage](#). It is recommended that you familiarise yourself with the relevant requirements.

This document has been prepared in good faith and does not constitute legal advice. It is therefore recommended that you instruct a solicitor or [a direct access barrister](#) specialising in employment law to review the final version of it before submitting it for approval and adoption by your management committee or otherwise.

## **Important notice**

This document has been prepared by the Bar Council to assist barristers on matters of professional conduct and ethics. **It is not “guidance” for the purposes of the BSB Handbook I6.4, and neither the BSB nor a disciplinary tribunal nor the Legal Ombudsman is bound by any views or advice expressed in it.** It does not comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council nor any of the individuals responsible for or involved in its preparation accept any responsibility or liability for anything done in reliance on it. For fuller information as to the status and effect of this document, please see [important information and disclaimer](#).

# Appraisal policy and guidelines

## Our commitment

We are committed to creating a culture that enables our employees to build the capacity and capabilities we need for long-term success and that motivates them to develop and perform well for themselves, their teams, and for the benefit of [name of chambers].

This policy explains how you will be appraised throughout the year to ensure that you understand, and are making progress against, your objectives. It also sets out the areas that we expect your manager to cover with you when appraising your performance, to ensure that they are supporting your learning and development, and offering you access to appropriate training opportunities.

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**Note for author:** if you offer performance-related salary increments or bonuses, then you may wish to refer to that here. E.g. where you are eligible for our [pay progression / bonus] scheme, your manager's assessment of your performance [throughout the year / following your formal appraisal] will form the basis of their recommendations to us regarding the level of reward that you should receive.

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Your manager may not follow these exact guidelines, as there may be occasions when it is appropriate to deviate from them. This policy is not part of your employment contract, and we can change it at any time. If you have any questions, please talk to the [title of person responsible for handling HR issues].

## What and who is this policy for?

This policy describes the processes that we will use to appraise your performance throughout the year and how you can get the most from them. It applies to all our employees, regardless of the nature of their contract with chambers.

In this policy:

- 'We' / 'us' refers to [name of chambers]
- 'You' means all employees of [name of chambers]
- 'Manager' means the person who has responsibility for you

This policy does not apply to circumstances in which you are under performing in your role. That will be dealt with through our **Capability policy**.

It also does not apply to unacceptable behaviour that is misconduct. That will be dealt with through our **Disciplinary policy**.

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**Note for author:** you can find model capability and disciplinary policies on our [Ethics and Practice Hub](#).

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## **Key principles**

### **Setting clear expectations**

We will set specific goals for you by defining, and clearly communicating, what success looks like in your role, the outcomes we expect from you, and the behaviours and attitudes we value.

### **Improvement through continuous feedback and learning**

We will encourage your manager to provide you with timely, specific, and actionable feedback, and ensure that you are seeking opportunities for growth and development, to continually improve your skills and knowledge.

### **Recognising and rewarding performance**

We want to reinforce positive behaviours, motivate our employees to perform well, and foster a culture of excellence. In addition to discussing areas for improvement, we expect your managers to identify areas in which you are excelling, and to celebrate your achievements **[through our reward and recognition programme]**.

### **Confidentiality**

It is the responsibility of the people involved in an appraisal process to ensure that the matters discussed remain confidential. However, there may be situations in which it is necessary to provide information to others to ensure that the actions agreed can be progressed.

Inappropriate access to, or disclosure of, personal or sensitive personal data (whether verbally or in writing) constitutes a data breach and must be reported to

the [title of person responsible for handling GDPR issues]. It may also constitute a disciplinary offence which we may deal with under our **Disciplinary policy**.

### **The importance of feedback**

We are committed to creating a feedback-rich culture, where our employees are comfortable asking for, and receiving feedback from, their managers and those they work with regularly throughout the year.

Developmental feedback is important because it gives you an opportunity to evaluate your performance, understand the impact of your work, and develop the skills and knowledge that you need to be successful in your role and to progress in your career.

### **Principles for giving effective feedback**

When providing you with feedback, we expect your manager to use specific, evidence-based examples of areas in which you have performed well, or require improvement, and to discuss their observations with you in a timely fashion.

“I would not have been able to complete A. Barrister’s practice review without your assistance with the financial reports you produced relating to their income and aged debt, and your analysis of their earnings against their comparator cohort.”

Whilst it is important for your manager to recognise your strengths, we also encourage them to identify how you can develop your skills and knowledge. Developmental feedback should be balanced and focus on the practical ways that you can improve, which you will be encouraged to reflect on and contribute to.

“The presentation that you prepared for the Management Committee was well structured and addressed important points about chambers’ use of contextual data in its recruitment processes and how it could help to improve diversity and inclusion. However, you were not able to effectively answer the questions that the Committee raised about how you would monitor success. How do you think you could have prepared for this?”

The primary purpose of feedback is to help you improve, which means it should always be constructive. Your manager should also take an objective approach when

assessing your performance, and avoid making comments that do not create learning opportunities, such as “I don’t like the way you have worded this section of our bid for the provision of legal services to B. Commission”.

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**Note for author:** as part of their formal review processes, some chambers adopt a 360-degree process in which members and/or colleagues are invited to contribute feedback of their own.

If this process is handled well, then it can help managers to provide their direct reports with specific examples of both good and poor performance and identify further opportunities for development. It also helps to enhance employees’ understanding of how their interactions with others are perceived and how they can strengthen relationships internally, and encourages reflection based on specific examples that require objective assessment designed to increase self awareness and improve accountability.

It is recommended that managers discuss who they should feedback from with their direct reports, focusing on those they have worked closely with throughout the year. Managers should aim to obtain feedback from a minimum of three people. Whilst this feedback is normally shared in confidence, managers should exercise judgment when determining which elements of it to use, particularly where it is vague, unconstructive, and/or will not enable the individual to whom it relates to take corrective action. It is worth considering removing anonymity from the process, as it is not necessarily aligned with an open and transparent feedback culture.

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### **Informal review meetings**

Your manager is responsible for ensuring that you are aware of the standards that we expect of you, for meeting with you regularly to discuss your progress and help you improve, and for coordinating any training designed to ensure that you can carry out your role. To enable this, they will arrange to meet regularly with you to hold informal review meetings.

The frequency and length of your informal review meetings will depend on your role and the level of support that you require to perform it effectively. However, we expect them to take place at least once per month.

During your informal review meetings, your manager will assess the work that you have completed since your last meeting and provide you with relevant feedback. They will also discuss your actions for the forthcoming period and work with you to identify any training needs that you might have.

To develop a supportive culture and address any issues that might be affecting your physical or mental wellbeing, we also encourage both you and your manager to use your informal review meetings to discuss any concerns that you have about your working environment and what we can do to reduce the impact of them, where possible. If you don't feel comfortable speaking to your manager, you can use [\[our confidential Employee Assistance Programme / the Assistance Programme advertised by the Bar Council, Legal Practice Management Association, and Institute of Barristers' Clerks, which is available to their respective members, and\]](#) is available 24 hours a day.

### Formal review meetings

Unless you are in your probationary period, you will meet with your manager once per annum for a formal review, or appraisal. Generally, these meetings will take place in [\[month\(s\)\]](#) of each year and your formal review must be completed before [\[date\]](#). [\[Where you have more than one manager, the \[title of person responsible for handling HR issues\] will work with you to determine which of them is best placed to assess your performance\].](#)

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**Note for author:** some chambers run mid-year review meetings, which you may also wish to refer to here. Generally, the format of mid-year review meetings will be the same as it is for annual appraisals. Mid-year review meetings provide employees with an opportunity to evaluate their progress and revise their existing, or set new, objectives for the coming months.

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Before your formal review meeting takes place, you should complete the form contained in **Annex 1** of this policy and share it with your manager. You should aim to do so at least [\[5\]](#) working days in advance of the meeting, which will ensure your manager has sufficient time to review your assessment of your performance, consider how well you have met your objectives for the preceding year, and gather evidence [\[and feedback\]](#) to help them illustrate any points that they wish to raise with you.

Your formal review meeting will take place in a confidential and quiet location, where you and your manager will be free from interruptions and disturbance. The purpose of your formal review meeting is to:

- Discuss your performance in the preceding period, including the areas in which you have demonstrated progression and those in which you would benefit from further learning and development
- Review the progress that you have made against the objectives that you set for the previous year and reflect on your experiences when attempting to achieve them

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**Note for author:** if an employee was in their probationary period during the previous review process, or joined your set or returned to work after it had been completed, the objectives that you use to assess them against should have been set with their manager upon successful completion of their probationary period, or upon their return to work.

Equally, if an employee has been promoted in the interim period, they should review their existing objectives with their new manager and discuss any changes that ought to be made to them. These revised objectives will form the basis for the next formal review they participate in.

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- Agree and set new SMART objectives for the coming year, taking into consideration the requirements of your role and the needs of [name of chambers]
  - Discuss your career aspirations and identify appropriate training opportunities for your personal and professional development

[Where you are eligible for our [pay progression / bonus] scheme, your manager will also use your formal review to determine your performance rating, which will form the basis of their recommendations to us regarding the level of reward that you should receive.]

After your meeting, your manager will send you an updated version of the form contained in **Annex 1** of this policy, which will include their comments and details of the new objectives that you have agreed with them. They will invite you to sign the form to indicate that you agree with its contents and, once you have done so, they



will countersign it and send it to the [title of person responsible for handling HR issues] for filing.

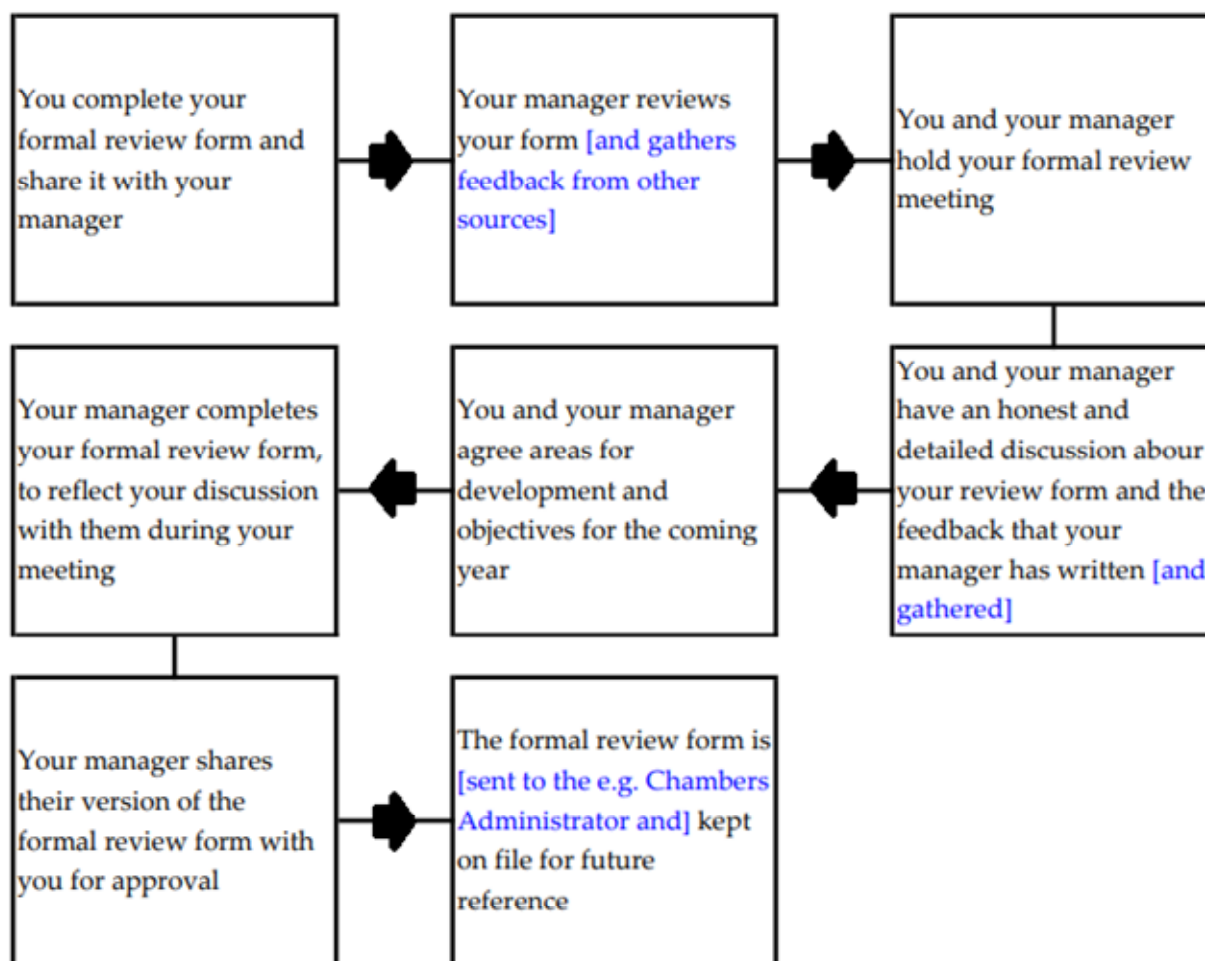
[If you are not happy with any of the comments that your manager has made, then you should discuss your concerns with them and try to resolve them informally. If you cannot resolve them informally, then you may appeal the contents of your formal review by writing to the [title of person responsible for handling HR issues] or, if they are your manager, to the [title(s) of senior leaders within chambers who have been given responsibility for handling appeals] (the 'Appeal Manager') within five working days of the discussion with your manager. Your submission should explain which parts of the review form you believe are wrong and why you disagree with them. The Appeal Manager will then investigate the issues that you have raised and will respond to your concerns within ten working days. Their decision will be final.]

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**Note for author:** it is good practice to give your employees the right of appeal in relation to their formal reviews, although this is not a statutory right.

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## The process – a snapshot



## Objectives

Your objectives are one of the key components of your review and should be used to both evaluate your performance in the preceding period and to set new goals based on your learning requirements and the needs of [name of chambers] for the coming months.

You should agree your objectives with your manager, and they should follow the SMART criteria detailed below. We recommend that you aim to set no fewer than [3] and no more than [5] objectives per annum.

There may be occasions on which the objectives you set cover a period of more than 12 months. In these circumstances, you should specify what you intend to achieve in respect of them during each review cycle, so that your performance against them can be properly assessed the following year.

## SMART criteria and examples

Criteria	Good example	Poor example
Specific	Arrange bimonthly meetings of no more than one hour, for the next 12 months, with the Crime Practice Group to discuss progress against its annual business plan and marketing strategy. Work in conjunction with the Heads of the Crime Practice Group to produce the agenda and papers, and circulate them to all members of the Crime Practice Group a week in advance on each meeting.	Arrange meetings with the Crime Practice Group
Measurable	Separate from chambers' planned marketing events, meet with, and obtain feedback on our services from, at least one instructing solicitor each month	Speak to instructing solicitors
Achievable	Set a clear project plan for compiling and submitting chambers' bid for the provision of legal services to A. Council and ensure that you meet the key deadlines you have identified	Meet every deadline that you are given over the next twelve months
Relevant	Check chambers' Data Retention Policy monthly and action any deletions that it specifies apply to the information that you are responsible for processing	Review all of chambers' policies and ensure you are compliant with them
Timebound	Before the end of March 2025	Over the next 12 months

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**Note for author:** you may wish to include a standard set of objectives for employees with direct reports, which can be used to assess their performance as managers and leaders when conducting their reviews. These objectives should be treated as separate from those your managers choose to set based on their individual learning requirements and outputs. They should also help to ensure that your managers are held accountable for supporting decisions, communications and processes, and have developed the skills required to support and motivate their direct reports and/or teams effectively. Examples include coordinating and carrying out effective monthly meetings with direct reports to evaluate their performance on an ongoing basis and provide them with feedback to help them improve, dealing with any absence, performance, grievance, or disciplinary issues in a timely fashion and in accordance with chambers' policies and procedures, and ensuring that their direct reports attend and actively participate in all training courses mandated by chambers.

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## **Personal development plans**

When completing your personal development plan, you should consider your personal development needs and the objectives that you have been set for the coming year, and what support you will need to achieve them.

You should also reflect on your career aspirations and discuss them with your manager so that they can help you to identify appropriate training opportunities.

As part of this process, you should consider:

- Your achievements over the preceding period and any aspects of your role that you have particularly enjoyed and would like to develop further
- Any challenges that you have faced when performing your role or attempting to achieve the objectives that you set for the preceding period, and what support you could have benefited from at the time and that would help you to improve
- Any work that you might be able to undertake, or projects that you might be able to contribute to, that will help you to expand your existing skillset and improve your organisational knowledge
- How your manager and [name of chambers] could help to improve, or reinforce, your commitment and performance, and benefit further from your experience, knowledge, and skillsets

- How you would like to progress in your career and the training opportunities that might help you to develop the capabilities that you know are required of those who are in more senior positions than your own

## Performance ratings

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**Note for author:** generally, chambers will use a ratings system when they offer performance-related salary increments or bonuses. It is not necessary to implement one if this is not the case for your set, but you can if you would like to.

An effective ratings system can help you to evaluate the performance of your employees when compared against their counterparts, identify potential successors for key roles within your organisation, and deal effectively with issues relating to underperformance. However, ratings systems can also be highly subjective and may have a negative impact on engagement if not correctly constructed.

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During your review meeting, your manager will provide you with feedback on your performance and progress based on the objectives that you set the previous year, and your capabilities based on the duties and responsibilities that you have been assigned through your current job description. In assessing your capability, your manager will also refer to the person specification associated with your role, which sets out the experience, knowledge and, where applicable, qualifications, that we have determined are required to successfully perform it.

Your manager will take these factors into consideration when assessing your overall strengths and setting your performance rating. Your rating will reflect their evaluation of your performance throughout the year and will form the basis of your discussion with them regarding your achievements and areas for improvement. If there are significant issues with your performance, then you should not hear about them for the first time during your review meeting. However, your manager will take them into consideration when setting your performance rating.

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**Note for author:** if an employee is underperforming in their role, it should be dealt with through your **capability policy**. Your managers should raise any concerns promptly and try to resolve the relevant issues informally. They should not wait

until a formal review process to address underperformance or to identify the ways in which they can support your employee's improvement.

You can find model capability policy on our [Ethics and Practice Hub](#).

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The performance rating that your manager assigns you will fall under one of the following headings:

### **[Outstanding performance**

If your performance is rated as outstanding, then your manager has determined that you are exceeding expectations. This means that you will have completed all the objectives that you set for the preceding period and undertaken additional work that would not normally form part of your roles and responsibilities. For your performance to be outstanding, you will be widely regarded as a role model, consistently deliver to an exceptionally high standard, and achieve results that go beyond our expectations.

A. Colleague was asked to research mini pupillage schemes at the Bar, write a report on their findings, and make a recommendation to the Management Committee relating to the future of its mini pupillage programme. They were given a deadline of three months to complete the work. To complete this objective, A. Colleague carried out a wide range of research using a variety of methods and went beyond the initial scope of the project to explore other schemes that chambers could introduce, or participate in, as part of wider outreach programme. They produced a thorough report which was well structured and made sound recommendations, all of which were approved by the Management Committee. They were able to complete the work in under two months without any impact to their existing workload or other objectives and took additional responsibility for implementing the recommendations thereafter.

### **Average performance**

If your performance is rated as average, then your manager has determined that you are meeting expectations. This means that you will have completed all the objectives that you set for the preceding period and are also meeting the requirements of your

role. However, you are not excelling in any particular area and have not sought to progress beyond your day-to-day responsibilities and pre-assigned goals.

A. Colleague was asked to research mini pupillage schemes at the Bar, write a report on their findings, and make a recommendation to the Management Committee relating to the future of its mini pupillage programme. They were given a deadline of three months to complete the work. A. Colleague conducted desk-based research into the mini pupillage schemes offered by other sets. They produced a well written report which included three options – do nothing, disband the mini pupillage programme, and alter the mini pupillage programme, and their recommendation to do nothing was accepted by the Management Committee. They completed the work in three months, as agreed.

### **Requires improvement**

If you require improvement, you will have met most of the objectives that you agreed for the preceding period but not all of them. Alternatively, you may have completed all your objectives but not been able to meet all the performance indicators that you were set to measure your success in respect of each goal. Your manager may also determine that you require improvement if you have not been able to fulfil some of duties and responsibilities that you have been assigned through your current job description.

A. Colleague was asked to research mini pupillage schemes at the Bar, write a report on their findings, and make a recommendation to the Management Committee relating to the future of its mini pupillage programme. They were given a deadline of three months to complete the work. A. Colleague carried out some desk-based research but relied heavily on the information that had already been obtained by the Bar Council in respect of the same topic. The report that they produced was adequate, but only included two options – do nothing, and disband the mini pupillage programme. It took them 6 months to complete the work.

### **Unsatisfactory performance**

If your performance is rated as unsatisfactory, then your manager has determined that you have not taken steps to correct minor performance issues that they have discussed with you informally, or that there are more significant issues that are impacting your performance. In these circumstances, your manager will follow the

steps outlined in our **capability policy** and discuss and agree an action plan with you to address their concerns about your performance.

A. Colleague has not met any of the objectives that were set for them during last year's formal review process. Additionally, they are not meeting the standards that we expect of line managers and have failed to meet with any of their direct reports for over three months.]

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**Note for author:** these are the performance ratings recommended by ACAS, but we recommend that you research and select your own, as each set will have different requirements and preferences. Generally, it is better to use descriptors than numbers, and to provide examples of what performance in each category looks like.

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### **Further information and support**

If you have any questions about this policy, you can contact the [title of person responsible for handling HR issues].



## Version control

Version	Description of update	Updated by	Date
1.0	Approved by [e.g. Chambers Management Committee]		[e.g. Sept 2024]
[e.g. 2.0]	[e.g. Revised at paragraphs 10 and 11 to refer to new legislation]	[e.g Chambers Director]	[e.g. Dec 2025]

Annex 1 – Formal review form

**Formal review form**

<b>Name of employee</b>	
<b>Job title of employee</b>	
<b>Name of line manager</b>	
<b>Period for review</b>	1 October 2023 to 30 September 2024
<b>Date of formal review meeting</b>	

**Overview**

<b>Reflecting on the past 12 months, which achievements are you most proud of and how have you improved?</b>	
<b>Your comments</b>	<b>Your manager's comments</b>

<b>What challenges have you faced when carrying out the duties and responsibilities that you have been assigned through your current job description, or when attempting to achieve your objectives for the preceding year?</b>	
<b>Your comments</b>	<b>Your manager's comments</b>

## Review objectives

### Objective 1

(For ease of reference, you should include a description of the objective here e.g. arrange bimonthly meetings of no more than one hour, for the next 12 months, with the Crime Practice Group to discuss progress against its annual business plan and marketing strategy. Work in conjunction with the Heads of the Crime Practice Group to produce the agenda and papers and circulate them to all members of the Crime Practice Group a week in advance on each meeting.)

Your comments	Your manager's comments

### Objective 2

Your comments	Your manager's comments

### Objective 3

Your comments	Your manager's comments

## Set objectives

<b>Objective 1</b>	Research mini pupillage schemes at the Bar, write a report on my findings, and make a recommendation to the Management Committee relating to the future of its mini pupillage programme
<b>Time frame</b>	Before 31 December 2024
<b>How will you measure your success?</b>	<ul style="list-style-type: none"> <li>• Undertaking effective research into the mini pupillage schemes offered by other sets, including research into how they approach the application process and structure their respective programmes</li> <li>• Production of a comprehensive report, including realistic project timelines and accurate forecasting where the recommendation you make requires chambers to change its current programme</li> <li>• Successful presentation of the report to the Management Committee, resulting in approval of the recommendation(s) made within the three months required for completion of the objective</li> </ul>

<b>Objective 2</b>	
<b>Time frame</b>	
<b>How will you measure your success?</b>	

<b>Objective 3</b>	
<b>Time frame</b>	
<b>How will you measure your success?</b>	

## Personal development plan

### How do you think you could improve over the coming 12 months?

(You should use this section to identify the areas in which you could improve, based on your personal development needs and the objectives that you have set for the coming year. You should also reflect on your aspirations and which skills you might need to acquire to progress in your career.)

Your comments	Your manager's comments

### What support will you need to help you make these improvements?

(You should use this section to list any specific requirements, based on the areas that you have identified you would like to improve in over the coming 12 months.

You should proactively seek out opportunities for learning and development, and make time to attend relevant courses and events. To support this process, you should work with your manager to identify:

- Training courses that will help you to develop your existing skillsets
- Events that are relevant to your work and will help you to improve your knowledge of specific subject matter
- Membership associations and other professional bodies that you might benefit from joining and through which you can learn how individuals with similar roles are approaching their own projects and dealing with shared challenges

You should also consider other forms of support that might be beneficial to you, such as shadowing, mentoring, or coaching, and discuss with your manager whether there are any activities or projects that you can be more involved with, that will help you to gain and evidence the competencies required to progress in your career.)

Your comments	Your manager's comments

### Performance rating

<b>Rating</b>	<b>Your manager's comments</b>
<b>Outstanding performance</b>	
<b>Average performance</b>	
<b>Requires improvement</b>	
<b>Unsatisfactory performance</b>	

### Approval

<b>Signature of employee</b>	
<b>Name of employee</b>	
<b>Date</b>	

<b>Signature of line manager</b>	
<b>Name of line manager</b>	
<b>Date</b>	