



The Inns of  
Court College  
of Advocacy

Stage 3 Pupil Assessment Procedure in relation to Gray's Inn, Lincoln's Inn, Middle Temple, the Midland Circuit, the North Eastern Circuit, the Northern Circuit, the Wales & Chester Circuit and the Western Circuit.

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This process replaces all previous processes with effect from 1<sup>st</sup> November 2024.

Gray's Inn, Lincoln's Inn and Middle Temple and the Midland Circuit, North Eastern Circuit, Northern Circuit, Wales & Chester Circuit and Western Circuit delegate delivery of the Stage 3 Pupil Assessment Procedure (Stage 3 PAP) to the ICCA. The compulsory pupillage advocacy course must be successfully completed before a pupil can apply for a provisional practising certificate in order to commence their practising period of pupillage.

The Stage 3 Pupil Assessment Procedure is the final stage in the assessment of advocacy for pupils.

The ICCA's procedures for a Stage 3 PAP will be invoked upon a request from an Inn or a Circuit for a Pupil who has not met the required competency standard following a second assessment (Stage 2).

### The ICCA's Stage 3 PAP

The following sections provide guidance as to how the ICCA will implement the Stage 3 PAP:

1. Assessors
2. Assessment
3. Criteria
4. Materials and preparation
5. Format of the session
6. Results
7. Appeal
8. Contacts

The Assessment Criteria is also provided as an annex.

## 1. Assessors

A panel of 3 senior assessors<sup>1</sup> (Assessors) from the Inns and/or Circuits will be assembled by the ICCA for a Stage 3 PAP.

Assessors who have been involved in assessment of the advocacy of the Pupil at any of the previous stages will not be used for the Stage 3 assessment. Pupils requiring Stage 3 PAP will not be assessed by a member of their Chambers or by a member of staff from their employer.

The Assessors will not have access to any information relating to any previous assessment or performance, or to any trainer notes from a Pupil's previous attempts at passing the Pupil Advocacy Assessment (Stages 1 & 2).

## 2. Assessment

A pupil will only be assessed on the elements upon which they were unsuccessful at Stage 2.

The referring Inn or Circuit will confirm to the ICCA which part(s) is or are to be assessed during the Stage 3 PAP.

## 3. Criteria

A pupil will be assessed according to the BSB Criteria which are annexed to this policy; the same criteria are followed by the Inns and Circuits at all stages of assessment.

## 4. Materials and Preparation

The ICCA will select and circulate the exercise to be undertaken by the Pupil.

All training materials for the assessment will be sent to the pupil 2 weeks in advance.

If the pupil has used the exercise in a previous training session, the pupil must inform the ICCA immediately.

## 5. Format of the Session

The Assessors will confirm when the pupil should begin their oral submissions or questioning of a witness. The Pupil will be given a set period of time in which to perform the exercise.

It is likely that there will be someone playing the role of a Judge before whom the Pupil will make submissions or question a witness. The Judge will respond to any submissions and may ask some questions. The Judge will be familiar with and have a full understanding of the assessment process and will be a senior Inns or Circuit advocacy trainer. The Judge for the exercise will not contribute to the decision of the Assessors at the culmination of the assessment.

The performance will be filmed.

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<sup>1</sup> Senior Assessors are those who are regarded by their Inn or Circuit as being suitably experienced to assess the standard of advocacy required of a Pupil.

## 6. Result

The Assessors will be required to confirm to the ICCA either:

- a) That the stated assessment criteria have been met or,
- b) That the standard of competency has not been met.

The ICCA will inform the referring Inn or Circuit and the Pupil in writing of the outcome of the Stage 3 PAP.

It is then incumbent upon a successful Pupil and their Chambers or pupillage provider to make the BSB aware of the outcome of the Stage 3 PAP for the purposes of applying for a Practising Certificate. The ICCA will not provide any further opportunities to complete the Pupil Advocacy Assessment unless there has been a successful appeal (see below).

## 7. Stage 4 – Appeal

A Pupil may appeal against the decision of the Stage 3 PAP to the ICCA by writing to the ICCA at [info@icca.ac.uk](mailto:info@icca.ac.uk) setting out their grounds of appeal.

Grounds of appeal may only include procedural irregularity and/or prejudice or bias.

An Appeal will not be permitted if it seeks to question the exercise of professional or academic judgement.

Pupils can rely on the aural or visual recording of their Stage 3 PAP by way of evidence in support of any appeal.

The ICCA will assemble an Appeal Committee made up of three senior advocacy trainers drawn from the Inns and/or Circuit, an ICCA Governor who is a practising barrister or Judge, and the Dean of the ICCA or their nominee.

An Appeal Committee will be assembled within 21 days and provided with the relevant evidence by the ICCA in order to reach a decision.

The decision of the Appeal Committee will be final.

If the appeal is successful, the Appeal Committee will disregard the previous attempt of the Stage 3 PAP and will allow the pupil to make a fresh attempt.

Alternatively, the Appeal Committee can substitute their decision for that of the original assessors.

## 8. Contacts

In the event of a query relating to this procedural information, please contact the ICCA.

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## Annex 1 – Assessment Criteria

### Advocacy

Pupils must undertake a course (the Course) in advocacy provided by an approved provider of compulsory barrister training during pupillage (e.g., Inn, Circuit or another approved provider).

The course must be passed before the pupil is awarded their Provisional Practising Certificate. However, it remains the responsibility of Pupil Supervisors to sign off a Pupil as having met the threshold level of competence in all areas, as set out in the Professional Statement, in order to apply for a Provisional Practising Certificate at the end of pupillage.

The purpose of the Course during pupillage is to allow pupils to refresh and build on the knowledge and skills they have developed during the vocational component and to practise their advocacy skills.

For pupillages starting with effect from 1 September 2024, there are new requirements for the compulsory course in advocacy. These requirements are set out below.

### Assessment Criteria

Training providers should assess pupils according to the following criteria:

#### 1. Skeleton Arguments

##### Structure

The pupil's skeleton should:

- 1.1 Be professionally presented and appropriately laid out.
- 1.2 Follow a logical structure.
- 1.3 Make appropriate use of subheadings.
- 1.4 Be coherent and of an appropriate length.

##### Content

The pupil's skeleton should:

- 1.5 Be clearly written using appropriate language.
- 1.6 Identify all relevant issues.
- 1.7 Set out a sustainable argument on each issue.

- 1.8 Deal appropriately with counter arguments.
  - 1.9 Comply with appropriate formalities and be ethically sound.
  - 1.10 Identify and refer appropriately to relevant procedure, authorities, and documents.
2. Legal Submissions (opposed or unopposed)

Delivery:

The pupil should:

- 2.1 Speak at a sensible pace, with appropriate tone and volume.
- 2.2 Avoid over reliance on notes and make good eye contact.
- 2.3 Deliver the legal submission professionally and with confidence, using suitable language.
- 2.4 Use persuasive arguments and anticipate and adapt to an opponent's points.
- 2.5 Use authorities appropriately and effectively.
- 2.6 Deal with judicial intervention effectively.

Structure and Content

The pupil should:

- 2.7 Follow a clear and logical order.
- 2.8 Demonstrate a clear understanding of formalities, relevant law and procedure.
- 2.9 Guide the audience using suitable signposting or headings.
- 2.10 Make use of the skeleton argument and other materials in an effective way.

3. Examination in Chief

Delivery

The pupil should:

- 3.1 Use appropriate language and question types, dealing with one point at a time.
- 3.2 Deliver the examination in chief articulately with appropriate demeanour, pace, and volume.
- 3.3 Listen appropriately to the witness and adapt further questioning as necessary.
- 3.4 Have good witness engagement avoiding over-reliance on notes.

3.5 Conduct themselves in a way that is suitable to the tribunal and/or witness.

## Structure and Content

The pupil should:

- 3.6 Deal with points in a clear and logical order.
- 3.7 Make appropriate use of evidence and exhibits.
- 3.8 Seek relevant admissible evidence and avoid inadmissible evidence.
- 3.9 Insulate the witness where and when appropriate.
- 3.10 Ask questions to establish and advance key points in line with the case theory.

## 4. Cross Examination

### Delivery

The pupil should:

- 4.1 Deliver the cross examination articulately with appropriate demeanour, pace, and volume.
- 4.2 Listen appropriately to the witness and adapt further questioning as necessary.
- 4.3 Ask closed and concise questions using appropriate language.
- 4.4 Demonstrate control of the witness, showing flexibility where required.
- 4.5 Have good witness engagement avoiding over-reliance on notes.

### Structure and Content

The pupil should:

- 4.6 Deal with points in a clear and logical order.
- 4.7 Ask questions to advance and reinforce the key points in line with the case theory.
- 4.8 Challenge the witness appropriately to put the case.
- 4.9 Deal with inconsistencies and make use of contradictory materials to weaken the opponent's position.
- 4.10 Elicit all necessary facts and know when to stop.