



Applying for Silk - Event for Practitioner Assessors

7 May 2024

Accompanying Notes

These notes should be read alongside the presentation, to support and provide further detail to the information within some of the slides.

The KCA Secretariat are always happy to speak to assessors and answer questions on any part of the process; do contact us at any time at enquiries@KCappointments.org or on 0207 831 0020.

Slide 2 – Overview

The panel do not ‘carry over’ information about applicants from previous rounds; judgements are made based on the evidence provided for the particular competition.

Slide 3 – Excellence

Successful applicants must demonstrate **consistent excellence** (rather than occasional sparks of brilliance).

There are **no quotas**– any applicant who reaches the required standard will be interviewed.

The role of the assessor underpins the whole KC selection process. The panel need the views of those who have seen the applicant on their feet as well as working behind the scenes in preparation of a case to help build a picture of them – information and colour it would be impossible to get through an interview alone.

Slide 5 – Process for Assessors

If you are unable to provide an assessment, please let us know as soon as possible so that we can approach an alternative assessor in good time.

We really appreciate the time and effort assessors put into supporting the KC process and whilst we would greatly appreciate a response by the date in the email, please just contact us if you need more time – we will always be as flexible as possible.

Previous assessments: If you have previously provided an assessment for an applicant, you can request a copy. Should you have seen the applicant again since the submission of the

previous assessment, we would be grateful if you could consider updating it. The Panel will not be made aware of any previous applications so please do not refer to them in your assessment.

We recommend completing your assessment(s) via the **online form**. If, however, you are unable to do this please contact the Secretariat to request a Word version of the form.

Slides 6 and 7– Key Messages

The Selection Panel bases its decisions on evidence of excellence drawn from the applicant's self-assessment, information from assessors listed by the applicant and an interview with those who secure one. **The most important element in the process is the evidence from assessors** who have recent professional experience of seeing the applicant in practice. Assessors perform a hugely valuable service to both the legal sector and the wider public – who rely on the letters 'KC' to signify excellence.

In order to get to the right outcome and to uphold this excellence, the Selection Panel rely on honest assessments - even if it doesn't support the applicant. The panel employ an 'outlier' process as a safeguard to ensure that no single negative comment can cause an applicant to fail. However, without those honest comments from assessors it is possible that the wrong applicants may be put through, as there will be no 'warning signal' for the panel to probe at interview. The panel need to see evidence of performance falling short of the required standard as much as evidence of excellence.

You will never be asked to provide more than six individual assessments:

- For those assessors who are asked for 1 or 2 assessments, we would be grateful for a response within three weeks
- For those who have 2 or 4 assessments, it is four weeks
- For those who have been asked to provide between 5-6 assessments, the deadline is eight weeks

Again though, please just contact the Secretariat as early as possible if you need extra time or support in completing the form.

Slide 8 – 12: Competencies

Competency A – Understanding and Using the Law

This competency requires applicants not only to have up-to-date legal knowledge and to use it accurately, relevantly and effectively, but also to become familiar with new areas of law quickly and reliably – either in law in an area outside the applicant's usual specialism, or new developments in law. If you have observed the applicant using other areas of the law, or they researched a new and developing area of the law and applied it creatively, please tell us.

Competency B – Written and Oral Advocacy

Advocacy may be in written or oral form but must relate to developing or advancing a client's or employer's case to secure the best outcome in the dispute. That outcome might be secured through arbitration, court determination or a settlement agreement.

For competency B the panel needs to see a balance between the written and oral aspects of advocacy in deciding its view of the competency overall. The outcome for Competency B reflects the panel's judgement on the applicant's written and oral advocacy taken together, bearing in mind the relative importance of the two elements of advocacy in the applicant's practice. An example of good **written advocacy** could be that a case was won purely on the strength of the applicant's written evidence.

Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or in negotiation. Evidence of good oral advocacy might be that the applicant encountered a tricky situation and dealt with it on their feet. The panel must have some evidence of oral advocacy. If the applicant's area of work does not include a lot of oral advocacy (eg planning) that is fine, but having no evidence of oral advocacy is a problem.

Competency C – Working with Others

Working with others covers establishing productive relationships with others involved in the case; leading the legal team; and demonstrating the behaviours expected of advocates in their dealings with those involved in the case. This includes high standards of professionalism and appropriate collaboration with, and respect for, all other parties.

This competency is not just about – for example – the applicant leading a junior but is about evidence of 'living leadership'. Examples could be taking charge of a difficult situation; moving a case forward when the odds are stacked against it; motivating others and supporting morale within a team, or offering development opportunities to younger colleagues.

Competency D – Diversity Action and Understanding

The diversity action and understanding competency aims to ensure that all those recommended have a good understanding of diversity and inclusion issues, demonstrate appropriate professional behaviour **and** are proactive on diversity and inclusion matters.

Applicants do not have to rely on cases for this competency, and evidence might come from outside of the applicant's court work, for example work on committees or projects within chambers (or from outside their professional life entirely).

It is about understanding challenges that groups may face in accessing the law - both as a profession and as the user and demonstrating what the applicant has done to widen access and participation.

Slide 13 – The 'Star' Approach

For both applicants and assessors, the panel require evidence of excellence, not assertions or comparisons. The panel are looking for specific information about what the applicant did in a particular situation.

- **Situation:** this is the background and context of the situation – the who, what, where and when of a specific example. Assessors need not go into full detail of the case or

situation but should focus on the elements which speak to the substance, complexity or unusualness of the matter.

- **Task:** set out as far as possible the applicant's responsibility in that situation and what was required, including (if applicable) taking responsibility on their own initiative
- **Action:** this is the more important part of the evidence and is about how the applicant completed the task or tried to meet the challenge – with a focus on what the applicant did, rather than what others did.
- **Result & Reflection:** please describe the outcome. The focus should be on what the applicant accomplished for their client or to advance justice, rather than listing all the actions of other parties

Slide 14 – Overall Rating

Your overall rating of the applicant's suitability for appointment as silk is based on their demonstration of the competencies that you personally are in a position to comment on.

The ratings are designed to provide a clear view on whether the applicant should be appointed as silk. The Panel is aware that there are many extremely effective juniors but who do not fully demonstrate the qualities required of a silk at this time. Such applicants should be rated as "**Possibly ready for appointment**", or "**Not yet ready for appointment**". Please do not rate an applicant as "**Clearly ready for appointment**" unless you have seen him/her perform very well in a case in which a silk might appropriately have been instructed. Subject to that, there is no need for a lower rating simply because your own knowledge of them is limited.