

SICKNESS LEAVE POLICY

1. This policy should be read in conjunction with Chambers' Constitution and in this policy the following definitions apply:
 - a. "sickness leave" means temporary cessation of practice as a barrister by reason of ill-health which prevents that barrister from working for a period of more than 20 consecutive working days ('working days' being weekdays excluding bank or public holidays), or by reason of disability where that disability prevents the barrister from practising;
 - b. "disability" has the meaning given to it by the Equality Act 2010 (as amended);
 - c. "months rent" shall be a notional rent calculated as a percentage of a barrister's average monthly earnings for the twelve months, or if the barrister has not worked for twelve months, the number of whole months he/she has worked, immediately preceding a period of sickness leave. The percentage to be applied shall be the percentage or percentages used to calculate rent due by that barrister to Chambers in the month in which the rebate, as set out in paragraphs 9 and 10 below, is claimed. For the avoidance of doubt and to take into account fluctuations in the applicable percentage, whether by reason of changes in the budget or the barrister's income crossing a threshold, the "month's rent" shall be calculated on a month by month basis;
 - d. "minimum annual contribution" shall be the amount set from time to time in Chambers' Budget Report; and
 - e. "barrister" means barrister member of Chambers, save where otherwise defined.

2. The obligation to pay the minimum annual contribution shall be suspended during periods of absence from Chambers on sickness leave.
3. A barrister who suffers from ill health which affects his or her ability to work for more than 20 consecutive working days or who suffers from a disability shall be entitled to take a period of leave or may request to alter his or her pattern of work (for example by working flexible hours or part-time or partly from home) so as to enable him or her to manage his or her illness or disability. To the extent that this may interfere with his or her normal availability for work or the way in which he or she is clerked, this should be discussed with the Head of Chambers. Any barrister seeking to work flexibly is encouraged to discuss the practicalities of his or her proposals at the earliest possible opportunity with the relevant Practice Manager.
4. A barrister's seat in Chambers will remain open to him or her for a period of up to 12 months while he or she is on sickness leave. In the case of a pupil barrister the pupillage will remain open (i.e. suspended) for a period of up to 12 months from the start of the Initial Absence Period as defined in paragraph 22 below, but this shall not be taken to extend the span of the pupillage itself which will remain for a fixed period of 6 or 12 months (as appropriate) in total.
5. Any barrister who is on sickness leave should notify Chambers via the Chief Executive as soon as reasonably practicable of the date on which he or she is likely to return to work and any subsequent changes to those dates.
6. Any barrister (other than a pupil barrister) who is suffering from a disability or an illness that he or she believes is likely to become long-term should notify Chambers via the Chief Executive as soon as reasonably practicable of that fact and of any adjustments that he or she considers Chambers might reasonably make in order to allow his or her return to work.

7. A barrister suffering from a disability (other than a pupil barrister) may seek an extension to the normal period of leave. Such a request should be addressed to the Head of Chambers in writing and will be determined by the Governance Board in consultation with the Chief Executive and the Equality and Diversity Officer.
8. If at the end of a 12 month period of sickness leave and subject to Chambers' Equality and Diversity Policy and Reasonable Adjustments Policy, the barrister does not return to practice, the barrister's tenancy (or, in the case of a pupil, her or his pupillage) may be determined at the discretion of the Governance Board.
9. During sickness leave, a barrister will be entitled to a rent rebate for a period of up to 6 months in total, providing only that the barrister has notified Chambers via the Chief Executive of his or her intention to take such leave and to claim the associated rebate prior to the start of that period of leave. In the case of unforeseeable absence:
 - a. such notification shall be as soon as is reasonably practicable after it becomes clear that he or she will need to take a period of sickness leave (i.e. that the absence is likely to last for more than 20 consecutive working days); and
 - b. at the request of, and at the discretion of the Governance Board (after consulting with the Chief Executive and the Equality and Diversity Officer), the associated rebate may commence prior to the date of notification.
10. The rent rebate referred to above will be provided by crediting a sum equivalent to a month's rent to the barrister's Chambers' account for each month throughout which he or she is on sickness leave. If the barrister is on sickness leave for part of a month, his or her Chambers' account will be credited with a percentage of a month's rent equivalent to the number of working days' absence as a percentage of the total number of working days in that month. For the avoidance of doubt the rebate is operate as a credit against sums due only and under no circumstances is a payment to be made to a barrister.

11. During sickness leave, a barrister should endeavour to maintain contact with Chambers. He or she will be offered the opportunity to do appropriate work if this is requested. On his or her return from leave, he or she will be offered assistance with re-establishing his or her practice.
12. A barrister suffering from a disability who returns to practise on a part-time basis within 6 months of the commencement of sickness leave shall (where the reason for the part-time working pattern is the disability) be entitled to a pro rata rent rebate for up to 6 months from the commencement of the sickness leave. The rent rebate shall be a percentage of the rebate described at paragraph 10 above, such percentage to be based upon the number of days worked in each month as a proportion of the total working days in that month, providing only that if the member works 3 days or less in any month those days shall be disregarded and a full rent rebate will be given.
13. If requested by the barrister, a Practice Manager will be allocated to them upon return to work for 6 months following a period of sickness leave or for the duration of any period of part-time, home-based or flexible practice. That Practice Manager will be primarily responsible for managing the barrister's diary in accordance with the basis upon which he or she returns to work.
14. It is the responsibility of each barrister to ensure that he or she is covered by a current practising certificate and certificate of professional insurance in respect of any work done during a period of sickness leave.
15. A barrister who practises on a part-time basis by reason of ill health or disability (with the approval of the Head of Chambers as set out in paragraph 3 above) shall be entitled to a pro rata rent rebate for up to 6 months from the commencement of that part-time practice. The rent rebate shall be a percentage of the rebate described at paragraph 9 above (substituting references to 'leave' with 'part-time practice'), such percentage to be based

upon the number of days worked in each month as a proportion of the total working days in that month, providing only that if the member works 3 days or fewer in any month those days shall be disregarded and a full rent rebate will be given.

16. This policy shall be circulated to all new members of Chambers at the commencement of their tenancy. Upon the Chief Executive becoming aware that a barrister is suffering from ill health or disability, it shall be the responsibility of the Chief Executive to remind the barrister of his or her entitlement under this policy and to hold a meeting with the barrister if requested by him or her to discuss his or her plans and proposals for return to work and his or her clerking needs in the months thereafter.
17. Complaints or queries about the implementation of this policy should be addressed to the Equality and Diversity Officer or the Chief Executive.
18. A first or second six pupil shall be entitled to take sickness leave in accordance with paragraphs 19 to 27 below.
19. During any period of sickness leave, a pupil should as soon as reasonably practicable provide to their pupil supervisor or the Director of Pupillage a doctor's note or equivalent to confirm the reason for their absence and should notify their pupil supervisor and the Director of Pupillage as soon as reasonably practicable of the date on which she or he is likely to return to Chambers to undertake the normal requirements of pupillage and any subsequent changes to that date.
20. Where a pupil barrister considers that they are disabled and that their sickness absence is caused by or related to such disability they should notify the Director of Pupillage of that fact and of any adjustments which he or she considers that Chambers might reasonably make in order that he or she can undertake the normal requirements of pupillage.
21. Subject to paragraph 22, and so far as is relevant, paragraphs 1,4,8 13,14,16 and 17 shall apply to the first and second six month pupils, providing that such absence from Chambers is not inconsistent with the requirements for the time being of the Bar Council

or the Bar Standards Board as regards the period over which the practising and non-practising six months can be spread.

22. Paragraphs 22 to 27 of this policy apply to a first or second six pupil during any period of long-term sickness or disability-related absence as defined herein. In the event that a pupil is not able to undertake the normal requirements of pupillage for any period which extends for more than 20 consecutive working days (as defined in paragraph 1) by way of illness or disability ('the Initial Absence Period'), prior to the conclusion of the Initial Absence Period the pupil shall obtain the opinion of a suitably qualified medical professional as to the date on which they are like to be able to undertake the normal requirements of pupillage. In the event that in the opinion of such a professional the pupil is unlikely to be able to undertake the normal requirements of pupillage for a period of a further 20 working days or more from the end of the Initial Absence Period that pupil shall be considered to be absent by way of long-term sickness or a long-term disability -related condition.
23. Where paragraph 22 applies and subject to paragraphs 4 and 8, Chambers may in its reasonable discretion and acting fairly and reasonably opt to suspend pupillage at the end of the Initial Absence Period or from such alternative date that it shall reasonably consider appropriate until the pupil is, in the opinion of a suitably qualified medical professional, whose opinion the pupil shall obtain, in a position to resume the normal requirements of pupillage ('Pupillage Suspension').
24. Subject to paragraph 26, in the event of Pupillage Suspension, Chambers will cease payment of any pupillage award or guaranteed earnings from the date on which Pupillage Suspension commences until the date on which the pupil is reasonably considered able to undertake the normal requirements of pupillage in accordance with paragraph 23.
25. During any period of Pupillage Suspension, Chambers may acting in its reasonable discretion make an ex gratia payment to the pupil, save that any request for such payment shall be made to the Director of Pupillage prior to the end of the Pupillage Suspension.
26. For the avoidance of doubt, condition on compliance with paragraph 19 and providing that such absence is not inconsistent with the requirements for the time being of the Bar Council or Bar Standards Board as regards the period over which the practising and non-practising six months can be spread, during any period of sickness or disability related

absence of fewer than 20 consecutive working days (as defined in paragraph 1), a pupil will continue to receive their award or guaranteed earnings.

27. The operation of paragraphs 21 to 26 of this policy shall be subject at all times to Chambers' Equality and Diversity Policy and Chambers' Reasonable Adjustment Policy.
28. A third six pupil shall be entitled to take sickness leave in accordance with the paragraphs listed below which are applicable to them (wherein references to 'barrister' and 'barrister's seat' or 'tenancy' shall be taken to mean 'pupil', 'pupil's pupillage' and 'pupillage' respectively).
29. Paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, and 17 shall also apply to third six pupils.
30. It shall be the responsibility of any pupil supervisor whose pupil is affected by this policy to assist him or her in relation to this policy.

Approved by Governance Board, 1st March 2018