

PARENTAL LEAVE AND FLEXIBLE WORKING (MEMBERS OF CHAMBERS) POLICY

Introduction

1. This policy should be read in conjunction with Chambers' Constitution and the Rent System Annexe and in this policy the following definitions apply:
 - a. "Parental Leave" means leave taken by the sole primary carer of a child preceding or following birth or adoption or fostering of that child.
 - b. "Shared Parental Leave" means leave taken by a parent who shares primary care for a child, during the same period of time or during consecutive periods of time, with the other parent, preceding or following birth or adoption or fostering of that child.
 - c. "Partner Leave" means leave taken by a barrister who is the spouse or partner of the sole primary carer of a child following birth, adoption or fostering.
 - d. "Leave" means either Parental, Shared Parental or Partner Leave. This could be the mother, the father or adoptive or fostering parent of either sex, and includes the married, civil or de-facto partner of a biological or adoptive or fostering parent.
 - e. "parent" means those who are applying for leave because they are about to become a parent through pregnancy, adoption, fostering or surrogacy.
 - f. "carer" means an individual, who applies under this policy for time to care for a dependent.
 - g. "dependent" means an infant, child, young person or an adult with a disability.

- h. “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 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 11 and 12 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;
- i. “minimum annual contribution” shall be the amount set from time to time in the Rent Annexe to Chambers’ Budget Report (“the Rent System Annexe”);
- j. “barrister” means barrister member of Chambers, save where otherwise defined;
- k. “family responsibilities” includes caring for older, young, or disabled dependents or relatives.

Purpose

- 2. The aim of this policy is to:
 - (1) Encourage members following Leave to return to Chambers and continue to build successful practices;
 - (2) Prevent discrimination on grounds of parental responsibility;
 - (3) Encourage and support members taking time off following the birth, adoption or fostering of a child without suffering financial hardship;
 - (4) Comply with the requirements of the Code of Conduct and accompanying Guidelines.

Suspension and rebate

3. Leave:

- a. Any barrister member is entitled to up to twelve months leave of absence from Chambers for the purposes of Parental Leave to care for their dependent. They must be the primary carer of the dependent during the period of Leave;
- b. Any barrister member is entitled to up to twelve months leave of absence from Chambers for the purposes of Shared Parental Leave to care for their dependent. They must share primary care of the dependent during the period of Leave;
- c. Any barrister member is entitled to up to three months leave of absence from Chambers for the purposes of Partner Leave.

- 4. Leave is to be commenced within 12 months of birth of the child or the child entering the family (in the case of adoption, within 12 months of either as a result of, or with a view to the adoption of, that child).
- 5. In the case of fostering, this policy will only apply at the discretion of the Governance Board (both as to whether to apply at all and any amendment to the application of Leave as set out in this policy), taking into account, amongst other matters: the age of the fostered child, the frequency of fostering and the number of children fostered by the barrister.
- 6. During any period of Leave, a barrister's obligation to pay the minimum annual contribution shall be suspended. The obligation to pay the minimum annual contribution shall be suspended during periods of absence from Chambers on Leave or if greater for a period of twelve months commencing on the same day as the Leave.

7. The fact that a barrister is on Leave shall not preclude a barrister from working up to three working days, or equivalent working hours, in a calendar month.
8. A barrister's seat in Chambers will remain open to him/her for a period of up to twelve months while s/he is on Leave. This applies to each pregnancy, fostering or adoption.
9. Any barrister seeking to take Leave should notify Chambers in writing via the Chief Executive (or in the case of a pupil, the Director of Pupillage) as soon as reasonably practicable of the date on which s/he wishes to commence that period of leave. Any barrister seeking to take Leave should notify Chambers in writing as soon as reasonably practicable of the date on which s/he is likely to return to work and any subsequent changes to those dates.
10. A barrister on Leave may seek an extension to the normal period of Leave. Such a request should be addressed to the Governance Board in writing and will be determined by the Governance Board in consultation with the Practice Managers and the Equality & Diversity Committee.
11. If at the end of a twelve-month period of Leave or any period of extension granted under paragraph 10, and subject to compliance with Chambers' Equality and Diversity Policy and Reasonable Adjustments Policy, the barrister does not return to practice, the barrister's tenancy (or pupillage as appropriate) may be determined at the discretion of the Governance Board.
12. During Parental Leave, a barrister will be entitled to a rent rebate to a value of up to six months rent, providing only that the barrister has notified Chambers in writing via the Chief Executive of her/his intention to take such leave and to claim the associated rebate prior to the start of that period of leave. If the barrister gives notice to leave Chambers at any time, whether during leave or subsequently, the

right to a rent rebate or any brought forward credit arising under this policy will be lost from the date that the notice is given.

13. During Shared Parental Leave, a barrister will be entitled to a rent rebate to a value of up to six months rent, providing only that the barrister has notified Chambers in writing via the Chief Executive of her/his intention to take such leave and to claim the associated rebate prior to the start of that period of leave. If the barrister gives notice to leave Chambers at any time, whether during Leave or subsequently, the right to a rent rebate or any brought forward credit arising under this policy will be lost from the date that the notice is given.
14. During Partner Leave, a barrister will be entitled to a rent rebate to a value of up to one month's rent, providing only that the barrister has notified Chambers in writing via the Chief Executive of his/her intention to take such leave and to claim the associated rebate prior to the start of that period of leave. If the barrister gives notice to leave Chambers at any time, whether during partner leave or subsequently, the right to a rent rebate or any brought forward credit arising under this policy will be lost from the date that the notice is given.
15. The rent rebates referred to above will be provided by crediting a sum equivalent to one month's rent to the barrister's Chambers' account for each month of Leave taken. If the barrister is on leave for part of a month, his or her Chambers' account will be credited with a percentage of one month's rent equivalent to the number of working days' absence as a percentage of the total number of working days in that month. If the sum to be credited exceeds the rent due to Chambers in any given month, any excess shall be carried over and credited to the barrister's Chambers' account for the following month or months until the total credit given has reached the maximum that is permitted by paragraph 11 or 12. However, no sums shall be credited to the barrister's Chambers' account that are referable to any time after the end of the period of Leave. At the conclusion of Leave the total rent rebate to which the barrister is entitled pursuant to paragraph 11 or 12 will be calculated and compared with the total of the rent rebates credited to that barrister during Leave.

If the amounts are different a final adjustment will then be made by way of a credit or debit to the barrister's Chambers' account. For the avoidance of doubt the rebate or any brought forward credit arising under this policy is to operate as a credit against sums due as rent only and under no circumstances is a payment to be made to a barrister or any set off to be made against any other liability of the barrister. Any brought forward credit arising under this policy shall be forfeited unless within 6 months of the date of conclusion of Leave it has been set off against rent due from that barrister.

Example 1

Freda takes parental leave starting on 1 September. Her income in the previous twelve months was £140,000. Her average monthly earnings are therefore £11,666.67. The prevailing rate for rent up to £150,000 is 22%. One month's rent calculated in accordance with paragraph 1c is therefore £11,666.67 x 22% = £2,566.67. That is the amount of her credit against her September rent.

Example 2

In October, Freda's receipts for the calendar year cross the threshold of £150,000 at which rent falls to 15%. One month's rent is calculated in accordance with paragraph 1c at £11,666.67 x 15% = £1,750.00. That is the amount of her credit against her September rent. If the threshold of £150,000 was crossed midway through October, the change in rate would be taken pro rata.

Example 3

Jo takes twelve months parental leave. One month's rent calculated by paragraph 1c is £1,000. She is therefore entitled to a maximum rebate of £6,000 in accordance with paragraph 10. During each of the first three months of her Parental Leave, her liability to Chambers for rent is £1,500. For each of those months, she receives a rebate against her rent of £1,000, and has to pay £500 to Chambers. In the fourth month of her parental leave her rent liability is £1,000. She is credited with £1,000. In each of the fifth and six months her rent liability is £500. She is credited with £500 for each of the fifth and sixth months. In each of the seventh to tenth months

her rent liability is £250, and she is credited with £250 for each of those months. At this point the total of all her rebates is £6,000, and she is not entitled to any further rebates for the remaining two months of her Parental Leave.

Example 4

Carl takes six months Parental Leave. One months' rent calculated by paragraph 1c is £2,000. He is therefore entitled to a maximum rebate of £12,000 in accordance with paragraph 10. In each of months one and two of his parental leave, his rent liability to Chambers is £2,500. He is credited with £2,000 for each of those months. In months three, four and five of his Parental Leave his rent liability is £2,000 and he is credited with £2,000 for each of those months against his rent liability. In month six his rent liability is £500. He receives a rent of £500. He then returns to practice. His total rebate has been £10,500. His unused rebate of £1,500 will be credited to his account and used against future rent. Any unused credit remaining after 6 months will be lost.

Example 5

Violet takes three months Parental Leave. One month's rent calculated by paragraph 1c is £1,000. She is therefore entitled to a maximum of £3,000 in accordance with paragraph 10. In the first month her rent liability to Chambers is £500. She is entitled to a rebate of £500 for the first month. The unused rebate of £500 is carried over. In the second month her rent liability to Chambers is £1,250. She is entitled to a rebate of £1,250 made up from the excess of £500 carried over from the first month and part of the entitlement of £1,000 from the second month. The unused rebate of £250 is carried over to the third month. In the third month her rent liability to Chambers is £2,000. She is entitled to a rebate of £1,250 made up of the excess of £250 carried over and £1,000. After returning to practice she is not entitled to any further rebate.

Before, During and Return from Leave

Before Leave

16. Prior to the commencement of Leave, the barrister should meet with the Chief Executive (and/or, if appropriate, a senior practice manager) to discuss where appropriate and agree:
 - a. The level and type of contract s/he would like to have during Leave;
 - b. Any outstanding cases and appropriate cover;
 - c. Any outstanding billing;
 - d. A proposed return date;
 - e. How, when and by whom solicitors will be informed of the start and end date of Leave;
 - f. Arrangements for the forwarding of post and paying in of cheques;
 - g. Whether s/he should suspend her/his practising certificate. It should be borne in mind that while suspension means that the barrister member will be free from CPD obligations for the period of suspension, it also means that s/he will not be able to take on any work during the period leave; and
 - h. Whether s/he will be undertaking work during Leave.
17. If requested by the barrister, their Practice Manager will remain allocated to him/ her upon commencement of Leave and for six months following a period of Leave or for the duration of any period of part-time, home based or flexible practice (arranged pursuant to the flexible working provisions set out below). That Practice Manager will be primarily responsible for managing the barrister's diary in accordance with the basis upon which s/he returns to work.

During Leave

18. During Leave, a barrister should endeavour to maintain contact with Chambers. S/he will be offered the opportunity to do appropriate work if this is requested and paragraph 28 shall apply in this regard if such work is carried out within six months of the commencement of Leave. A barrister will be kept informed of training, social events and Chambers' business by the Chief Executive or such person as the Chief Executive and the barrister shall agree. On her/his return from leave, s/he will be offered assistance with re-establishing his or her practice. During parental leave Chambers will send communications to the barrister's Chamber's email address unless an alternative has been provided.
19. Unless otherwise informed by the barrister member, it should be assumed that s/he cannot attend Chambers' meetings and apologies for absence should be reflected in the minutes of those meetings. Minutes should be e-mailed to the barrister member where appropriate.
20. The barrister member's pigeonhole should be monitored by the practice managers on a regular basis. Where necessary the contents should be posted to the barrister at least monthly at no cost extra cost to the barrister.
21. Any cheques received during parental leave should be dealt with in accordance with the arrangement reached under paragraph 14.f above.
22. It is the responsibility of each barrister to ensure that s/he is covered by a current practising certificate and certificate of professional insurance in respect of any work done during a period of parental leave.
23. At least three months prior to the barrister member's return to practice consideration must be given to the following:
 - a. Identification and appointment of a mentor who will assist the barrister member in settling back into practice and generally;

- b. The likely working hours, the type, duration and location of any hearings that the barrister member may undertake. This should include any request for flexible or part-time working (see below);
- c. Any need for the barrister member to attend a “refresher” course in their relevant practice area;
- d. Review the barrister member’s website profile in conjunction with the Chief Executive (or appropriate practice manager) and Chambers marketing director, and where necessary update the profile;
- e. Announce the barrister member’s return to practice on Chambers’ website;
- f. Identify a list of solicitors and write to each of them announcing the barrister member’s return to practice;
- g. A return to work meeting for the barrister taking into account their family responsibilities.

Return from leave

- 24. On return to work each barrister member may work part-time or flexible hours or have restrictions on travel to enable them to manage their family responsibilities as (see below for the provisions on flexible working).
- 25. The following adjustments should be made to accommodate the needs of barrister members returning from parental leave:
 - a. The timing of Chambers meetings and practice reviews should take into consideration childcare needs of barristers, and attendance at evening/weekend meetings should not be expected. Chambers should make childcare provision for Chambers’ meetings or any other meeting which take

place over the weekend or in the evening and at which a member's attendance is expected or required;

- b. Breast feeding and expressing should be accommodated in Chambers;
 - c. Conference call facilities should be made available to barrister members wishing to participate in meetings from home; and
 - d. A three-month review should take place, at which the barrister members' career and support needs are identified. Their "mentor", the Chief Executive (or Senior Practice Manager) should be present.
26. Barrister members are responsible for ensuring their practising certificates and insurance are current upon return.

Flexible Working

27. A barrister who has, or shares, family responsibilities may seek to take a period of leave or alter her/his pattern of work (for example by working flexible hours or part-time or partly from home) so as to enable him/her better to manage that responsibility. To the extent that this may interfere with her/his normal availability for work or the way in which his/her practice is managed written notice shall be given by him/her to the Governance Board, Chief Executive and the Equality & Diversity Committee.
28. Any barrister seeking to work flexibly is encouraged to discuss the practicalities of his/her proposals at the earliest possible opportunity with the relevant Practice Manager. Any such barrister may request a suspension of the obligation to pay the minimum contribution and such a request should be addressed to the Governance Board in writing and will be determined by the Governance Board after consultation with the Equality & Diversity Committee.

29. A barrister who undertakes any work on a part-time basis within six months of the commencement of Leave (as set out in the Parental Leave part of this policy) shall be entitled to a pro rata rent rebate for up to six months (in the case of Parental Leave) and up to three months (in the case of Shared Parental Leave) from the commencement of Leave. The rent rebate shall be a percentage of the rebate described 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 barrister works three days or fewer in any month those days shall be disregarded and a full rent rebate will be given.
30. The Equality & Diversity Committee may at the request of a barrister to whom this policy applies and if it is just and equitable and in accordance with the purposes of this policy to do so extend the application of this policy or adjust any allowances made or rebates given pursuant to it in respect of that barrister provided always that the overall package of benefits under this policy as so extended or adjusted shall not be materially more extensive or favourable than provided for by the policy.

Pupils

31. A third six pupil shall be entitled to take Leave in accordance with the policy outlined above as if reference to barrister was a reference to third six pupil.
32. A first or second six pupil shall be entitled to take Leave solely on the basis as defined and as provided for below.
33. Subject to paragraph 34, and so far as is relevant, paragraphs 1, 7, 8, 11 and 16-21, 24-25 shall apply to 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.

34. Paragraphs 36 to 39 of this policy apply to a first or second six pupil during any period of parental leave 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 of Chambers' Sickness Leave Policy) for the reason of having commenced Leave ("the Initial Absence Period"), prior to the conclusion of the Initial Absence Period the pupil shall inform the Director of Pupillage as to the date on which they will return to undertake the normal requirements of pupillage supported, if appropriate, with medical evidence. In the event that a pupil indicates that they do not intend to return to Chambers to undertake the normal requirements of pupillage, or in the opinion of a medical 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 parental leave.
35. Where paragraph 34 applies and subject to paragraphs 7, 8 and 11 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 indicates that they wish to resume the normal requirements of pupillage or, in the opinion of a suitably qualified medical professional, whose opinion the pupil shall obtain, the pupil is in a position to resume the normal requirements of pupillage ("Pupillage Suspension").
36. Subject to paragraph 37, 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 in compliance with the requirements of paragraph 34 returns to continue their pupillage.
37. 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 a payment shall be made to the Director of Pupillage prior to the end of the Pupillage Suspension.

38. For the avoidance of doubt, conditional on compliance with paragraph 33 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 parental leave of fewer than 20 consecutive working days (as defined in paragraph 1 of Chambers' Sickness Leave Policy), a pupil will continue to receive their award or guaranteed earnings.
39. The operation of paragraphs 33-38 of this policy shall be subject at all times to Chambers' Equality and Diversity Policy and Chambers' Reasonable Adjustment Policy.
40. It shall be the responsibility of any pupil supervisor whose pupil is affected by this policy in the course of her/his pupillage to assist them in relation to this policy.

Implementation

41. Complaints or queries about the implementation of this policy should be addressed to the Equality & Diversity Officer or the Chief Executive.
42. This policy shall be circulated to all members of Chambers, Practice Managers and other members of staff who are required to read and understand the policy and to understand their role in relation to the policy. Upon the Chief Executive becoming aware that a barrister or his or her spouse or partner is expecting a baby or planning to adopt, 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 practice management needs in the months following the birth or adoption of the child.

- 43. Barristers and Chambers are expected to apply this policy in good faith.
- 44. The Chambers' Equality and Diversity Officer will review annually the effectiveness of this policy, and where appropriate will make proposals for change to the Management Committee.
- 45. This policy will be reviewed by the Equality and Diversity Officer every two years.

This policy was adopted by the Governance Board on 28th September 2023 and will be reviewed every two years.