



MEMBERS' AND PUPIL'S PARENTAL LEAVE POLICY

1. This policy applies equally to members of Chambers who are parents or carers of children and other dependents. It should be read in conjunction with Chambers' Constitution.
2. Chambers will ensure that its staff are familiar with this policy through appropriate training.
3. "Parental Leave" refers to leave taken from practice by a carer of a child shortly before and following birth or adoption. This could be the mother, father, or adoptive parent of either sex, and includes the married, civil, or de-facto partner of a biological or adoptive parent.
4. The term "parent" will be used in this policy to cover those who are applying for leave because they are about to become a parent as a result of pregnancy, adoption, or surrogacy.
5. The term "carer" will be used to describe an individual, whether male or female who applies under this policy for time to care for a dependent.
6. A "dependent" for the purposes of this policy will include an infant, child, young person, or an adult with a disability.
7. "Shared Parental Leave" simply refers to a situation in which more than one parent are carers for the same dependent during the same period or during consecutive periods of time.
8. Any member is entitled to up to twelve months leave of absence from Chambers for the purposes of Parental Leave or Shared Parental Leave to care for their dependent. They must be the primary carer of the dependent other than in comparison to the other parent during the period of Parental Leave or Shared Parental Leave. The period of Parental Leave or Shared Parental Leave may be extended by the Management Committee, on application.
9. Such leave is to be commenced within twelve months of birth of the child or the child entering a family (either because of, or with a view to the adoption of, that child).
10. During the period of any Parental Leave, a member of Chambers shall be entitled to a period of up to six months free of any payments in respect of Room Charges under paragraph 5 of Appendix II to the Protocol to the Constitution.
11. A member of Chambers taking a period of parental leave is also entitled to a credit to be set against their expenses contributions under paragraph 2 of Appendix II to the Protocol to the Constitution. Such credit shall be whichever is the lesser of:

- a. 6 times the monthly average of that member's expenses contributions taken over the period of twenty four months immediately preceding the commencement date of the period of parental leave (or over the period of that person's membership of Chambers where that is less than twenty four months); or
 - b. £7,500.
12. The amounts so foregone by Chambers in respect of Room Charges and expenses contributions shall be borne as a general expense of Chambers.
13. The Head of Chambers or their deputy in consultation with the Management Committee may, in exceptional circumstances, permit a member to take more than twelve months' Parental Leave and/or increase the period during which a member is not required to make payments in respect of Room Charges and/or increase the amount of the credit in respect of expenses contributions.
14. If a member is absent from chambers for more than 12 months without agreeing an extension with the Head of Chambers or their deputy, their automatic right to return to Chambers ceases unless such absence is due to consecutive births.
15. Where membership ceases by virtue of the above provisions, a member can reapply to Chambers in the usual way.
16. Informal working arrangements during a period of parental leave do not affect a member's entitlement to the six-month period free of Room Charges or the credit against expenses contributions, provided that the Head of Chambers or their deputy and Management Committee are kept informed of the arrangements by the member of Chambers and is satisfied that the level of work being undertaken does not constitute a return to practice.

Pre-Leave

17. Any member of Chambers intending to take time off from Chambers for the purpose of Parental Leave or Shared Parental Leave must give written notice to the Head of Chambers or their deputy. Such notice shall be given at least one month prior to the expected date of birth or adoption of a child (or of a child joining the family with a view to adoption) although the Management Committee may exceptionally agree a shorter period of notice. Chambers recognises that there will be circumstances in which it will not be possible to give any notice (for example, a premature birth).
18. Chambers (and Chambers' clerks) will accommodate time-off for fertility treatment, ante-natal care, and related medical and other appointments.
19. Prior to the commencement of leave, the member should meet with the Senior Clerk (or another appropriate clerk) to discuss and where appropriate agree:
 - a. The level and type of contact they would like to have during Parental Leave or Shared Parental 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 Parental Leave or Shared Parental Leave.
- f. Arrangements for the forwarding of post and paying in of cheques.
- g. Whether they should suspend their practising certificate. It should be borne in mind that while suspension means that the member will be free from CPD obligations for the period of suspension, it also means that they will not be able to take on any work during the period of leave; and
- h. Whether s/he will be undertaking work during Parental Leave or Shared Parental Leave.

During Leave – Contact with Chambers

- 20. Chambers through the Senior Clerk (or other appropriate person) will ensure that the member is kept informed of Chambers meetings, important Chambers decisions, seminars, or conferences to be held by Chambers relevant to the member's practice and, where seminars held by outside organisations.
- 21. Where possible and with the agreement of the member concerned, seminar materials should be sent to the member.
- 22. Unless otherwise informed by the member, it should be assumed that they cannot attend Chambers and team meetings and apologies for absence should be reflected in the minutes of those meetings. Minutes should be e-mailed to the member where appropriate.

During Leave – Management of pigeonhole

- 23. The member's pigeonhole should be monitored by the clerks on a regular basis. Where necessary the contents should be posted to the member at least monthly at no cost extra cost to the barrister.
- 24. Any cheques received during parental leave should be dealt with in accordance with the arrangement reached under paragraph 15 above.

During Leave – Preparation for return to practice

- 25. The below measures are aimed at ensuring the member's return to Chambers after leave of absence is properly managed and planned and that steps are taken to ensure work is available for the member upon their return and to assist in every way practical in rebuilding the member's practice. This is the responsibility of both the member and Chambers through the Senior Clerk/Practice Manager.

During Leave - Keeping in Touch (KIT) days

- 26. KIT days can be used for any work-related activity e.g., training or team events. The content, frequency and number of KIT days should be designed to make the return to work following leave easier for the member. They are taken during leave.

27. Prior to the commencement of leave, the member in consultation with the Senior Clerk should agree the number of KIT days to be used subject to a maximum of 10 days. Agreement should also be reached as to the dates of the KIT days, although this should remain flexible.
28. During the period of leave, the member should be reminded by the Senior Clerk (or other appropriate clerk) by e-mail of the dates of KIT days. These days should not affect the calculation of Chambers parental leave benefit.
29. Where possible the agenda for the KIT days should be planned. There should be at least one meeting with the Senior Clerk which would be similar in content to a practice review. Consideration should be given to arranging a meeting with one or more members of the relevant practice team.

During Leave - Pre-return to practice meeting

30. At least three months prior to the member's return to practice consideration must be given to the following:
 - a. Identification and appointment of a mentor who will assist the member in settling back into practice.
 - 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.
 - 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 Senior Clerk (or other appropriate clerk) and where necessary update the profile.
 - e. Announce the barrister member's return to practice on chambers' website.
 - e. Identify a list of solicitors and write to each of them announcing the barrister member's return to practice.

Return from leave

31. On return to work each member may work part-time or flexible hours or have restrictions on travel to enable them to manage their family responsibilities. Chambers recognises that some members may have a greater need for flexible working than others – for example, where a child has a disability or a medical condition.
32. Management Committee shall grant the request for such approval to the extent that it considers that it is in accordance with the reasonable needs of Chambers taking into account the Chambers Equality Code and the applicable law.
33. The following adjustments should be made to accommodate the needs of members returning from Parental Leave:

- a. The timing of Chambers meetings, team meetings and practice reviews should take into consideration childcare needs of members, and attendance at evening/weekend meetings should not be expected.
 - b. Support with marketing and rebuilding relationships with key clients/solicitors.
 - c. Remote access should be made available to members wishing to participate in meetings from home.
 - d. A three-month review should take place, at which the members' career and support needs are identified. Their "mentor", the Senior Clerk (or another appropriate clerk) and where requested, the team convener, should be present.
34. Members are responsible for ensuring their practising certificates and insurance are current upon return.
35. Positive action measures to support returners will be considered by the [Management Committee if evidence of disparities emerges.

Pupils – Prospective pupils

36. Upon application, Chambers may defer the commencement of pupillage of prospective pupils who become pregnant prior the commencement of pupillage for a period of up to 12 months.
37. Prospective pupils with existing childcare commitments may discuss with the Pupillage Committee how their working hours during pupillage can accommodate such commitments and should be advised of their entitlement to flexible working hours in accordance with this policy.

Pupils – Current pupils

38. This part of the policy applies to all first and second six pupils who are parents or guardians or carers of dependents. Paragraphs 43-45 below (flexible working hours) also applies to third six pupils and squatters.
39. Pupils who become pregnant during pupillage may defer completion of the remainder of pupillage, subject to the requirements of Part V of the Bar Training Regulations.
40. If an exemption from the Bar Training Regulations is required, the pupil's supervisor shall be responsible for obtaining written permission from the Bar Standards Board.
41. Such a deferral shall not affect the overall pupillage award which shall be paid monthly during the period in which the pupil is undertaking pupillage. In the event of a rise in the pupillage award following deferral and prior to commencement of the deferred period the pupil shall be paid at the increased rate during the deferred period.
42. In the event of deferral and during the pupil's 'break' period, the pupil's supervisor shall be their point of contact with Chambers.

43. Chambers shall accommodate pupils' requests for flexible working hours to allow for childcare commitments. Such working hours should be discussed with the pupil's supervisor to ensure that the pupil is able to complete the work that is required of them.
44. The need to work flexible hours for this reason should not, as far as possible, affect the allocation of court work during the practising period of pupillage. Pupils should however be aware of the demands of the court schedule and the necessity for evening and last-minute briefs and should arrange childcare with this in mind wherever possible.
45. Pupils should be assured that any need to work flexible hours for reasons of childcare will not in any way affect their prospects of being recruited as a tenant.

Misuse of this policy

46. It will be a disciplinary offence to abuse this policy. Any individual found to have misused this policy will be referred to the Bar Standards Board on the basis that Core Duty 3 will have been breached.

Helpful information

- a. Barristers should be made aware of Practising Certificate discounts for those on Parental Leave.
- b. Bar Council Checklists and other links.
- c. Information about 'keeping in touch days' can be accessed via the Direct.gov website.
- d. Information regarding maternity allowance can be found at the Direct.gov website.

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