

**5 Essex Chambers  
PARENTAL AND CARER LEAVE POLICY**

**INTRODUCTION**

1. This policy applies equally to members of Chambers who are parents or carers of children and who have other dependents. It should be read in conjunction with Chambers' Constitution. The Management Committee has the discretion to vary the application of this policy to a member of Chambers where appropriate.
2. Chambers have deliberately drafted a generous and flexible policy in order to encourage members of Chambers to take appropriate parental leave, in which they will be supported by Chambers and its staff. Although fixed notice periods have been included in the policy we would encourage early communication of any periods of parental leave to the clerks to enable cooperative and appropriate diary planning. Any concern that the policy is being abused will be reported to the Management Committee.
3. Chambers will ensure that its staff are familiar with this policy through appropriate training.
4. "Parental Leave" refers to leave taken from practice by a carer of a child 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.
5. 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 through pregnancy, adoption or surrogacy.
6. 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.
7. A "dependent" for the purposes of this policy will include an infant, child, young person or an adult with a disability.
8. "Shared Parental Leave" simply refers to a situation in which more than one parent are carers for the same dependent during the same period of time or during consecutive periods of time.
9. Any barrister 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.
10. Such leave is to be commenced within twelve months of birth of the child or the child entering a family (either as a result of, or with a view to the adoption of, that child).

11. Such leave may be taken either as one specified period, or up to 3 separate periods, of Parental Leave, provided the total leave does not exceed twelve months and all periods of leave commence within 12 months of the birth of the child.
12. The stillbirth or death shortly after birth of a member's baby does not affect the member's entitlement to leave.
13. On return to work a barrister member shall be entitled to have a rent-free period. The rent-free period shall operate as follows:
  - a. Chambers rent will not be levied on fees for work done and billed during the rent-free period.
  - b. The rent-free period shall be the same as the total period of parental leave undertaken (including where they take more than one period of parental leave), up to a maximum of 6 months rent-free.
  - c. If a barrister member is permitted by the Management Committee to take more than 12 months parental leave the Management Committee may also extend the rent-free period for longer than 6 months, but is under no obligation to do so.
14. Parental Leave may be taken flexibly. A barrister member who has not suspended their practising certificate may maintain their practice while on parental leave without giving up other parental leave rights. This includes continuing to carry out fee earning work subject to Chambers' rent while on parental leave, save that any reduction in rent under para 13 is conditional upon the barrister member having worked no more than the equivalent of 4 hours weekly during the period of leave. The Management Committee may at their discretion extend this period.

## **PRE-LEAVE**

15. Any barrister 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. Such notice shall be given at least two months prior to the expected date of birth or expected date of 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 this period of notice (for example, a premature birth or a child being placed for adoption).
16. Chambers (and in particular Chambers' clerks) will accommodate time-off for fertility treatment, ante-natal care, related medical and other appointments, and any commitment associated with adoption.
17. Prior to the commencement of leave, the barrister should meet with the Senior Clerk (or another appropriate clerk) to discuss and where appropriate agree:

- a. The level and type of contact s/he 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 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 of leave; and
- h. Whether s/he will be undertaking work during Parental Leave or Shared Parental Leave.

## **DURING LEAVE**

### **Contact with Chambers**

18. Chambers through the Senior Clerk (or other appropriate person) will ensure that the barrister member is kept informed of chambers meetings, important chambers decisions, seminars or conferences to be held by chambers relevant to the barrister's practice and, where possible seminars held by outside organisations.
19. Unless otherwise informed by the barrister member, it should be assumed that s/he 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 barrister member where appropriate.

### **Management of pigeon hole**

20. The barrister member's pigeon hole should be monitored by the clerks on a regular basis. Where necessary the contents should be posted to the barrister at least monthly at no extra cost to the barrister.
21. Any cheques received during parental leave should be dealt with in accordance with the arrangement reached under paragraph 17.f above.

### **Preparation for return to practice**

22. 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 barrister member and

Chambers through the Senior Clerk. Where a member exercises less than twelve months leave, the below measures shall be adjusted as appropriate by agreement between the Senior Clerk and member.

### **Keeping in Touch (KIT) days**

23. 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 barrister member. They are taken during leave.
24. Prior to the commencement of leave, the barrister 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.
25. During the period of leave, the barrister 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.
26. Where possible the agenda for the KIT days should be planned in advance. There should be at least one meeting with the head of the relevant clerking team which would be similar in content to a practice review. Consideration should be given to arranging a meeting with one or more barrister members of the relevant practice team.

### **Pre-return to practice meeting**

27. 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;
  - 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 Chambers marketing director, and where necessary update the profile;
  - e. Announce the barrister member's return to practice on chambers' website; and
  - f. Identify a list of solicitors and write to each of them announcing the barrister member's return to practice.

## **RETURN FROM LEAVE**

28. On return to work each barrister member may request to 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.
29. The 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 and Diversity Policy and the applicable law.
30. The following adjustments should be made to accommodate the needs of barrister members returning from parental leave:
  - a. The timing of Chambers meetings, team 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 provision for remote attendance by conference call facilities or otherwise 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. Conference call facilities should be made available to barrister members wishing to participate in meetings from home; and
  - c. A three-month review should take place, at which the barrister members' career and support needs are identified. The Senior Clerk (or other appropriate clerk) and any other appropriate person, should be present.
31. Barrister members are responsible for ensuring their practising certificates and insurance are current upon return.

## **PUPILS**

### **Prospective pupils**

32. Upon application, Chambers may defer the commencement of pupillage for a period of up to 12 months of prospective pupils who:
  - a. become pregnant and notify Chambers prior the commencement of pupillage; or
  - b. will become parents during the pupillage and notify Chambers prior to the commencement of pupillage.
33. 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.

### **Current pupils**

34. This part of the policy applies to all first and second six pupils who are parents or guardians or carers of dependents.
35. Pupils who become pregnant or become parents or carers during pupillage may defer completion of the remainder of pupillage, subject to the requirements of Part V of the Bar Training Regulations.
36. In the event that 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.
37. 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.
38. In the event of deferral and during the pupil's 'break' period, the pupil's supervisor shall be their point of contact with Chambers.
39. Chambers shall accommodate pupils' requests for flexible working hours in order to allow for childcare commitments. Such working hours should be discussed with the pupil's supervisor in order to ensure that the pupil is able to complete the work that is required of him or her.
40. 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.
41. 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 pursuant to the Chambers' policy on recruitment of tenants from pupils.

### **MISUSE OF THIS POLICY**

42. 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.

### **GRIEVANCES UNDER THIS POLICY**

43. Any grievance under this policy will be dealt with in accordance with Chambers' Grievance Policy.

## **REVIEW OF THIS POLICY**

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.

## **Helpful Information**

- Bar Council Checklists and other links<sup>7</sup>
- Information about 'keeping in touch days' can be accessed via the Direct.gov website
- Information regarding maternity allowance can be found at the Direct.gov website

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