

## PARENTAL LEAVE POLICY

### INTRODUCTION

1. This policy applies to all members of Chambers. A separate policy exists for members of staff.
2. All members of Chambers and their practice managers are committed to assisting all members to manage their family responsibilities and to enjoy time with their families whilst pursuing a rewarding career in Chambers. In this policy “parental leave” refers to the leave taken by the primary carer of a child following birth or adoption. This could be the mother, father, spouse, civil partner or Partner of either the child’s mother or of someone who has been matched with a child by an adoption agency. “Partner” means someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle. For these purposes, a member of Chambers may be “the primary carer”, even if his/her Partner is also a/or the primary carer for the child provided that the member takes parental leave for at least 3 months during the Initial Period (as defined below) whether continuously or flexibly.
3. It is the aim of this policy to:
  - (a) encourage members, following the birth of their child or taking on the role of primary carer of their new-born child (or a newly adopted child), to return to Chambers and to continue to build a rewarding practice at the Bar;
  - (b) support members, following the birth of their child or taking on the role of primary carer of their new-born child (or a newly adopted child), in balancing family life with the demands of building a rewarding practice at the Bar without suffering financial hardship;
  - (c) prevent any discrimination arising out of maternity or paternity or on the grounds of parental responsibility;
  - (d) adopt terms which continue to attract the best candidates for pupillage and tenancy;
  - (e) address (a) to (d) above while recognising that members do not practise in partnership and are self-employed and without imposing a disproportionate burden on members of Chambers as a whole;
  - (f) comply with the Equality Rules of the Bar Standards Board.
4. This Policy is made available to and brought to the attention of all members and staff in order that they may understand the Policy and their role in relation to it. Chambers will arrange appropriate regular training for the relevant staff in relation to this subject. Chambers’ Equality and Diversity Committee (E&DC) will review this Policy at least every two years and will report to the Management Board on its effectiveness and make recommendations as required.

## **NOTIFICATION REQUIREMENTS**

5. Chambers encourages any member who is pregnant to notify the Head of Chambers of such information as soon as they feel comfortable doing so, given that there may be health and safety implications. Any such information will be kept confidential between the Head and Chambers and the member, unless and until otherwise agreed with the member.
6. Any member who wishes to exercise their rights under this parental leave policy should notify the Head of Chambers of their intention to exercise such rights as soon as possible, and in any event no later than 8 weeks prior to the date on which any absence from Chambers under this policy is due to commence. In exceptional circumstances (e.g., a premature birth) the Management Board may waive all or any of the requirements set out in this paragraph.
7. Members will be expected to make appropriate arrangements with their clerks and other members of Chambers regarding any pre-booked work which the member will be unable to undertake during any period(s) of absence.

## **REMISSION FROM PAYMENTS FOR RENT AND SENIORITY-POINT MORATORIUM**

8. Any member who leaves Chambers to give birth or to take on the role of primary carer of their newborn child (or a newly adopted child) shall not be required to pay rent for a period of 12 months following the month of the birth or of taking on the role of primary carer ("the Initial Period") and the member may reduce the amount of their standing order to Chambers during that 12-month period accordingly.
9. As regards any member to whom paragraph 8 above applies, there will be a moratorium on seniority-point increases during the Initial Period. Seniority-point increases will resume after the Initial Period.
10. Any member whose partner gives birth to or adopts a child, but who does not become the primary carer for that child, shall not be required to pay rent for a period of 1 month following the month of the birth or adoption.

## **ALLOWANCE AGAINST CHAMBERS' EXPENSES**

11. Any member who leaves Chambers to give birth or to take on the role of primary carer of their newborn child (or a newly adopted child) will have an allowance against Chambers' expenses of £12,000. This allowance will be available, at the member's option, either upon return to Chambers or in respect of the member's aged debt as at the start of the Initial Period.

## **PROVISIONS APPLY REGARDLESS OF PERIOD OF ABSENCE**

12. Paragraphs 8 to 11 above shall apply regardless of the amount of time taken away from Chambers and irrespective of any work done by the member in question during the Initial Period.

## **CHAMBERS' CONSTITUTION FINANCIAL HARDSHIP**

13. The provisions in this policy are in addition to, and do not take the place of, the Head of Chambers' absolute discretion in relation to concessions on Chambers' rent and expenses on the grounds of hardship as set out in paragraphs 62 and 63 of the Constitution.

## **RIGHT TO ROOM-SHARE OR DOWNSIZE ON RETURN**

14. On return to Chambers after the Initial Period or an extended period of absence following birth or adoption in accordance with paragraph 15 below, a member has the right to continue to rent their

current room, or if the member prefers, to share a room in Chambers (assuming a suitable room and partner are available) or to downsize their room.

#### **EXTENDED PERIOD OF ABSENCE FOLLOWING BIRTH OR ADOPTION**

15. Any member who leaves to give birth or to take on the role of primary carer of their new-born child (or a newly adopted child) and who does not want to return to Chambers at the end of the Initial Period shall be entitled to have their seat in Chambers held open for up to 18 months following the month of the birth or taking on the role as primary carer without any impact on his/her room, provided the rent charge is paid for months 13 to 18. Any member who wishes to exercise this right must notify the Head of Chambers by before the end of the initial period to allow appropriate arrangements to be made.
16. A member is entitled to have their seat in Chambers held open for a maximum of three years following the month of the birth/adoption or taking on the role as primary carer with no liability for the payment of rent provided that the member gives up his/her room. Any member who wishes to exercise this right must notify the Head of Chambers.
17. Any member who does not return to Chambers after the Initial Period, or in the case of a member who has exercised their rights in accordance with paragraphs 15, does not return by month 19, and in each case who has not notified Chambers that they wish to exercise their rights in accordance with paragraphs 15 or 16 above by the relevant date set out above, or has not exercised their rights under this policy in respect of a further new-born or newly adopted child, or has not otherwise agreed an extension with Chambers' Management Board, shall lose their automatic right to right to Chambers at the end of the relevant period.
18. If a member has exercised their right in accordance with paragraph 163, but does not return to Chambers after three years following the month of the birth/adoption or taking on the role as a primary carer, without agreeing an extension with Chambers' Management Board or without exercising their rights under this policy in respect of a further new-born child or newly adopted child, her/his automatic right to return to Chambers shall cease at the end of that three year period.
19. Where membership ceases by virtue of the provisions in paragraph 17 or 18, a member can reapply to Chambers in the usual way.

#### **ARRANGMENTS DURING ABSENCE AND AFTER RETURN**

20. A member of Chambers who takes parental leave is encouraged to maintain contact with Chambers. Ordinarily this will be done through a series of 4 meetings with the practice managers, taking place before, during and after her/his leave. Suggested agendas for each of those meetings are annexed to this policy.
21. As part of its commitment to support and assist all of its members during parental leave, Chambers will ensure that any member on leave who so wishes is kept in touch with Chambers' business and any matter affecting his or her practice.
22. Chambers will ensure that the member is offered opportunities to do appropriate work if this is requested and invited to training events, social occasions, marketing events and Chambers meetings during the Initial Period and any further period of absence under this policy.
23. Chambers will also ensure that all members returning from parental leave are fully supported in re-establishing their practices as quickly as possible following their return including (where requested) the arrangement of a "practice meeting" with the relevant clerk within two weeks before the member returns to work where possible.

24. Chambers recognises that targeted marketing support for a limited period of 6 months following a member of Chambers' return to practice is likely to be beneficial in the process of assisting the returning member of Chamber's practice to come back to life. In this regard, during the 6 months following the member of Chamber's return, the practice managers should be pro-active in seeking to involve the returning member of Chambers in such appropriate marketing events and talks as are being organised with firms of solicitors (if that is desired by the returning member of Chambers concerned).
25. The level and nature of a returning member's practice following return to Chambers should be monitored by the practice managers and the member concerned in particular by reference to the level and nature of the member's practice prior to parental leave and taking into account proportionately any change in the member's hours/days of working upon return to Chambers. Without precluding discussion at any other time, this should be an item for the agenda for the practice review meeting after the member returns. If such monitoring reveals matters about which the member is concerned, these can be raised by her/him with the Head of Chambers or with the Chair of the Equality and Diversity Committee.
26. Returning members should familiarise themselves with Chambers' Flexible Working policy which covers the right of a member of Chambers to work part-time, to work flexible hours or to work from home so as to enable them to manage their family responsibilities without giving up work.
27. It is recognised that devilling in the immediate 6 months after returning from parental leave has particular advantages for a returning member of Chambers' cashflow and diary which are important in the light of the likely "financial crunch" experienced by returning member of Chambers' in the first months back in Chambers. In the 6-month period following the member of Chambers' return, the practice managers should be pro-active in seeking suitable devilling opportunities for the returning member of Chambers if that is desired by the member of Chambers concerned. For the avoidance of any doubt, it is in the absolute discretion of any member of Chambers, subject to her/his own professional obligations, whether and to whom she/he chooses to devil work. All devilling arrangements shall comply with the BSB guidelines for devilling.
28. It is recognised that there is likely to be a financial "crunch" for a returning member of Chambers in the first 6 months after return from parental leave. In view of this, the Fees Clerks will actively pursue debt collection in relation to a member whilst she/he is on parental leave and in the first 6 months following her/his return. Payment issues should be discussed with the practice managers on departure from and return to work. If a member of Chambers wishes to attach payment conditions to new work, she/he should agree these with the practice managers, who will make them clear to clients so that prompt payment can be enforced without damaging Chambers'/the member's relationship with the client.
29. Chambers' Equality and Diversity Committee will publish and maintain guidelines which set out the practical steps to implement this policy regarding arrangements during absence on parental leave and after return. The current guidance is attached to this policy as Schedule 1.

#### **PARENTAL LEAVE MENTORS**

30. The Head of the Equality and Diversity Committee will arrange for a mentor to be provided to any member of Chambers who takes parental leave and desires one. For this purpose, the Head of the Equality and Diversity Committee will keep a list of volunteer mentors to be identified in Chambers so that names are ready if a leaving/returning member of Chambers feels she/he wants this.

## **GRIEVANCE PROCEDURE**

31. Any member who has a concern or complaint regarding this policy should raise his or her complaint informally with one of Chambers' Equality and Diversity Officers in the first instance.
32. Should any complaint not be resolved informally to the satisfaction of the member, the member may elect for his/her complaint to be dealt with in accordance with Chambers' internal complaints procedure.

## **REVIEW**

33. This Policy will be reviewed at least every two years from the date of its implementation and every two years thereafter. The level of the financial benefits in paragraphs 4-11 shall be reviewed annually.

**Approved by the MB September 2020**

Schedule 1 -  
**TOPICS TO COVER IN SENIOR CLERK MEETING(S)**

- (1) **Confidentiality /publicity** in relation to the fact of the member becoming a Parent and/or taking a period of Parental Leave. It is for the member to decide what staff and members will be told and what professional and lay clients (or different categories of professional and lay clients) will be told on inquiring /at the member's instigation. This discussion should ensure consistency between the member's email out-of-office message (if any), voicemail and conversations with clients on the one hand and responses to inquiries from the clerks' room and reception desk on the other. (It will obviously not be appropriate for a member to ask any member of staff to pass on false information and any such request will not be accommodated).
- (2) **Notification of inquiries.** Whether, how and of which work inquiries they would like notification to continue, in accordance with Chambers' Fair Access To Work Policy (e.g. inquiries about the member by name, inquiries in relation to ongoing matters, none). This will also be an opportunity for an initial discussion about what work (if any) the member anticipates they might take on during the period of Parental Leave and related issues, such as whether they wish to be in a position to respond personally to a solicitor inquiry, even if they decline the work.
- (3) **Contact with Chambers.** It is for the member to decide what (if any) contact they wish to have with Chambers during their Parental Leave period (e.g. regular phone calls from or face to face meetings with the Clerks, all contact filtered through an agreed Contact Person, no contact at all). In particular, this is an opportunity for the member to indicate on what topics (if any) they wish to be contacted (e.g. Chambers' business, developments that may affect their practice on their return, training, marketing and networking opportunities or social events) and the form of that contact.
- (4) **Document delivery.** This is an opportunity for the member to indicate whether they would like any particular arrangements made in relation to the contents of their pigeon hole, specific work papers, materials distributed in advance of a Chambers' meeting, etc. (for example, monthly delivery of the contents of their pigeon hole to their home).
- (5) **Anticipated date of return to work** (if any). This is an opportunity for the member to indicate, if they wish, their current expectations about when they might return to work full or part time and to discuss related issues such as continuing to meet CPD requirements and Practice Certificate Renewal.

- (6) **KIT Day(s).** The Member and Clerks may wish to consider whether it is desirable to arrange any Keeping in Touch Day, or Days, or make any similar arrangements, and attention is drawn to the BSB guidance at

[https://www.barstandardsboard.org.uk/media/1833225/cpd\\_guide\\_for\\_those\\_taking\\_parental\\_leave\\_2017.pdf](https://www.barstandardsboard.org.uk/media/1833225/cpd_guide_for_those_taking_parental_leave_2017.pdf)