

Parental Leave and Flexible Working Policy

Contents

1. Introduction
2. Definitions
3. Principles
4. Scope of the policy.
5. Maternity Leave
6. Paternity Leave
7. Flexible Working
8. Pupils

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Introduction

1. This document sets out the policies of Serjeants' Inn Chambers ("chambers") for parental leave taken by members of chambers by reason of child-care commitments and for relief from their contribution to chambers' expenditure through Serjco Ltd.
2. Chambers is committed to supporting flexible working for those members and pupils with child care commitments and also to supporting the return to work of those who have taken extended leave for reasons related to child care. Chambers' policy governing staff is to be found elsewhere.

Definitions

3. In this policy the following expressions shall have the meaning ascribed to them in this paragraph:

General Contribution	The percentage of fees received by each member of chambers that is required to meet Serjco Ltd's projected annual expenditure on items not falling within the Property Cost Contribution.
Overall Percentage Rate	The combination of the Property Cost Contribution and the General Contribution expressed as a percentage of fees received by members of chambers.
Property Cost Contribution	The amount that each member of chambers is required to pay to meet those items of Serjco Ltd's projected annual expenditure that are designated property costs.
Quarter	Each of the financial quarters commencing 1 st April, 1 st July, 1 st October and 1 st January.
Year	Each of the financial years commencing 1 st April.

4. *Maternity leave* means leave taken by a female member of chambers related to the birth and post-natal care of a new child of her or her partner where and for so long as she assumes primary responsibility for the child. Maternity leave shall also apply to surrogacy and the adoption by a woman member of chambers of any child under the age of five.
5. The provisions for 'maternity' leave shall also apply *mutatis mutandis* to:
 - a. any male member of chambers where and for so long as he assumes primary responsibility for a child following birth, surrogacy or adoption;
 - b. female members of chambers in situations where the child is stillborn or dies within the leave period.
6. *Paternity leave* means leave taken by a male member of chambers related to the birth and post-natal care of a new child of him or his partner where he is not the primary carer. Paternity leave shall also apply to the adoption by any male member of chambers of any child under the age of five.
7. The provisions for 'paternity' leave shall also apply equally to:

- a. any female member of chambers who does not assume primary responsibility for her child following birth, surrogacy or adoption.
- b. male members of chambers in situations in which a child is stillborn.

Principles

8. Chambers is committed to good practice in its arrangements for extended leave and to doing what it can to support the health and welfare of its members. It recognises, however, that this commitment must be balanced against the demands of, *inter alia*, managing a professional service organization and servicing the needs of clients.
9. Chambers adopts the following principles:
 - a. **Fairness.** There should be no discrimination between members in the application of maternity and paternity leave policies.
 - b. **The rights and welfare of members.** Chambers supports members in the exercise of their rights. It is committed to demonstrating concern for the health and welfare of members and their families.
 - c. **Commitment and responsibility.** In exercising their rights all members of chambers accept they must have regard for the business of chambers, the responsibilities of professional practice, the need to maintain chambers' reputation and the self-employed status of all members of chambers.

Scope of the Policies

10. These policies:
 - a. apply to all full tenants in chambers but not to door tenants or other special tenants; and
 - b. are intended to comply with the Equality Code for the Bar.

Maternity Leave

11. Chambers is committed to supporting women members in caring for their children and, should they choose to do so, to returning to practice at the Bar after the birth of a child. It is committed to good practice and to policies that provide

support equivalent to that in guidelines suggested by the Bar Council having regard to the demands of chambers as a business and the manner in which chambers' expenses and outgoings are shared and paid.

12. A female tenant's seat in chambers will remain open for a minimum of one year whilst on maternity leave except in the case of a stillbirth, when it will remain open for six months.
13. That one year period is extensible for a further period of six months on request to the Heads of Chambers. In so far as practicable the tenant should give the Heads of Chambers written notice of the date of commencement of maternity leave at least fourteen days before such commencement (or such notice as is reasonably practicable in the circumstances).
14. Members shall be required to inform the Heads of Chambers within twelve months of the birth of their child if they intend to return to practice at the end of that period or wish to apply for a further six months of extended leave.
15. If at the end of an extended period of leave, i.e. eighteen months after the birth of the child, the member decides not to return to practice, then her tenancy will be kept open for a maximum further period of six months.
16. After a period of twenty-four months from the birth of the child the member will be required to reapply for tenancy at chambers. If no reapplication is made the member shall be considered to have resigned from practice in chambers, and her name may be removed from the main board and website and added to the list of former members which is maintained for a period of three years.
17. Sequential maternity leave, where the tenant does not return to practice between periods of leave will be taken to have extended the periods above to run from the date of birth or adoption of the youngest child.
18. Any tenant who takes maternity leave of at least three months, will not be liable to pay the Property Cost Contribution that would otherwise have been payable in each of the two Quarters immediately following the Quarter in which the birth occurs but will remain liable to pay the General Contribution at the percentage rate or rates applicable to the Year or Years in which those Quarters fall.

19. The Heads of Chambers may consider alternative proposals for the method of calculation of credit against property costs on an individual basis in cases where income has been affected by the need to re-establish practice following a previous period of leave or in cases of hardship or extreme circumstances.
20. Save in the case of a stillbirth, those members who have taken maternity leave of at least three months shall be considered "protected parental leave tenants" for a period of two and a half years commencing on the first day of the third Quarter following the Quarter in which the birth occurs.
21. The total chambers levy to be paid by a protected parental leave tenant shall not exceed the Overall Percentage Rate.
22. Should any returnee from maternity leave be entitled to "protected tenant" status under chambers' standard financial arrangements by virtue of her year of call, she shall retain that standard 'protected tenant' status, which may be relied upon in preference (but not in addition) to the above provisions where to do so would be more financially beneficial to her.
23. A member shall be entitled to vote at chambers meetings during the period of maternity leave save where that period of leave has exceeded eighteen months, whereupon her voting rights shall be suspended and shall be re-instated on her return to practice.
24. During the period of maternity leave a member shall be kept informed of and shall be entitled to attend chambers meetings and other events in chambers including chambers' social events, marketing events and any lectures or seminars organized by chambers relevant to the member's practice.
25. A member on maternity leave will retain for twelve months the right to return to the room which she occupied prior to commencing maternity leave, save that the Heads of Chambers may offer an equivalent room, but only after due consultation and only with good reason. Additionally, the room may be used temporarily by another member of chambers in her absence.
26. During the period of leave chambers, through the Senior Clerk, will endeavour to assist the member in obtaining, if she so wishes, drafting or advisory work

compatible with her family commitments and to facilitate her return to practice at the end of the leave period.

27. Acceptance of such paperwork shall not be taken as a termination of maternity leave and a return to work until such time as that work exceeds an average of twenty-four hours per week over a period of four consecutive weeks.
28. During maternity leave the member will remain entitled to access any legal research sites that are accessed via chambers' collective subscriptions.
29. It will be the responsibility of the individual member to seek any exemption from CPD requirements, practising certificate fees and professional indemnity insurance contributions relevant to the period of maternity leave. However, the services of chambers' administration team will be made available to provide assistance with the same.

Paternity Leave

30. Any parent and/or adoptive parent who is not the primary carer is entitled to take 'paternity leave' for a period of up to a month upon giving written notice to the Heads of Chambers at least fourteen days before commencement.
31. Members of chambers (whether male or female) who have taken a full month's 'paternity leave' in order to discharge their childcare responsibilities shall be obliged to pay only 67% of their Property Cost Contribution in the first Quarter following the Quarter in which the birth/adoption occurs.

Flexible Working

32. Any members of chambers wishing to work flexibly should discuss such requests with the Senior Clerk to reach an effective and workable arrangement. This may consist of, but is not limited to, members:
 - a. specifying that only certain days or numbers of days in a working week will be booked in for court-based work;
 - b. specifying that they will not be available for work during certain periods (e.g. school holidays)
 - c. indicating that they are unwilling to travel certain distances from their

home because of childcare commitments.

33. Alternatively, members of chambers may have personal circumstances requiring them to cease working for a temporary period. Those who are unable to work due to long-term ill-health or incapacity, may be eligible for exemption from the chambers levy for a limited period under other chambers policies.
34. As regards absences from chambers for other reasons (eg. caring for a close family member, dealing with bereavement, etc), such absences will not attract any automatic exemption from the chambers levy but the Heads of Chambers retain the discretion to provide financial exemptions and to ensure that the member's seat in chambers remains open for a specified period. Such applications for exemption and for the seat to remain open should be made in writing to the Heads of Chambers with reasons.

Pupils

35. Chambers is committed to supporting pupils in completing their pupillage where they have had a period of absence from pupillage due to maternity leave.
36. The BSB code of conduct requires pupillage to be full-time for a minimum of thirty-five hours per week. Pupillage regulations require that the first six months of pupillage are completed in a continuous period and that the second six months are commenced within twelve months of completing the first six months. The second six months must have breaks of no more than a month in length and be completed within an overall period of nine months.
37. A pupil who has completed his/her first six months in chambers will be entitled to defer commencement of the second six months pupillage for a maximum period of one year to accommodate maternity leave.
38. Pupils shall be required to inform the Head of the Pupillage Committee as soon as is practicable if they intend to take maternity leave, whether they plan to return to pupillage within a year and, if so, for how long they intend to take leave.
39. Payment of the pupillage award will be suspended during any period of maternity leave. The payment of the balance of the pupillage award will be

resumed pro-rata on return from maternity leave.

40. Flexible working arrangements may be considered for the pupil on return from maternity leave subject to those arrangements meeting the Bar Council requirements for the satisfactory completion of pupillage.