

PARENTAL LEAVE AND FLEXIBLE WORKING POLICY

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Introduction

1. This document sets out the policy 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 in the Serjco Limited Employee Handbook.

Definitions

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

Service Charge

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 Charge. This is currently shown on invoices from Serjco Limited to barrister members as "Service Charge".

Property Charge

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 as defined in the "*Rules for Determining Property Cost Contributions (Property Charge)*". This is currently shown on invoices from Serjco Limited to barrister members as "Property Charge".

Individual Charges

A discrete charge to the barrister member for expenses incurred by or on behalf of them which are neither the Service Charge or Property Charge (e.g. the cost of a courier or lunches).

Overall Percentage Rate

A percentage calculated to represent what the 'average' tenant would pay as Service Charge and Property Charge as a percentage of their fee income. It is calculated each financial year on the basis of the total anticipated receipts and anticipated expenditure as determined in the

Budget approved by Chambers for that financial year.

Parental Leave

Leave from practice taken by a carer of a child preceding or in the first twelve months following birth or adoption.

Alternatively, in the case of a still-birth, where the barrister member would have been a carer of the child if that child had been born alive.

The carer (and hence the barrister member taking Parental Leave) 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.

Parental Leave includes 'shared parental leave', namely a situation in which more than one is a carer for the same dependent during the same period of time or during consecutive periods of time.

Parent

Mother, father or adoptive parent of either sex, and includes the married, civil, or de facto partner of a biological or adoptive parent.

The term also covers those who are applying for leave under this policy because they are about to become a parent through pregnancy, adoption or surrogacy.

Carer	An individual, whether male or female who applies under this policy for time away from practice to care for a dependent.
Dependent	An infant, child, or young person up to the age of 18.
Barrister member	A Member of Chambers as defined in paragraph 2(a) of Serjeants' Inn Chambers Constitution (but excluding a Special Member or pupil barrister).

Scope of the Policy

4. This policy is intended to comply with the equality and diversity provisions in the Bar Standards Board Handbook and the Bar Standards Board Handbook Equality Rules.
5. The policy applies to all barrister members of Chambers and to pupils in Chambers.
6. Special Members will be treated in accordance with the principles set out in paragraphs 8 and 9 below.
7. Chambers' policy governing staff is found in the Serjco Limited Employee Handbook.

General Principles

8. Chambers is committed to supporting members who are carers for their children and, should they choose to do so, to assisting them to return to practice at the Bar after the birth or adoption of a dependent. It is committed to good practice and to policies that provide support at least equivalent to that in guidelines suggested by the Bar Standards Board having regard to the demands of chambers as a business and the manner in which chambers' expenses and outgoings are shared and paid. 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 in relation to the application of this policy.
 - b. **The rights and welfare of barrister members and pupils.** Chambers supports barrister members and pupils in the exercise of their rights. It is committed to demonstrating concern for their health and welfare and that of their families.
 - c. **Commitment and responsibility.** In exercising their rights all barrister members and pupils 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.

Parental Leave

Entitlement to Parental Leave

10. Any barrister member is entitled to a period of
 - a. **up to twelve months leave of absence** from Chambers for the purposes of Parental Leave to care for their dependent;
 - b. **up to six months leave of absence** from Chambers in the case of a still-birth where the member would have been a parent of the child if that child had been born alive.
11. In order to qualify for Parental Leave the barrister member must provide a substantial proportion of the parental care required by the dependent.

12. The period of Parental Leave may be extended by the Heads of Chambers, on application.
13. Parental Leave may be taken flexibly, including over a number of separate periods, provided that the total duration of Parental Leave does not exceed that set out in paragraph 10 above.
14. Parental Leave will ordinarily be taken within the first year of the birth of the dependent or the dependent entering a family (either as a result of, or with a view to the adoption of, that dependent), but in any event must be commenced within twelve months thereof.
15. Sequential Parental Leave, where the barrister member does not return to practice between periods of Parental Leave with different dependents will be taken to have extended the periods above to run from the date of birth or adoption of the youngest dependent.

Pre-Leave

16. Any barrister member intending to take time off from chambers for the purpose of Parental Leave must give written notice to the Heads of Chambers.
17. Such notice shall be given at least one month prior to the expected date of birth or adoption of a dependent (or of a dependent joining the family with a view to adoption) although the Heads of Chambers exceptionally may 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 in particular 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 barrister member should meet with the Senior Management Team and the lead clerk of the barrister member's clerking team to discuss and where appropriate agree:
- a. The level and type of contact s/he would like to have during 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;
 - 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 and, if so, the nature and extent of any such work.
- 20.** The Senior Management Team and relevant clerk will be both permitted and expected to disclose the agreement with the barrister member, or if no agreement the barrister member's proposals, in relation to the information in paragraph 19 above with
- a. the Heads of Chambers; and
 - b. Chambers' Equality and Diversity Officer(s).

Impact of Parental Leave on Chambers Expenses

21. Parental Leave will not result in any abatement of a barrister member's obligation to pay the Service Charge or Individual Charges during their Parental Leave.
22. A barrister member is not liable to pay the Property Charge for the duration of their Parental Leave up to a maximum of six months of Parental Leave. This means that:
 - a. The barrister member shall become liable for the Property Charge after six months of Parental Leave even where the duration of Parental Leave exceeds that period.
 - b. Conversely, if the duration of Parental Leave taken by the barrister member is shorter than six months, the period for which they are not liable for the Property Charge is restricted to their period of actual Parental Leave.
23. Where Parental Leave is taken flexibly, the Heads of Chambers will calculate the abatement of the Property Charge in such a way that the barrister member is entitled to an abatement in the same sum as if the Parental Leave had been taken in one continuous period and shall apply it fairly to the relevant monthly Property Charges invoiced by Serjco Limited.
24. Except in the case of a stillbirth, those barrister members who have taken Parental Leave of at least three months shall be considered "protected parental leave tenants" for a period of three years from the date of birth or adoption of their dependent.
25. The total Service Charge and Property Charge to be paid by a protected parental leave tenant in respect of any invoice from Serjco Limited shall not exceed the total which the barrister member would have paid if the Overall Percentage Rate had been applied to his/her receipts to calculate the contribution due to Serjco Limited.

26. If any returnee from Parental Leave is entitled to “protected tenant” status under Chambers’ Rules for Determining Property Cost Contributions (Property Charge) (“the Property Charge Rules”) by virtue of his/her year of call, the barrister member shall retain that “protected tenant” status, which may be relied upon in preference (but not in addition) to the Property Charge Rules where to do so would be more financially beneficial to the barrister member. The Heads of Chambers may consider alternative proposals for the method of calculation of credit against Property Charge, or the application of the Property Charge Rules on an individual basis in cases where income has been affected by the need to re-establish practice following a previous period of Parental Leave or in cases of hardship or extreme circumstances.

During Parental Leave

27. Unless the barrister member requests otherwise, s/he will remain in all the chambers e-mail groups of which s/he is a member at the time of starting Parental Leave in order that s/he may, if s/he so wishes, keep abreast of all group communication by such means.
28. Chambers through the Senior Management Team (or the lead clerk of the barrister member’s clerking team) 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.
29. Where possible and with the agreement of the barrister member concerned, seminar materials should be posted or emailed to her/him.
30. The barrister member’s pigeon hole should be monitored by the clerks on a regular basis. Where necessary the contents should be posted or emailed to the barrister member at least monthly at no cost extra cost to her/him.

31. Any cheques received during Parental Leave should be dealt with in accordance with the arrangement reached under paragraph 19f above.
32. 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. Agendas, minutes and related material should be e-mailed to the barrister member where appropriate.
33. A barrister member shall be entitled to vote at chambers meetings during the period of Parental Leave save where that period of leave has exceeded eighteen months, whereupon their voting rights shall be suspended and shall be re-instated on their return to practice.
34. During Parental Leave the member will remain entitled to access any legal research sites that are accessed via chambers' collective subscriptions.
35. It will be the responsibility of the barrister member to seek any exemption from CPD requirements, practising certificate fees and professional indemnity insurance contributions relevant to the period of Parental Leave. However, the services of chambers' administration team will be made available to provide assistance with the same.

Entitlement to undertake work whilst on Parental Leave

36. A barrister member retains the right to continue fee-earning work while on Parental Leave to 'keep their hand in', provided that the level of work undertaken does not constitute a return to practice.
37. Unless the barrister member has agreed a different arrangement with the Heads of Chambers in advance, they will be deemed to have returned to practice if in any month whilst on Parental Leave they generate fees (i.e. the value of 'Work Done' as recorded on the Lex Diary system) which exceed 60% of the average monthly fees they generated in the calendar year before the Parental Leave.

38. Where a barrister member has been deemed to have returned to practice in accordance with paragraph 35 above
- a. their Parental Leave shall be treated as having ended at the start of the month in which they generated fees in excess of the level set out above; but
 - b. they retain the right to apply for further Parental Leave in accordance with the provisions in paragraphs 10 to 14 above.

Preparation for return to practice

39. The measures below are aimed at ensuring that the barrister member's return to Chambers after Parental Leave is properly managed and planned and that steps are taken to ensure work is available for the barrister member upon their return and to assist in every way practical in rebuilding the barrister member's practice. This is the responsibility of both the barrister member and chambers through the Senior Management Team and the lead clerk of the barrister member's clerking team.

Keeping in Touch (KIT) days

40. 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 Parental Leave.
41. Prior to the commencement of Parental Leave, the barrister member in consultation with the Senior Management Team and the lead clerk of the barrister member's clerking team should agree the number of KIT days to be used. Agreement should also be reached as to the dates of the KIT days, although this should remain flexible.
42. During the period of leave, the barrister member should be reminded by the lead clerk of her/his clerking team by e-mail of the dates of KIT days. These

days do not affect the calculation of the barrister member's Parental Leave benefit.

43. Where possible the agenda for the KIT days should be planned in advance. There should be at least one meeting with the lead clerk 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(s).

Pre-return to practice meeting

44. 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. A review of the barrister member's website profile in conjunction with the client care team and, where necessary, an update of the profile;
 - e. Announcement of the barrister member's return to practice on chambers' website; and
 - f. Identification of a list of solicitors and written notification to each of them of the barrister member's return to practice.

Entitlement to return to practice in Chambers after Parental Leave

45. Provided that the period of Parental Leave does not exceed that in paragraph 10 above, a barrister member shall be entitled to return to practice in Chambers following Parental Leave.
46. The barrister member's obligations under paragraph 49 of Chambers' Constitution (commitment to full-time self-employed practice as a barrister engaged in work provided through Chambers or such other permanent or temporary part-time basis of practice as may be agreed with the Head of Chambers) shall not apply for the duration of Parental Leave.
47. Any period of Parental Leave shall not count towards the two-year period referred to in paragraphs 54 and 55 of Chambers' Constitution (lapse of Membership if active practice and participation has not been maintained over a period of two years).
48. Unless the Heads of Chambers have agreed to an extension of Parental Leave under paragraph 12 above, the barrister member will be required to reapply for tenancy at chambers if s/he has not returned to practice after a period of twenty-four months from the birth or adoption of the dependent. If no reapplication is made the barrister member shall be considered to have resigned from practice in chambers, and his/her name may be removed from the main board and website and may be added to the list of former members.

Pupils

Prospective pupils

49. Upon application, Chambers may defer the commencement of pupillage of prospective pupils who become pregnant or adopt or plan to adopt a dependent prior the commencement of pupillage for a period of up to 12 months. In the event of an increase 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.

50. Prospective pupils with existing childcare commitments may discuss with the Head of Pupillage 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

51. This part of the policy applies to all first and second six pupils who are Parents or guardians or carers of dependents. Paragraphs 56 and 57 below (flexible working hours) also applies to third six pupils and squatters.
52. Pupils who become pregnant or adopt a dependent during pupillage may defer completion of the remainder of pupillage, subject to the requirements of Part V of the Bar Training Regulations.¹
53. 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.
54. Payment of the pupillage award will be suspended during any period of Parental Leave. The payment of the balance of the pupillage award will be resumed pro-rata on return from Parental Leave.
55. In the event of deferral and during the pupil's 'break' period, the pupil's supervisor shall be their point of contact with Chambers.
56. Chambers shall accommodate pupils' requests for flexible working hours in order to allow for childcare commitments. Such working hours should be

¹ i.e. that except with the written permission of the Bar Standards Board: (i) the non-practising period of pupillage must be undertaken for a continuous period of six months (regulation 31); and (ii) the practising period of pupillage must commence within 12 months of completion of the non-practising period and be completed within an overall period of 9 months (regulation 32).

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. 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.

57. 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.

Flexible Working

58. Any barrister member wishing to work flexibly should discuss such requests with the Senior Management Team and the lead clerk of her/his clerking team to reach an effective and workable arrangement. This may consist of, but is not limited to, barrister 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.
59. The Senior Management Team shall discuss the proposed arrangement with the Heads of Chambers, who retain the discretion whether or not to agree to it under paragraph 49 of Chambers' Constitution. In exercising their discretion, they must consider Chambers' commitment to supporting flexible working for those barrister 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.

60. Alternatively, barrister members 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 Service Charge and Property Charge for a limited period under other chambers policies.
61. As regards absences from chambers for other reasons (e.g. caring for a close family member, dealing with bereavement, etc), such absences will not attract any automatic exemption from the Service Charge and Property Charge, but the Heads of Chambers retain the discretion to provide financial exemptions and to ensure that the barrister 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.

Misuse of this Policy

62. It a breach of the Core Obligations of members under paragraph 46 of the Chambers' Constitution 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.

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