

SERJEANTS' INN CHAMBERS
FLEXIBLE WORKING POLICY

This policy is effective as of January 2020.

The policy is to be reviewed next by the end of January 2023.

Introduction

1. This Policy has been produced in accordance with the Bar Standards Board Handbook rC.110.3(1), which requires that –

“...chambers has a flexible working policy which covers the right of a member of chambers or employee to take a career break, to work part-time, to work flexible hours or to work from home so as to enable them to manage their family responsibilities or disability without giving up work.”
2. This Policy has been written as a guide to how Chambers will deal with members who wish to work flexibly for any of the above reasons, or for reasons of long-term illness or sabbatical.
3. Employees should refer to their contracts and any staff policies for the different provisions that apply to them, rather than this Policy.
4. All members of Chambers as self-employed individuals are able to set their own working patterns, subject firstly to their obligations under Chambers' Constitution to pay their Chambers' financial contributions, unless specific provision is made in the Constitution for any reduction or modification of those contributions; and secondly, regardless of the ability to work flexibly, all members of Chambers shall devote such time to their practice as shall be reasonably necessary to ensure that they provide proper professional services to lay and professional clients of their own or of Chambers.

5. Chambers endeavours to work within the relevant statutory, regulatory and professional frameworks in relation to equality and diversity, and recognises that those with certain protected characteristics e.g. those with disabilities; those with caring responsibilities; and those in older age groups, are afforded protection from various types of discrimination in relation to flexible working and reasonable adjustments under equalities legislation.
6. This Policy is subject to the Heads of Chambers' absolute discretion to waive or defer Chambers' financial contributions as set out in paragraph 71(d)(i) of the Constitution:
7. This Policy is made available and drawn to the attention of all Members of Chambers, clerks and staff, by its placement on the intranet.
8. This Policy will be reviewed by Chambers' Equality and Diversity Officer(s) every three years, who will report to Heads of Chambers on its effectiveness and make recommendations as required.

Areas Covered by this Policy

9. This Policy will deal with:
 - General Guidelines with regard to flexible working.
 - Procedure and Guidelines for working flexibly.
 - Complaints and review

General Guidelines with Regard to Flexible Working

10. Chambers recognises that, from time to time, members may decide they want to work more flexibly than is customary in full-time self-employed practice at the Bar, so as to enable them to manage childcare, family or other responsibilities, or to manage the effects of any ill-health or disability that they or a family member may have, alongside the continuation of their practice. Generally, such arrangements are a matter of the member's individual choice in accordance with 4 above.
11. These general guidelines apply to all members of chambers working flexibly.

12. In order to ensure that members working flexibly are not being discriminated against on any of the protected grounds under the Equality Act 2010 and for reasons of good practice management, they are encouraged to discuss with their Senior Clerk their wish to work flexibly and to discuss the ongoing arrangements in their practice reviews (see 17d below). They are also encouraged to declare that they are working flexibly when information is being gathered for the purposes of chambers' collection of diversity information for the purposes of the Bar Standards Board's Handbook E&D monitoring provisions.
13. Chambers recognises that it is in its long-term interests to retain all members, including those who work flexibly, in whose practices it has invested time and money and that accommodating and actively managing flexible working arrangements is likely to aid long-term retention of such members in chambers and in practice at the Bar.
14. The Heads of Chambers will take due account of these principles and the objective of advancing equality and diversity so far as practicable when applying the Desk Allocation Policy in the case of a member wishing to work flexibly.
15. Chambers shall encourage its clerks to undertake training in relation to flexible working, and will appoint the EDO to act as Flexible Working Representative ("FWR") who will monitor (numbers/types of flexible working arrangements) and act as a source of information on flexible working for members, and a source of guidance and information for clerks in relation to their responsibilities under this Policy.
16. Chambers will ensure that a member working flexibly for whatever reason is:
 - invited to training events, social occasions, marketing events and chambers meetings; and
 - informed about and consulted on any significant issues affecting their practice and the practice of chambers.
17. The following guidelines should be followed by members and chambers (through the members' clerking team):

- a. When the member decides they wish to work flexibly, they should meet with their clerking team leader prior to starting flexible working to discuss the following:
 - i. the reason that they wish to work flexibly (if appropriate);
 - ii. the hours and days that they wish to work and where the member intends to be based (home or chambers);
 - iii. any geographical limitations the member would like to be placed on work allocated to them;
 - iv. how their proposed days and hours of work are likely to affect the other members of their practice group;
 - v. how the member wishes their flexible working to be referred to in conversations with clients and other members of chambers;
 - vi. what arrangements the member is going to make to ensure good communications are maintained with the clerks and with solicitors; and
 - vii. logistical issues (pigeon-hole contents; IT; couriers; payment of cheques etc.)
- b. Upon starting to work flexibly, the member shall be informed who the FWR is and be offered the opportunity to meet with them if they so wish.
- c. A review meeting will take place between four and six weeks after the start of the flexible working at which the member and Senior Clerk [and the FWR if the member requests their attendance]. Points a.i. to vii. above will be considered to see if the arrangements made are working in practice and adjusted if necessary.
- d. In the member's subsequent Practice Reviews, the Senior Clerk or other clerk carrying out the Review will consider and discuss with the member, in addition to the other elements of the Practice Review:
 - i. points a.i. to vii. above and how well the arrangements are working in practice, and if they need amendment;
 - ii. any relevant information on the monitoring of allocation of unassigned work in relation to the member.
- e. If the period of flexible working involves a period where the member ceases to undertake any work at all for a period (e.g. sabbatical, illness), chambers,

through the member's clerking team will ensure that the member returning to practice is assisted in the re-establishment of their practice.

Complaints and Other Information

18. Any member of chambers who wishes to make a complaint about the application of this Policy or any other matter in respect of flexible working should in the first instance contact one of the chambers' Equality and Diversity Officers, , who will endeavour to resolve the complaint informally. If such attempt at a resolution fails, a grievance can be pursued under Chambers' Grievance Procedure (see section F of the Equality and Diversity Policy).

19. Members who have a disability should also have reference to chambers' Reasonable Adjustments Policy if necessary, and the government's Access to Work scheme, which provides equipment and assistance to disabled individuals who may need additional equipment to be supplied to remove a disadvantage they suffer in the workplace.

Review

This Policy will be reviewed every three years.

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