

**7 King's Bench Walk  
Parental Leave, Special Leave, Career Break and Flexible Working Policy**

**A. PARENTAL LEAVE**

**(1) Introduction**

1. Section A of this policy ("Parental Leave") applies equally to members of Chambers who are parents, guardians or carers of children. Its provisions shall also apply *mutatis mutandis* to female members of chambers in situations where the child is stillborn or dies shortly after birth.
2. Chambers will ensure that relevant members of its staff are familiar with this policy.
3. "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.
4. The term "parent" will be used to cover those who are applying for leave because they are about to become a parent through pregnancy, adoption or surrogacy.
5. 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.
6. A "dependent" for the purposes of this policy will include an infant or child.

**(2) Period of Parental Leave**

7. Any barrister member is entitled to leave of absence from Chambers by way of Parental Leave for the purpose of caring for a dependent child. This entitlement arises irrespective of whether the member is the primary carer of the child during

the period of Parental Leave and irrespective of whether another parent is a carer of the child during the period of Parental Leave.

8. A period of Parental Leave may last for up to 5 years from the date of the 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).
9. In the case of a subsequent birth or adoption occurring within 5 years of a previous birth or adoption, the period of leave may continue until the expiry of 5 years from the date of the subsequent birth or adoption but subject always to a maximum continuous period of leave in respect of all such births and adoptions of 10 years from the date of the first.
10. Any period of Parental Leave is to be commenced within 12 months of the 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).

### **(3) Pre-Leave**

11. Any barrister member intending to take leave of absence from Chambers by way of Parental Leave must notify the Head of Chambers by e-mail. Such notice shall be given at least one month prior to the expected date of birth or adoption of the child (or of the 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 any notice (for example, a premature birth).
12. Prior to the commencement of leave, the barrister member should meet with a Senior Clerk (and/or another appropriate clerk and/or Chambers' Practice Development Director) 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 his / her 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.

#### **(4) During Leave**

##### *(a) Continued membership*

13. During any period of Parental Leave, the barrister member will remain a member of Chambers and a member of 7KBW Limited.

##### *(b) Parental leave benefit*

14. During any period of Parental Leave:

- a) The barrister member will not be liable to pay the rent element of the Service Charge;

- b) The barrister member will remain liable for their share of Chambers' expenses calculated and adjusted in the usual way, although the date(s) on which the member is required to make payments to discharge their liability will be subject to (c), (d) and (e) below. For the avoidance of doubt, any fees received by the barrister member during their period of leave will be taken into account:
- i. in the calculation of their share of Chambers' expenses for the financial year in which those fees are received in the usual way; and
  - ii. in the calculation of year-end adjustments.
- c) The barrister member will continue to make monthly payments in respect of the expenses element of the monthly Service Charge for one fourth of the proposed period of absence, not exceeding a period of 3 months;
- d) Thereafter, whilst remaining liable for their share of Chambers expenses in accordance with (b) above, the barrister member will not be required to make monthly payments in respect of the expenses element of the monthly Service Charge until the time referred to in paragraph 30.b) below;
- e) The barrister member will, however, be required to pay his or her share of Chambers expenses as calculated on the year-end adjustment at the same time as other members, regardless of whether the year-end adjustment falls during the period of Parental Leave;<sup>1</sup>

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<sup>1</sup> Explanatory note: sub-paragraphs (c), (d) and (e) are only concerned with the timing of a barrister member's contribution to Chambers' expenses. They do not have any effect on the barrister member's overall liability. The obligation to make on account monthly contributions to Chambers' expenses is suspended, but the member's obligation to pay their share of Chambers expenses at each year-end adjustment remains. Such adjustments will require the member to pay their share of Chambers expenses in respect of income received during the period of Parental Leave. The purpose of the provisions overall is to ensure that members on Parental Leave are not required to make on account monthly payments in an amount which might exceed their ultimate liability (as determined at the year-end adjustment). The purpose is not to delay or defer the member's payment of their share of Chambers expenses (calculated in the normal way) beyond the year-end adjustment date.

- f) The barrister member will continue to be responsible for any sums disbursed on their behalf and for their obligations in relation to clerks' commissions; and
- g) The barrister member will remain liable for their share of any capital expenditure levied during their period of absence, subject to paragraph 30.c) below, but this will not be payable until the barrister member's return to Chambers.

*(c) Retention and/or use of room in Chambers*

15. During any period of Parental Leave:

- a) The barrister member will be entitled to retain his or her room in Chambers unless the proposed or actual period for which s/he will be or is absent from Chambers exceeds a period of 12 months. This period may be extended by the Management Committee on application.
- b) The barrister member's room in Chambers may be used temporarily by any other member of Chambers or for other Chambers' purposes, provided that the Management Committee agrees.

16. If the proposed or actual period of absence exceeds 12 months (subject to any extension agreed with the Management Committee), the barrister member will completely vacate his or her room in Chambers so that it might be allocated permanently to another Member if the Management Committee so requires.

*(d) Continued contact*

17. During any period of Parental Leave:

- a) Chambers, through a Senior Clerk, will ensure that (if desired) regular contact with Chambers is maintained such that the barrister member remains

in touch with Chambers and its affairs. If desired, the barrister member will be included in invitations to seminars, conferences, training, marketing and social events and will in any event be kept informed of and (where appropriate) consulted in relation to important issues, meetings and decisions affecting the practice and development of Chambers;

- b) Where possible, and with the agreement of the barrister member concerned, seminar materials will be posted or e-mailed to the barrister.
- c) Unless otherwise informed by the barrister member, it will be assumed that s/he cannot attend Chambers meetings. Minutes will be e-mailed to the barrister member where appropriate.

*(e) Entitlement to work during leave*

- 18. Any barrister member is entitled to undertake work during a period of Parental Leave.
- 19. The Senior Clerks will endeavour to ensure that the barrister member is offered opportunities to do appropriate work if this is requested.
- 20. A barrister member who elects to undertake such work should keep the Head of Chambers informed of the amount of work they are carrying out, and will not be regarded as having terminated their period of Parental Leave so long as the Head of Chambers is satisfied that the level of work being undertaken does not constitute a return to practice.
- 21. Undertaking such work will not impact upon the barrister member's entitlement to relief from liability for the rent element of the Service Charge under paragraph 14.a) above. Nor will it impact upon the deferral of payments as provided for under paragraphs 14.d) and 14.g) above.

*(f) Management of pigeon hole*

22. The barrister member's pigeon hole will be monitored by the clerks on a regular basis. Where necessary the contents will be posted to the barrister member at least monthly.
23. Any cheques received during leave will be dealt with in accordance with the arrangement reached under paragraph 12.f) above.

*(g) Preparation for Return to Practice*

24. The below measures are aimed at ensuring the barrister 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 his / her 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 a Senior Clerk and/or Chambers Practice Development Director.

*(i) Keeping in Touch ("KIT") days*

25. The barrister member, in consultation with a Senior Clerk (or other appropriate clerk), may agree a number of Keeping In Touch ("KIT") days during the period of anticipated leave. The content, frequency and number of KIT days should be designed by the barrister member to make his / her return to work following leave easier for him / her.
26. Where possible, the agenda for any KIT day should be planned by the barrister member in advance. There should be at least one meeting with a Senior Clerk, similar in content to a practice review.

*(ii) Pre-return to practice meeting*

27. At least one month prior to the barrister member's return to practice, the barrister member is entitled to request a "return to practice meeting" with a Senior Clerk

and/or Chambers' Practice Development Director during which consideration will 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.
- c) Review of the barrister member's website profile and, where necessary, the updating of that profile.
- d) Announcing (if desired) the barrister member's return to practice on Chambers' website and/or within Chambers;
- e) Identifying a list of solicitors who will be notified in writing of the barrister member's return to practice.

#### **(5) Return from leave**

- 28. On return to work, each barrister member may work part-time or flexible hours 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 following adjustments will be made to accommodate the needs of barrister members returning from Parental Leave:
  - a) The timing of Chambers meetings and practice reviews will (wherever possible) take into consideration the childcare needs of barristers. Attendance at evening / weekend meetings / events is not expected.
  - b) Conference call facilities will be made available to barrister members wishing to participate in meetings from home; and

- c) If requested by the barrister member, a three month review will take place, at which the barrister member's career and support needs are identified. A Senior Clerk (and/or other appropriate clerk and/or Chambers' Practice Development Director) and any "mentor" should be present.
- 30. When a barrister member returns from Parental Leave (whether before or at the end of the proposed period of absence or any extension thereof):
  - a) The barrister member will become liable for and will start paying the rent element of the Service Charge from the date of return;
  - b) The barrister member will start paying the expenses element of the monthly Service Charge following the elapse of a period of time after their return which is equal to one fourth of the actual period of absence, not exceeding a period of 3 months.
  - c) The barrister member will pay on his or her return any element of the Service Charge levied in respect of capital expenditure during his or her absence, subject to the customary scale applied in relation to new tenants. This means that the sum payable shall be reduced by 20% for each full calendar year that has elapsed between the date of the capital call and the date of the member's return to Chambers.
- 31. Any barrister member due to return or having returned from Parental Leave who is concerned that any aspect of the financial provisions set out herein will or may cause them financial difficulty is encouraged to approach the Management Committee in order that a suitable arrangement can be considered.
- 32. Barrister members are responsible for ensuring their practising certificates and insurance are current upon return.

## **(6) Pupils**

### *(a) Prospective Pupils*

33. Upon application, Chambers may defer the commencement of pupillage of prospective pupils who become pregnant prior to the commencement of pupillage for a period of up to 12 months.
34. 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.

### *(b) Current Pupils*

35. This part of the policy applies to all pupils who are parents or guardians or carers of children.
36. Pupils who become pregnant during pupillage may defer completion of the remainder of pupillage, subject to the requirements of Part V of the Bar Training Regulations.
37. In the event that the pupil and the pupil supervisor consider 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.
38. 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.
39. In the event of deferral and during the pupil's "break" period, the pupil's supervisor shall be their point of contact with Chambers.
40. 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.

41. Pupils are assured that any need to work flexible hours for reasons of childcare will not affect their prospects of being recruited as a tenant.

## **B. SPECIAL LEAVE TO CARE FOR A DEPENDENT WITH A DISABILITY**

42. Any barrister member of Chambers who is the primary carer of a dependent with a disability is entitled to take leave of absence to care for such person ("Special Leave"). The length of such period is a matter for discussion between the member and the Management Committee, to reflect the specific need of the member concerned.
43. Any barrister member intending to take Special Leave must notify the Head of Chambers by e-mail. If possible, such notice should be given at least one month prior to the commencement date of the period of absence.
44. Paragraphs 12, 13, 14.a), 14.f), 15 - 29, 30.a) and 30.c) above shall apply *mutatis mutandis* to members on Special Leave (although the last sentence of paragraph 21 is not relevant).

## **C. CAREER BREAKS**

45. Any barrister member is entitled to take leave of absence from Chambers by way of a Career Break for a period of up to 2 years.
46. Any barrister member intending to take such leave of absence must notify the Head of Chambers by e-mail. Such notice shall be given at least one month prior to the commencement date of the period of absence.

47. Paragraphs 12, 13 and 15 - 20 above shall apply *mutatis mutandis* to members on a Career Break, save that in paragraphs 15 and 16 the words "12 months" shall be replaced by the words "6 months".
48. Members on a Career Break will remain liable to pay the rent element of the Service Charge during any period in which they retain their room in Chambers, but shall not be liable to pay it during any period in which they do not retain their room.
49. Members on a Career Break will remain liable to pay the expenses element of the Service Charge in the normal way and will remain liable for their share of any capital expenditure levied during the period of their absence.

#### **D. FLEXIBLE WORKING**

50. It is the policy of Chambers to make all reasonable efforts to assist any member of Chambers who elects to work part-time, to work flexible hours or to work from home so as to enable them to manage their family responsibilities, disability or serious illness without giving up work.
51. Accordingly, members of Chambers who wish to do so may work part-time, flexibly or from home but will contribute to Chambers in the ordinary way (which takes into account reduced incomes for those availing themselves of this right).

#### **E. GRIEVANCES AND REVIEW**

52. Grievances will be dealt with in accordance with Chambers' Grievance Procedure.
53. Chambers Equality and Diversity Officers will regularly review the effectiveness of this policy and, where appropriate, will make proposals for change to the Management Committee.

54. Given that this Policy is subject to periodic review, the version of the policy which applies to a particular period of leave is the one in force at the time of notification under paragraphs 11, 42 or 46 above.

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