

## 7 KING'S BENCH WALK

### PARENTAL LEAVE, SPECIAL LEAVE, CAREER BREAK AND FLEXIBLE WORKING POLICY

#### A. PARENTAL LEAVE

##### (1) Scope and Purpose of Parental Leave Policy

1. Section A of this policy (“**Parental Leave**”) applies to all members of Chambers. The equivalent position with respect to members of staff is addressed separately.
2. The objectives of this policy are to:
  - 2.1 Encourage members, following the birth of their child or taking on the role of carer for their new-born (or a newly adopted) child, to return to Chambers and to continue to build a rewarding practice at the Commercial Bar;
  - 2.2 Support members, following the birth of their child or taking on the role of carer of their new-born (or newly adopted) child, in balancing family life with the demands of building a rewarding practice at the Commercial Bar without suffering financial hardship;
  - 2.3 Prevent any discrimination from arising out of Parental Leave or on the grounds of parental responsibility;
  - 2.4 Adopt terms which continue to attract the best candidates for pupillage and tenancy;
  - 2.5 Address 2.1 to 2.4 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; and
  - 2.6 Comply with the Equality Rules of the Bar Standards Board.

3. In the event of any uncertainty arising as to the meaning of this policy, and/or any issue to do with Parental Leave arising that is not expressly dealt with in this policy, that uncertainty and/or issue shall be resolved in accordance with the objectives of the policy.
4. Annexed to this policy is a checklist of the key steps required by this policy in relation to an individual member's Parental Leave. In order to ensure that the requirements of this policy are adhered to, the Parental Leave Monitor(s) (as defined in paragraph 12 below) will complete and maintain a copy of this checklist in respect of each barrister member exercising their right to Parental Leave. Completed checklists may be retained for a period of up to three years following the member's return to work.

**(2) Definitions**

5. In this policy, "*Parental Leave*" refers to the leave taken by a barrister member of Chambers who is or is about to be the carer of a child following birth, adoption or surrogacy. This could be the mother, father or adoptive parent, and includes the married, civil or *de-facto* partner of a biological or adoptive parent.
6. The term "*carer*" will be used to describe an individual who applies under this policy for time to care for a dependent.
7. The term "*birth*" refers equally to live birth and stillbirth. In the event that a barrister member of Chambers takes leave following the stillbirth of a child, the provisions of this policy shall apply *mutatis mutandis*.

**(3) Period of Parental Leave**

8. 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.

9. 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).
10. 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 births and adoptions of 10 years from the date of the first.
11. Any period of Parental Leave is to be commenced within 12 months of the birth of the child or the child otherwise entering a family (either as a result of, or with a view to the adoption of, that child).

**(4) Pre-Parental Leave and Mentoring**

12. As soon as they feel comfortable doing so, any barrister member intending to take a leave of absence from Chambers by way of Parental Leave is encouraged to give notice of the same by email to either or both of the female and male members of Chambers' Equality and Diversity Committee (the "EDC") designated as "**Parental Leave Monitors**" (currently Anna Gotts and Andrew Pearson), or in their absence any other member of the EDC. Any information disclosed by the member to the Parental Leave Monitor(s) will be kept confidential unless and until otherwise agreed.
13. Within one week of being notified, the Parental Leave Monitor(s) will offer to arrange a mentor from within Chambers for the barrister member. For this purpose, the EDC will maintain an up-to-date list of volunteers willing to act as a mentor, from whom (subject to their availability at the relevant time) the member is free to

choose, if he or she so desires. If the offer of a mentor is not immediately accepted, it will remain open for acceptance at a later date.

14. Not less than 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), the barrister member must notify the Parental Leave Monitor(s) by email of the date on which their Parental Leave will commence. The Parental Leave Monitor(s) will assume responsibility for conveying the same to the Head of Chambers (currently Gavin Kealey KC), the Senior Clerk (currently Greg Leyden), and the members of staff responsible for fee collection (currently Hannah Hart) and for levying Chambers' expenses (currently Gabi Wishart). It is recognised, however, that there may be circumstances in which it will not be possible to give the required or any notice (for example, in the case of a premature birth).
15. At a time to be decided by the member, but not less than two weeks before the commencement of Parental Leave, the Parental Leave Monitor(s) shall arrange a meeting between the barrister member and an appropriate clerk to discuss and, where appropriate, agree on the following matters:
  - 15.1 Confidentiality / publicity in relation to the fact of the member becoming a carer and/or taking a period of Parental Leave, and their anticipated return to practice. It is for the member to decide what members, staff, and professional and lay clients will be told on inquiring / at the member's instigation. It will obviously not be appropriate for a member to ask any member of staff to pass on false or misleading information and any such request will not be accommodated.
  - 15.2 Notification of enquiries. It is for the member to decide whether, how and of which work enquiries they would like notification to continue in accordance with Chambers' Equal Access to and Fair Allocation of Work Policy. The clerks will in any event keep a record of enquiries made about the Member during absence on Parental Leave. 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.

- 15.3 Contact with Chambers. It is for the member to decide whether they would like to opt out of any internal email distribution lists (e.g. 7KBW Members or 7 KBW Juniors) and what (if any) arrangements they would like to be made in relation to the contents of their pigeonhole.
  - 15.4 The management of any ongoing cases or work. Members taking a period of Parental Leave are expected to make appropriate arrangements with their clerks and other members of Chambers and their clients regarding any work to which the member has committed but which he or she will be unable to undertake during any period of absence.
  - 15.5 Any outstanding billing. At the request of the member, if so desired, Chambers will actively pursue collection of the member's aged debt whilst he or she is on Parental Leave.
  - 15.6 Anticipated return date. This is an opportunity for the member to indicate, if they wish, their current expectations about when they might return to work.
16. It is for the member to decide whether to retain or suspend their practising certificate during a period of Parental leave. 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 he or she will not be able to take on any work during the period of Parental Leave. Further information concerning a barrister member's CPD obligations during a period of parental or extended leave is available on the BSB website.

**(5) During Parental Leave**

*(a) Continued Membership*

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

*(b) Chambers Contribution*

18. Any member of chambers who takes a period of Parental Leave will be granted an adjustment to the contributions that he or she would ordinarily be required to pay to Chambers (the “**Contribution**”). The purpose of this is to mitigate any reduction in cash-flow and/or income that may result from exercising the right to Parental Leave.

19. The adjustment applies differently to the different parts of the Contribution members of Chambers usually pay. For ease of understanding, the following defined terms are used. They are the same as the terms used in members’ monthly statements of account:

19.1 “*Occupancy*” is the sum that individual members of Chambers pay monthly for their rooms in Chambers (or, if they do not have a room, as a contribution to Chambers’ rent costs). When added up, the Occupancy paid by members is broadly equal to the rent payable by Chambers to the Inn.

19.2 “*Capital Expenditure*” is a payment made in respect of capital works that Chambers may from time to time undertake (for instance, for refurbishment of premises or an IT upgrade). It is an exceptional category of expense which appears only from time to time.

19.3 “*Levy*” is a payment towards Chambers’ running expenses that do not fall into either of the categories above. It covers staff wages, IT support, ordinary Chambers’ maintenance and so on. At the beginning of each financial year, Chambers’ running expenses for the next year are estimated. Additionally, a

calculation is performed to determine what proportion of Chambers' total income was earned by each given member. Each month for the first six months of the year, the member pays a sum equal to 1/12 of their proportion of the anticipated running expenses. In September, an adjustment is undertaken to assess what proportion of Chambers' total income was in fact generated by each individual member over the preceding six months and an adjustment (upwards or downwards) is performed. Each month of the second six months of the year, the member pays a sum equal to the 1/12 of their proportion of the anticipated running expenses taking into account any need for adjustment. At year-end, a further adjustment is performed, this time taking into account the whole of the preceding year. If there is a surplus when adjustment is made, it is refunded to the individual member. If there is a deficit when an adjustment is made, it is debited to the individual member.

19.4 “*Commission*” is a sum paid to the senior clerking team, calculated on fees received.

19.5 “*Expenses*” are monies disbursed by Chambers on behalf of a member.

20. During any period of Parental Leave:

20.1 The barrister member will not be liable to pay Occupancy;

20.2 The barrister member will remain liable for their share of any Capital Expenditure levied during their period of absence, but this will not be payable until the member's return to Chambers, subject to paragraph 37.2 below.

20.3 The barrister member will remain liable for their share of the Levy 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 paragraphs 20.4 to 20.6 below. For the avoidance of doubt, any fees received by the barrister member during their period of Parental Leave will be taken into account:

(a) in the calculation of their share of the Levy; and

(b) in the calculation of year-end adjustments.

20.4 The barrister member will continue to make monthly payments in respect of the Levy for 3 months;

20.5 Thereafter, whilst remaining liable for their share of the Levy in accordance with paragraph 20.3 above, the barrister member will not be required to make monthly payments in respect of the Levy during the period of their Parental Leave;

20.6 However, unless otherwise agreed in advance by the Management Committee, the barrister member will be required to pay his or her share of the Levy 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> and

20.7 The barrister member will continue to be responsible for any Expenses disbursed on their behalf and for their obligations in relation to Commission.

(c) *Retention and/or Use of Room*

21. During any period of Parental Leave:

---

<sup>1</sup> Explanatory note: sub-paragraphs 20.4 to 20.6 are concerned only with the timing of a barrister member's contribution to Chambers' expenses (imposed as part of the "Levy"), and 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, absent agreement.



- 21.1 The barrister member will be entitled to retain his or her room in Chambers unless the proposed or actual period for which he or she will be or is absent from Chambers exceeds a period of 12 months. This period may be extended by the Management Committee on application.
- 21.2 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.
22. If the proposed or actual period of absence exceeds 12 months (subject to any extension agreed with the Management Committee):
- 22.1 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;
- 22.2 The member may (upon returning to work) request to share a room in Chambers (assuming a suitable room and partner are available) or to downsize their room.
- (d) *Continued Contact*
23. Unless the barrister member has opted out of Chambers' internal email distribution lists during the course of discussions under paragraph 15.3 above (or otherwise), the barrister member will be included in invitations to seminars, conferences, training, marketing and social events and will be kept informed of and (where appropriate) consulted in relation to important issues, meetings and decisions affecting the practice and development of Chambers.

*(e) Entitlement to work during Parental Leave*

24. Any barrister member is entitled to undertake work during a period of Parental Leave and the clerks will endeavour to ensure that the barrister member is offered opportunities to do appropriate work, if this is requested.
25. A barrister member who elects to undertake such work should keep the Senior Clerk (currently Greg Leyden) informed of the amount of work they are carrying out.
26. Chambers has constituted a committee comprising the Senior Clerk (currently Greg Leyden) and Sarah Cowey who will determine whether the level of work being carried out by a barrister member is commensurate with a period of Parental Leave. Provided the committee is satisfied that the level of work is commensurate with a period of Parental Leave, and does not constitute a return to practice, undertaking such work will not impact upon the barrister member's entitlement to relief from liability for Occupancy under paragraph 20.1 above. Nor will it impact upon the deferral of payments as provided for under paragraphs 20.4 to 20.6 above.

*(f) Preparation for Return to Practice*

27. The below measures are aimed at ensuring the barrister member's return to Chambers after leave of absence is properly managed and planned, at ensuring that steps are taken to make it known that the member is available for work upon his or her return and to assist in every way practical in rebuilding the member's practice.

*(i) Keeping in Touch Days*

28. The barrister member, in consultation with a Senior Clerk (or other appropriate clerk), may organise 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 or her return to work following Parental Leave easier for him or her.

29. 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 (or other appropriate clerk) similar in content to a practice review.

*(ii) Return to practice meeting*

30. Not less than one month prior to their expected return to practice, a barrister member on Parental Leave must give notice of the expected date of their return to the Parental Leave Monitor(s) by email. The Parental Leave Monitor(s) will assume responsibility for conveying the same to the Head of Chambers (currently Gavin Kealey KC), the Senior Clerk (currently Greg Leyden), and the members of staff responsible for fee collection (currently Hannah Hart) and for levying Chambers' expenses (currently Gabi Wishart), and any mentor (if one has previously been appointed). It is in the interests of the member to give as much notice of his or her return as possible.

31. If no mentor has previously been appointed, within one week of being notified of a barrister member's intended return to practice, the Parental Leave Monitor(s) will offer the member a mentor from the list referred to in paragraph 13 above to assist the barrister member settle back into practice. The expectation is that such a mentor will be identified and appointed in each instance.

32. As soon as practicable after notice of return has been given, the barrister member will be offered a "**return to practice meeting**" by the Senior Clerk member of the EDC (currently Gary Rose). If requested by the barrister member, any mentor may be present at such meeting. Together with the barrister member, a Senior Clerk (or other appropriate clerk) should plan the member's return to Chambers and ensure that steps are taken to maximise the prospect of there being work for the member upon his or her return. The matters to which consideration should be given during the "return to practice meeting" include the following:

- 32.1 Identification of the likely working hours and type of work the barrister member wishes to undertake, and the duration and location of any hearings in which the barrister member may like to be involved.
  - 32.2 Agreeing the approach to be taken to hourly rates. With the barrister member's agreement, a flexible approach might be considered to be reasonably necessary.
  - 32.3 Contacting solicitors with whom the barrister member has previously worked and/or who made enquiries about the member during absence on Parental Leave to inquire about the possibility of new instructions.
  - 32.4 Ascertaining whether any members of Chambers have suitable work for or in which to involve the returning member.
  - 32.5 Announcing the barrister member's return to practice on Chambers' website and within Chambers.
  - 32.6 Reviewing the barrister member's website profile and, where necessary, updating that profile.
  - 32.7 Agreeing on targeted marketing support in consultation with Chambers' Head of Marketing, who will seek pro-actively to involve the returning member of Chambers in appropriate marketing events, talks which are being organised with firms of solicitors and so on.
33. Where the barrister member has been absent for a period of 12 months or more, at the return to practice meeting, the Senior Clerk will identify and explain the rooms(s) available to the barrister member upon return in accordance with paragraph 22 above.

**(6) Return to Practice**

34. On their return to practice, the Senior Clerk member of the EDC (currently Gary Rose) will send a "welcome back" email to the barrister member, which will:

- 34.1 Record the decisions taken in the return to practice meeting referred to in paragraph 32 above;
  - 34.2 Set a date for the three-month and six-month reviews referred to in paragraph 39 below, subject to any change that the barrister member may request closer to that date; and
  - 34.3 Confirm that the Head of Chambers (currently Gavin Kealey KC), the Senior Clerk (currently Greg Leyden), and the members of staff responsible for fee collection (currently Hannah Hart) and for levying Chambers' expenses (currently Gabi Wishart) have been notified of the barrister member's return to work.
35. On their return to practice, the barrister member is responsible for ensuring his or her practising certificate is current and that adequate insurance protection is in place.
36. In allocating work to members, the clerks will, in accordance with their usual practice as set out in the Equal Access to and Fair Allocation of Work Policy, give due consideration to the fact that a member returning to work after a period of Parental Leave may be short of work.
37. From the date of a barrister member's return from Parental Leave (whether before or at the end of the proposed period of absence or any extension thereof):
- 37.1 The barrister member will become liable for Occupancy;
  - 37.2 The barrister member will be required to pay their share of any Capital Expenditure levied during their period of absence, subject to the customary scale applied in relation to new tenants (i.e. 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); and

37.3 The barrister member will resume making monthly payments in respect of the Levy.

38. 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 at the earliest possible opportunity in order that a suitable arrangement can be considered.

39. Unless otherwise requested by the barrister member, a Senior Clerk (or other appropriate clerk) will arrange a three-month and six-month review of the barrister member's practice and support needs. If requested by the barrister member, any mentor may be present at such reviews. During this meeting, the level and nature of the returning member's practice following return will be discussed by reference to the level and nature of the member's practice prior to Parental Leave, taking into account any change in the member's working hours / days.

**(7) Pupils**

*(a) Prospective Pupils*

40. Upon application, Chambers may defer the commencement of pupillage of prospective pupils who become pregnant or acquire parental responsibilities prior to the commencement of pupillage for a period of up to 12 months.

41. 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*

42. This part of the policy applies to all pupils who are parents or have parental responsibilities.
43. 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.
44. 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.
45. 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.
46. In the event of deferral and during the pupil's "break" period, the pupil's supervisor shall be their point of contact with Chambers.
47. Chambers shall accommodate pupils' reasonable requests for flexible working hours and/or a period of parental leave in order to allow for childcare commitments. Such working hours or parental leave 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 and that the requirements of Part V of the Bar Training Regulations are complied with. For these purposes, "*parental leave*" refers to the leave taken by a pupil who is or is about to be the carer of a child following birth, adoption or surrogacy. This could be the mother, father or adoptive parent, and includes the married, civil or *de-facto* partner of a biological or adoptive parent.
48. Pupils are assured that any need to work flexible hours for reasons of childcare or to take a period of parental leave as described above will not affect their prospects of being recruited as a tenant.

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

49. 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.
50. 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.
51. Paragraphs 15-17, 20.1, 20.2 20.7, 21-36, 37.1 and 37.2 above shall apply *mutatis mutandis* to members on Special Leave (although the last sentence of paragraph 26 is not relevant).

**C. CAREER BREAK**

52. 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.
53. 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.
54. Paragraphs 15-17 and 21-26 above shall apply *mutatis mutandis* to members on a Career Break, save that in paragraphs 21 and 22 the words “12 months” shall be replaced by the words “6 months”.
55. Members on a Career Break will remain liable to pay Occupancy during any period in which they retain their room in Chambers, but shall not be liable to pay Occupancy during any period in which they do not retain their room.



56. Members on a Career Break will remain liable to pay all other elements of the Contribution during the period of their absence in the usual way.

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

57. 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.
58. 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.

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

59. Grievances will be dealt with in accordance with Chambers' Grievance Procedure.
60. 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.
61. Given that this Policy is subject to periodic review, the version of the policy which applies to a particular period of leave is whichever is more favourable of (a) the version in force at the time when leave was notified; (b) any intermediate version; and (c) the current version.
62. This policy shall be made available at all times on Chambers' website and in Chambers' Policies folder on SharePoint.

January 2025

### Parental Leave Checklist

*In accordance with paragraph 5 of this policy, this Checklist will be completed and maintained by the Parental Leave Monitor(s) (“PLMs”) in respect of each barrister member exercising their right to Parental Leave.*

<b>No.</b>	<b>Action required</b>	<b>By whom</b>	<b>When</b>	<b>Date action taken</b>	<b>Additional comments</b>
1.	Notify PLM of intended leave of absence <i>(paragraph 12)</i>	Member	As soon as the member feels comfortable doing so		
2.	Offer mentoring <i>(paragraph 13)</i>	PLM	Within 1 week of notification of intended leave		
3.	Notify PLM of commencement date of Parental Leave <i>(paragraph 14)</i>	Member	Not less than 1 month prior to expected date of birth / adoption		
4.	Notify Head of Chambers, Senior Clerk and relevant staff of commencement date of Parental Leave <i>(paragraph 14)</i>	PLM	Upon notification by the member of the same		
5.	Arrange Pre-Parental Leave meeting <i>(paragraph 15)</i>	PLM	To be decided by the member, but not less than 2 weeks before commencement of Parental Leave		
6.	Agreement of KIT days <i>(paragraphs 27, 28)</i>	Member in consultation with Senior Clerk	In advance of return to Chambers		
7.	Notify PLM of expected return date <i>(paragraph 29)</i>	Member	Not less than 1 month prior to expected return		
8.	Notify Head of Chambers, Senior Clerk, relevant staff and any mentor of expected return date <i>(paragraph 29)</i>	PLM	Upon notification by the member of the same		

9.	If mentor not already appointed, offer mentoring <i>(paragraph 30)</i>	PLM	Within 1 week of notice of intended return		
10.	Offer return to practice meeting <i>(paragraph 31)</i>	Senior Clerk member of E&D Committee	As soon as practicable after notice of return has been given		
11.	If relevant, identify room(s) available <i>(paragraph 32)</i>	Senior Clerk member of E&D Committee	As soon as practicable after notice of return has been given		
12.	Send welcome back email to member <i>(paragraph 33)</i>	Senior Clerk member of E&D Committee	Upon return to practice		
13.	Arrange 3-month practice review <i>(paragraph 38)</i>	Senior clerk	3 months following return to practice		
14.	Arrange 6-month practice review <i>(paragraph 38)</i>	Senior clerk	6 months following return to practice		