

## **SOUTH SQUARE**

# **PARENTAL LEAVE AND FLEXIBLE WORKING POLICY FOR MEMBERS OF CHAMBERS**

## **AIMS**

1. The aims of this Policy are:

- i. To seek to support all Members of Chambers in taking parental leave when they wish to do so;
- ii. To adopt terms which are competitive with those of other Chambers in order to attract the best candidates for pupillage and tenancy;
- iii. Particularly, in respect of female Members:
  1. to seek to encourage female Members following maternity to return to chambers and to continue to build successful practices, thereby contributing to the success of chambers as a whole;
  2. to seek to prevent any and all discrimination arising out of maternity.
- iv. To address the above points i. to iii. while recognising that Members are self-employed and without imposing a disproportionate burden on Members of Chambers as a whole.
- v. To comply with the Bar Council's equality and diversity code and to ensure Chambers complies with the latest updates from the BSB (May 2017), which state that:

- Parental leave would be made available to every member of chambers who becomes a parent or a carer of a child preceding or following birth or adoption;
- A parental leave entitlement should constitute, as a minimum, a period of one year away from practice (though a barrister would not be obliged to take the full entitlement);
- The rules should apply to all mothers, fathers, and adoptive parents, as well as the married, civil, and de facto partners of biological or adoptive parents;
- Chambers' parental leave policies should allow parental leave to be taken flexibly, to enable barristers to maintain their practice and support their income while on leave.

**Parental Leave: Application**

2. This policy will apply to the following persons as specified below:

**Main Carers (paras 3-13)**

- i. women who give birth and want to take a leave of absence for maternity and to be the main carer of their child;
- ii. women who adopt and want to take a leave of absence in order to be the main carer of their adopted child;
- iii. men whose partner has given birth and who want to take a leave of absence in order to be the main carer of their child;
- iv. men who adopt and want to take a leave of absence in order to be the main carer of their adopted child; and

**Supporting Carers (paras 3 and 14)**

- v. men whose partner has given birth or who, with their partner, have adopted and who want to take a leave of

absence in order to support their partner (who is the main carer of their child).

## **Main Carers and Supporting Carers**

### **Support Prior to Absence**

3. A Member wishing to take parental leave should be given the following support:
  - i. Consultation with the clerking team, Chambers Director and/or Head of Chambers in order to pro-actively manage the announcement of the Member's intention to take parental leave, the period of their absence and their return to work in due course;
  - ii. Completion of a parental leave checklist with their clerk (appended to this Policy); and
  - iii. Such further support as the Member may reasonably request.

## **Main Carers**

### **Accommodation Charge Relief**

4. A Member of Chambers who takes a period of parental leave as main carer will be given up to 12 months' relief from payment of Chambers accommodation charge, starting from the date that they commence leave and ending with their return to Chambers.
5. The provision of relief in respect of accommodation charge will be subject to the Member of Chambers taking Main Carer parental leave being prepared (insofar as they are able) to attend Chambers: (i) in order to assist on a voluntary basis with their voluntary Chambers commitments and (ii) in order to keep in touch with Chambers and clients by doing a small amount of work prior to returning fully from parental leave (up to a maximum of 100 hours of paid work prior to return to Chambers).
6. If a Member of Chambers undertakes work part-time from Chambers (in addition to the small amount referred to in paragraph 5 above) during the

12 month period, a reduced accommodation charge rate (to be negotiated and agreed between the Member and the Executive Committee) will be incurred and paid by the Member.

7. Upon full-time return to practice, the Member will incur and pay full accommodation charges.
8. If the Member has not returned to full-time practice after 12 months of parental leave, the Member will incur and pay full accommodation charges unless: (i) in exceptional circumstances a further rent free period is sought and granted from the Executive Committee; (ii) an associate membership has been agreed; or (iii) the Member wishes to leave Chambers and has negotiated terms of departure with the Executive Committee.
9. During the rent-free period, the Member will not be required to give up their room, but they should remove valuables and leave it unlocked, so that the space may be utilised by Chambers if necessary in the intervening period.

### **Receipts Charge**

10. The following will apply in respect of a Member of Chambers who takes parental leave as Main Carer pursuant to this policy:
  - (i) Receipts charges will continue to accrue as normal during the time of parental leave and upon return to full-time practice, but shall not become payable until the Member returns to full-time practice in accordance with the remaining provisions of this clause;
  - (ii) Subject to (iii) below, on return to full-time practice, the Member will be credited with an amount - not to exceed the amount owed, equivalent to the receipts charge percentage applied to their Chambers receipts over the 12-month period ending immediately before their parental leave began. That credit shall be applied in discharge or diminution of receipts charges accruing due pursuant

to (i) above over a maximum period of 12 months from the date of commencement of parental leave;

- (iii) If the period of parental leave taken is less than 12 months, the periods referred to in (ii) above shall be reduced commensurately to reflect the period of parental leave actually taken;
- (iv) Payment of the balance (if any) of monthly receipts charge accruing during the period of parental leave pursuant to (i) above or which falls due during the 12-month period immediately following return to full-time practice may be deferred (at the Member's request) for up to 18 months after it falls due.

### **Keeping in Touch**

11.A Member of Chambers should be encouraged to keep in touch with Chambers whilst they are away on terms that are acceptable to that Member. For example, this should include continued contact by email from staff when Chambers decisions are being made, being approached in respect of potential work by the Practice Managers to prepare for their return and coming in to Chambers or to Chambers events to keep up contacts both inside and outside Chambers, as appropriate.

### **Right of Return**

12.A Member of Chambers has a right to return to Chambers following parental leave for up to 24 months from the commencement of the parental leave period. Thereafter, chambers will offer the Member associate membership status as a minimum, and a return to Chambers as a full tenant would be a matter for negotiation with the EC.

### **Support on Return**

13.A Member of Chambers shall be provided with appropriate support to maximise the prospects of obtaining work on their return to Chambers after taking parental leave. Such support will include the following:

- i. Consultation with the Head of Chambers, the Chambers Director, the Practice Management Team and the Marketing Team as necessary in order to plan the Member's return to work;
- ii. Publicising the Member's return to work from parental leave, both within Chambers and externally among clients;
- iii. Active support in respect of marketing initiatives, including in relation to client dinners and professional talks and presentations; and
- iv. Allocation of a return to work mentor who will be a silk or other senior Member willing to act as such and known to the returning Member, whom the returning Member may consult in relation to any issues that may arise and who will encourage other Members to consider whether they have suitable work for or in which to involve the returning Member.

### **Supporting Carers**

#### **Parental Leave to Support the Main Carer**

14. Chambers also recognises that a Member whose partner has given birth, or who has with their partner adopted, their partner being in each case the main carer, may wish to take a period of parental leave following birth or adoption in order to assist in the care of their child. The extent to which rent or receipts charge will or will not be levied during that period of parental leave will be considered by the Executive Committee in consultation with the Member concerned on a case by case basis. In considering such a request, the Executive Committee will have regard to all the circumstances including the contents of this Policy.

### **Flexible Working**

15. Chambers recognises and supports the right of every Member of Chambers to take a career break, to work part time, to work flexible hours

or to work from home to enable them to manage any family responsibilities or disabilities they may have and remain in practice.

16. Chambers will ensure that the taking of a career break, working part-time, working flexible hours or working from home will be managed by Members of Chambers and staff so as to be free of discrimination in respect of the Member who chooses to work in this way.

17. The specific terms of a career break will be dealt with by the Executive Committee on a case by case basis, but the Executive Committee will seek to reflect the spirit of the terms of this Policy.

### **Grievances under the Policy**

18. If a Member has a problem or grievance in respect of this policy or its application, they should address their grievance in the first instance to either or both of Chambers' Equality and Diversity Officers, who will make a note of that grievance, inform the Head of Chambers (whether formally or on an anonymous basis as appropriate) and will seek to take the appropriate steps for resolving the relevant grievance in consultation with the Member concerned.

19. If the Member concerned does not feel that their grievance has been dealt with satisfactorily pursuant to paragraph 18 above, they should consult the Head of Chambers directly and refer to the grievance procedure.

### **Responsibilities of Members who want to utilise the Policy**

20. A Member of Chambers who wants to take up this policy must:

- i. Inform their clerk, the Head of Chambers and preferably also an Equality and Diversity Officer of the intention to take parental leave as soon as practicable;
- ii. Take steps to agree with the Executive Committee the detailed financial arrangements in relation to their parental leave prior to taking that leave, in so far as possible;

- iii. Report to Chambers either informally or formally to either or both of the Equality and Diversity Officers (preferably), alternatively to the Head of Chambers or a member of the EC, as to their experience of using this Policy, with a view to assisting Chambers in its continued review of the effectiveness of the Policy.

### **Review of the Policy**

21. Chambers is committed to regularly review the effectiveness of this Policy.
22. Every Member of Chambers and every member of staff has a responsibility to familiarise themselves with the terms of the Policy. To the extent that any Member of Chambers or staff is unclear about any aspect of the Policy, they should direct their query to either or both of the Equality and Diversity Officers in the first instance, who will seek to deal with that query as they consider appropriate in the circumstances.
23. Any Member of Chambers or staff member who is approached with feedback on the effectiveness of this policy should make every effort to inform the Equality and Diversity Officers in Chambers of the feedback that has been received.
24. This Policy is regularly reviewed by the Chambers' Equality and Diversity Officers and approved by the EC.