

3 VERULAM BUILDINGS

CHAMBERS' PARENTAL LEAVE AND FLEXIBLE WORKING POLICY

At a Chambers' Meeting on 11th December, 2013 this document was adopted as Annex 15 to the 3 Verulam Buildings Chambers' Constitution.

INTRODUCTION

1. This policy applies to all members of Chambers. Separate policies regarding maternity, paternity, adoption, flexible working and parental leave apply to employees.
2. All members of Chambers and their practice managers are committed to assisting all tenants, male and female, to manage their family responsibilities and to enjoy time with their families whilst pursuing a rewarding career in Chambers. "Parental leave" refers to the leave taken by the main carer of a child following birth or adoption. This could be the mother, father, spouse, civil partner or Partner of either the child's mother or of someone who has been matched with a child by an adoption agency. "Partner" means someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.
3. It is the aim of this policy to:
 - (a) encourage members, following the birth of their child or taking on the role of primary carer of their newborn child (or a newly adopted child), to return to Chambers and to continue to build a rewarding practice at the Bar;
 - (b) support members, following the birth of their child or taking on the role of primary carer of their newborn child (or a newly adopted child), in balancing family life with the demands of building a rewarding practice at the Bar without suffering financial hardship;
 - (c) prevent any discrimination arising out of maternity or paternity or on the grounds of parental responsibility;
 - (d) adopt terms which continue to attract the best candidates for pupillage and tenancy;
 - (e) address (a) to (d) 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;
 - (f) comply with the Code of Conduct of the Bar of England and Wales ("the Code").

4. This will be circulated to all members, practice managers and staff in order that they may understand the Policy and their role in relation to it. This will be available on Chambers' intranet from [date]. In addition Chambers will arrange internal training for the practice managers, Fees Clerks and other staff in relation to this and the thinking behind it. The practice managers should on a rolling basis attend any seminars organized by the Bar Council in relation to parental leave.
5. Chambers' Equality and Diversity Committee will, in conjunction with the Management Committee, the Practice Development Committee and the Pupillage Committee, regularly review the effectiveness of this policy.

REMISSION FROM PAYMENTS FOR RENT AND RENT POINT MORATORIUM

6. Any member who leaves Chambers to give birth or to take on the role of primary carer of their newborn child (or a newly adopted child) shall not be required to pay rent for a period of 6 months following the month of the birth or of taking on the role of primary carer ("the Initial Period") and the member may reduce the amount of their standing order to chambers during that 6 month period accordingly.
7. As regards any member to whom paragraph 6 above applies, there will be a moratorium on rent-point increases during the Initial Period.
8. Any member whose partner gives birth to or adopts a child shall not be required to pay rent for a period of 1 month following the month of the birth or adoption.

ALLOWANCE AGAINST CHAMBERS' EXPENSES

9. Any member who leaves Chambers to give birth or to take on the role of primary carer of their newborn child (or a newly adopted child) will have an allowance against chambers' expenses equivalent to the rent due from them in respect of the period of 6 months after the Initial Period. For the avoidance of doubt, rent-point increases will resume after the Initial Period.

PROVISIONS APPLY REGARDLESS OF PERIOD OF ABSENCE

10. Paragraphs 6 to 9 above shall apply regardless of the amount of time taken away from Chambers and irrespective of any work done by the member in question during the periods specified in those paragraphs.

CHAMBERS' CONSTITUTION FINANCIAL HARDSHIP

11. The provisions in this are in addition to, and do not take the place of, Paragraph 53 of Chambers' Constitution, which allows the Head of Chambers to make concessions on a case-by-case basis to a member of Chambers who suffers financial hardship.

EXTENDED PERIOD OF ABSENCE FOLLOWING BIRTH OR ADOPTION

12. Any member who leaves to give birth or to take on the role of primary carer of their newborn child (or a newly adopted child) shall be entitled to have their seat in

Chambers held open for a minimum of 18 months following the month of the birth or taking on the role as primary carer.

13. If a member is absent from Chambers for more than 18 months without agreeing an extension with Chambers' management her/his automatic right to return to Chambers ceases unless such absence is due to consecutive births.
14. Where membership ceases by virtue of the provisions in paragraph 13, a member can reapply to Chambers in the usual way.
15. During any period of absence after the Initial Period ("Extended Period of Absence"), the member's room will be kept empty pending their return, on the understanding that the member's room (but not the member's computer equipment or any personal property which the member has asked not to be used) may be used during their absence by other members (and pupils if so directed by and under the supervision of their pupil supervisor). This usage may be for accommodation purposes or for conferences but not for storage purposes. In such circumstances, any other member using the member's room will take due care when so doing, and take responsibility for any damage to property resulting from the use of the room by the member or their pupil.
16. Subject to paragraphs 6 to 9 above, rent and expenses will be charged in the usual way during any Extended Period of Absence unless otherwise agreed with the Head of Chambers (subject to paragraph 34 below).

ARRANGMENTS DURING ABSENCE AND AFTER RETURN

17. A Member of Chambers who takes parental leave is encouraged to maintain contact with Chambers. Ordinarily this will be done through a series of 4 meetings with the practice managers, taking place before, during and after her/his leave. Suggested agendas for each of those meetings are annexed to this policy.
18. As part of its commitment to support and assist all of its members during parental leave, Chambers will ensure that any member on leave who so wishes is kept in touch with Chambers' business and any matter affecting his or her practice.
19. Chambers will ensure that the member is offered opportunities to do appropriate work if this is requested and invited to training events, social occasions, marketing events and Chambers meetings.
20. Chambers will also ensure that all members returning from parental leave are fully supported in re-establishing their practices as quickly as possible following their return including (where requested) the arrangement of a "practice meeting" with the relevant clerk within two weeks before the member returns to work where possible.
21. Informal working arrangements during a period of parental leave do not affect a member's entitlement to the six month period free of rent, provided that the Head of

Chambers is kept informed of the arrangements by the member of Chambers and is satisfied that the level of work being undertaken does not constitute a return to practice.

22. Chambers recognises that targeted marketing support for a limited period of 6 months following a member of Chambers' return to practice is likely to be beneficial in the process of assisting the returning member of Chamber's practice to come back to life. In this regard, during the 6 months following the member of Chamber's return, the practice managers and the Practice Development Committee should be pro-active in seeking to involve the returning member of Chambers in such appropriate marketing events and talks as are being organised with firms of solicitors (if that is desired by the returning member of Chambers concerned). The attached Guidelines set out the practical steps which Chambers will take to implement this.
23. The level and nature of a returning member's practice following return to Chambers should be monitored by the practice managers and the member concerned in particular by reference to the level and nature of the member's practice prior to parental leave and taking into account proportionately any change in the member's hours/days of working upon return to Chambers. Without precluding discussion at any other time, this should be an item for the agenda for the practice review meeting after the member returns. If such monitoring reveals matters about which the member is concerned, these can be raised by her/him with the Head of Chambers or with the Head of the Equality and Diversity Committee.
24. It is the policy of Chambers to enable parents to work on reduced hours on return from a period of parental or adoption leave. This should be discussed with the Chambers' Management and clerks.
25. It is recognised that devilling in the immediate 6 months after returning from parental leave has particular advantages for a returning member of Chambers' cashflow and diary which are important in the light of the likely "financial crunch" experienced by returning member of Chambers' in the first months back in chambers. In the 6 month period following the member of Chambers' return, the practice managers should be pro-active in seeking suitable devilling opportunities for the returning member of Chambers if that is desired by the member of Chambers concerned. For the avoidance of any doubt, it is in the absolute discretion of any member of Chambers, subject to her/his own professional obligations, whether and to whom she/he chooses to devil work.
26. It is recognised that there is likely to be a financial "crunch" for a returning member of Chambers in the first 6 months after return from parental leave. In view of this, the Fees Clerks will actively pursue debt collection in relation to a member whilst she/he is on parental leave and in the first 6 months follower her/his return. Payment issues should be discussed with the practice managers on departure from and return to work. If a member of Chambers wishes to attach payment conditions to new work, she/he should agree these with the practice managers, who will make them clear to clients so

that prompt payment can be enforced without damaging Chambers'/the member's relationship with the client.

27. The attached Guidelines set out the practical steps that Chambers will take to implement paragraphs 17 to 26 above. Chambers' Equality and Diversity Committee will, in conjunction with the Management Committee, the Practice Development Committee and the Pupillage Committee, regularly review and up-date these Guidelines.

SERVING ON CHAMBERS' COMMITTEES

28. Members of Chambers may, if they so wish, delay serving on Chambers' Committees for six months after returning from parental leave.

CHAMBERS MEETINGS/TALKS

29. Internal meeting and talks within Chambers, other than formal Chambers Meetings which are generally arranged outside Court hours, should be arranged either for lunch time or in the evening, striving to achieve a fair balance between the two. If feasible, Chambers talks should be recorded.

CAREER BREAKS

30. Chambers is in principle willing to permit any member to take a career break (being a period of absence from Chambers other than or in addition to the periods of parental leave provided for above) of up to one year for the purpose of managing their family responsibilities. The terms of such leave as to rent, expenses, retention of the member's room during the career break and any extension to the one year period are matters to be agreed in advance between the member and the Head of Chambers (subject to paragraph 34 below).

CARERS OF DISABLED DEPENDANTS

31. Where a member of Chambers is the primary carer of a disabled dependant, Chambers is in principle willing to permit that member to take a period of absence from Chambers for the purpose of caring for their disabled dependant. The terms of such leave as to rent, expenses, retention of the member's room during the leave and any extension to this period are matters to be agreed in advance between the member and the Head of Chambers (subject to paragraph 35 below). For the purposes of this paragraph, a "dependant" may be a spouse, civil partner, child or parent (but not grandparent) of the member of Chambers, or a person who lives in the same household as the member of Chambers (excluding tenants, lodgers, boarders and employees).

FLEXIBLE AND PART-TIME WORKING

32. All members of Chambers are self-employed and are entitled to regulate the number and timing of their working hours and place of work as they see fit, subject to their

professional commitments and duties and subject to their obligations to Chambers in respect of rent and expenses.

33. Any member of Chambers has the right to take a career break, to work part-time, to work flexible hours or to work from home in order to enable them to manage their family responsibilities or disability and remain in practice.
34. Chambers will seek to assist any member who wishes to make formal arrangements to work part-time, particular hours or days and/or from home or to take a career break for the purpose of managing their family responsibilities or disability. Such arrangements are to be discussed in advance between the member and their practice managers and agreed with the Head of Chambers (subject to paragraph 35 below).

PROCEDURE FOR REACHING AGREEMENTS

35. In relation to the matters which are to be agreed between a member and the Head of Chambers pursuant to paragraphs 16, 30 and 34 above, those matters shall in the first place be discussed between the member and the Head of Chambers and agreement reached where possible. In the event that either the member or the Head of Chambers considers it appropriate or desirable, the discussion will be expanded to include a senior member of chambers chosen by the member and a member of the Equality and Diversity Committee chosen by the Head of Chambers.
36. In the event that the discussions referred to in paragraph 35 above do not result in agreement, the matters shall be referred to a Chambers meeting to be convened by the Head of Chambers pursuant to clause 11 of the Chambers Constitution.

PARENTAL LEAVE MENTORS

37. The Head of the Equality and Diversity Committee will arrange for a mentor to be provided to any member of Chambers who takes parental leave and desires one. For this purpose, the Head of the Equality and Diversity Committee will keep a list of volunteer mentors to be identified in Chambers so that names are ready if a leaving/returning member of Chambers feels she/he wants this.

GRIEVANCE PROCEDURE

38. Any member who has a concern or complaint regarding this policy should raise his or her complaint with the Chambers Equality and Diversity Officers in the first instance.
39. Any complaints that are not resolved to the satisfaction of the member in accordance with paragraph 38 above, the member may elect for his/her complaint to be dealt with in accordance with Chambers' complaints procedure.
40. Chambers' Equality and Diversity Committee will from time to time inquire whether any member, practice manager or member of staff has any concerns or issues with matters relating to this policy or the attached Guidelines.

GUIDELINES

STEPS TO BE TAKEN IN RESPECT OF MEMBERS ABSENT ON PARENTAL LEAVE AND RETURNING TO CHAMBERS AFTER SUCH LEAVE

1. As described more fully below, there may be a series of four structured meetings between the member of Chambers taking parental leave and her/his practice manager(s). Suggested agendas for each of those meetings are annexed to these Guidelines.

(1) Pre-departure

2. When a member of Chambers who will be taking parental leave notifies her/his practice manager of that fact, a meeting will be arranged between the practice manager(s) and the member. This should be booked in by the practice managers as soon as the member of Chambers informs them of his/her need to take parental leave and, preferably, for a date no later than 2 months prior to the predicted date of departure.
3. At the pre-departure meeting the practice managers will discuss and agree with the member the steps to be taken to (a) keep the member in touch with Chambers and matters affecting her/his practice during parental leave (b) continue and/or preserve the member's practice during her/his full or part-time absence from Chambers and (c) facilitate her/his return to Chambers and to practice.
4. Unless otherwise agreed at the pre-departure meeting, the member's formal departure date should be circulated by email by the Head of Chambers, about one week in advance, to inform everyone and mark the event. The practice managers should set this up with the Head of Chambers.

(2) During parental leave

5. During her/his absence from Chambers on parental leave, the member will, so far as she/he requires it, be kept in touch with Chambers' business and with all information concerning relevant areas of practice. This may include:
 - Forwarding post.
 - Forwarding all information about Chambers' business which is not circulated by e-mail including minutes of meetings, information about Chambers' social events, information about relevant specialist practice group meetings and any handouts supplied at those meetings.
 - Regular phone calls from the member's practice managers.
6. The practice managers should particularly note any work with the member's name on it which comes in during her/his parental leave. Unless otherwise agreed, advice should be sought as soon as possible from the member as to how to communicate with the solicitor at the time of reallocating the work, as there may be an opportunity to communicate in a way that keeps the solicitor "warm" leading to further instructions for the member on her/his return.

7. The practice managers should keep a record of all enquiries made about the member during her/his absence on leave.
8. In the event that a member wishes to work flexibly from home during a period of parental leave, the practice managers will take all reasonable steps to assist her/him to do so.
9. At least one month before the member's expected date of returning to Chambers, there should be a formal meeting at Chambers (or on the telephone) between the member and the practice managers to discuss, make arrangements for, and pre-plan, the return.
10. At the pre-return meeting, it should be discussed:
 - whether the returning member wishes to give a presentation in conjunction with a senior member of Chambers on return to work and, if this is wanted, the practice managers should set this in motion via the relevant practice group.
 - whether or not and, if so, which solicitors should be contacted regarding the member of Chambers return and any particular marketing initiatives the member of Chambers or the Clerks (on his/her behalf) should be taking (if that is desired by the member of Chambers).
 - what enquiries have been made by solicitors/clients during the member of Chambers' absence
11. The Head of Chambers should, unless the returning member requests otherwise, send around emails announcing her/his imminent/ actual return to Chambers. The practice managers to be responsible for setting this up.

(3) Upon returning from parental leave

12. The practice managers will give the same consideration and attention to the practices of members returning from parental leave as they give to those of new members of Chambers whose practices may require specific development and promotion.
13. The member's practice managers will take steps to maximise the prospect of there being suitable work for the member upon their return. These steps will include where required by the member:
 - Contacting solicitors from whom the member had received instructions prior to their absence, and any solicitors who had made enquiries about the member during their absence;
 - Publicising the member's return within Chambers;
 - Ascertaining whether any members have suitable work for or in which to involve the returning member.
14. In the six months following a member returning to Chambers after parental leave the practice managers and the Practice Development Committee should be proactive in seeking to involve that member in such appropriate marketing events and talks as are being organized with firms of solicitors, if that is what the member desires.
15. In the six months following a member's return to Chambers after parental leave, the practice managers should be proactive in seeking suitable devilling opportunities for

the member (if she/he so desires). For the avoidance of any doubt, it is in the absolute discretion of any member of Chambers, subject to her/his own professional obligations, whether and to whom she/he chooses to devolve work.

16. As soon as possible after returning to practice after parental leave, there should be a further meeting between the member and her/his practice managers to discuss and agree arrangements for re-establishing her/his practice.
17. At their 'on-return' meeting, the member and her/his practice managers should discuss, which solicitors and which types of work to pursue, at what rates; and any devolving opportunities. They should also discuss whether it is possible to involve that member in any appropriate marketing events and talks that are being organized with firms of solicitors. A date should be agreed for a practice review.
18. In the event that a member wishes to work flexibly from home after a period of parental leave, the practice managers will take all reasonable steps to assist her/him to do so.

(4) The practice review

19. At a mutually convenient date, probably around 6 months after returning to practice, there shall be a practice review between the member and her/his practice managers to discuss and monitor the progress which has been made in re-establishing her/his practice and the next steps which to be taken by the member and the practice managers.

Draft Agendas for the Parental Leave Meetings

Set out below are four draft agendas, respectively identifying the topics which might usefully be covered in meetings with the Clerks before, during and after taking parental leave. In addition, a list of resources that may be helpful to persons taking parental leave appears at the end of this document.

The Function of the Agendas

Individual members of Chambers taking parental leave will have their own preferences and requirements as to how the period should be handled. The agendas are intended as a guide and not a straightjacket and individuals are encouraged to decide for themselves which of the suggested agenda items are appropriate to their particular circumstances and to raise whatever additional points may be important. Similarly, although suggested timings for each of the meetings are given, individual members of Chambers are encouraged to fix these meetings with the Clerks at the times that are most appropriate to the circumstances of their own plans for parental leave.

It should also be emphasised that maintaining regular and frank communication between the member of Chambers and her/his Clerks is paramount and that the four proposed meetings are intended to supplement, not take the place of, that continuing dialogue.

Pre-leave Agenda Checklist

NB This meeting should be arranged when the member of Chambers advises his/her practice manager(s) that s/he will be taking parental leave. It should preferably be scheduled to take place at least two months before the predicted date of departure on leave.

1. Last work date
2. Pre-departure absences for appointments etc.
3. Cases – current; anticipated
4. Return date and plans for the return. (Days per week; Childcare cover; working from home)
5. Paperwork whilst away
6. Fees – aged debt / chasing required
7. Solicitors to notify (in advance or nearer to return)
8. Amendments to CV/website
9. Bar Mutual
10. CPD requirements
11. Bar Council Subscriptions
12. Accounts & VAT
13. Contact whilst away / social events /updates (will e-mail be checked?)
14. Mentor – if wanted, arrange through E&D/Combar/CBA
15. Review the diary for return (sols to contact, how far in advance to contact? Pencil in date for next meeting)
16. Post
17. Head of Chambers circular email advising of departure date.

Pre-return Agenda

NB – This meeting should take place (either in Chambers or by telephone) at least a month before the expected return from parental leave.

1. Confirm return date
2. Confirm plans for return (Days per week; Childcare cover; working from home)
3. Cases and enquiries update
4. On return Chambers' committee membership
5. Mentoring – required / mentor identified?
6. Fees – aged debt
7. Solicitor contact (update on letters etc)
8. Website/CV
9. Head of Chambers to publicise return date internally
10. Date for next meeting

Upon return agenda

NB – This meeting should take place as soon as possible following the return to Chambers after parental leave.

1. Update on current work projects
2. Email from Head of Chambers announcing return
3. Contact with senior member of Chambers for devilling / research opportunities
4. Marketing / talks (with other members of Chambers)/ other initiatives by the member of Chambers or Clerks
5. Update on solicitors
6. Update on types of work
7. Update on rates
8. Fees – aged debt.
9. External events – opportunities (update Kim)
10. Date for practice review

Practice Review Agenda

NB - This practice review should take place after returning to Chambers from parental leave.

1. What types of work have you been doing?
2. Which areas of work would you like to see increasing or would you like to see added to your present practice?
3. By which solicitors have you been instructed?
4. Which solicitors, whether or not they presently instruct you, would you like to do work for? Are there solicitors where you have contacts that you would like to have a stronger relationship?
5. What do the practice managers feel about your practice? What feedback have they had?
6. How recently did you review your cv? Is it up to date?
7. What assistance could you give to introduce other members of chambers to solicitors you know?
8. On a scale of 1-5, 5 being the best, how satisfied are you as to the way your practice is going? And how does the level and nature of your practice now compare with before parental leave?
9. Do you feel that you are getting your fair share of Chambers work?
10. Are you content with the level of fees that are being charged for your work? Do you understand how your fees are being fixed?
11. Are you aware of any equality and diversity issues affecting your practice or Chambers generally?
12. Do you have any areas of concern not already discussed? Are there things that chambers could be doing for you which you don't think are being done at the present time?
13. Objectives for current year. Strategy to achieve objectives?
14. Analysis of previous reviews. Are objectives being achieved?
15. Is there any action that can/should be taken in respect of your aged debt?
16. Should a further practice review be fixed now, say, six months hence?
16. AOB

Handling Parental Leave - resources

Members of Chambers planning parental leave are advised to consult some or all of the following:

1. Chambers' Parental Leave and Flexible Working Policy – see Chambers' intranet;
2. Other practitioners with experience of handling parental leave and returning to practice;
3. The Head of the Equality and Diversity Committee who can find a mentor (if required), or point you towards an informal source of guidance;
4. The Chancery Bar Association mentoring scheme, which can arrange a mentor from outside Chambers – see www.chba.org.uk;
5. The Combar Parental Leave/Career Break Advice Scheme – see www.combar.com. At the time of writing, this is a pilot scheme. See also Combar's 'Maternity/Paternity/Parental leave policies – things to think about';
6. Bar Council Guidance on maternity leave and career break checklists and 'things to think about' – see www.barcouncil.org.uk. Its equality and diversity helpline is 020 7611 1310.
7. The Bar Standards Board Equality and Diversity Code can be accessed on its website.
8. Information about tax credits and child benefits is available at <http://www.hmrc.gov.uk/individuals/index>