



## PARENTAL LEAVE POLICY (“PLP”)

### Introduction

1. For the purposes of this PLP, the phrase “Parental Leave” refers to leave taken by the Main Carer of a child following birth (including through surrogacy) or adoption. Such leave is to be commenced within twelve months of the birth of the child or the child entering the family (either as a result of, or with a view to, the adoption of that child).
  
2. For the purpose of this policy, “Main Carer” means the person with primary caring responsibilities for the child. This could be the mother, the father or the adoptive parent of any sex. This policy does not envisage a child having more than one Main Carer at any one time. If the partner of a Member of Chambers (“MoC”) is also on parental leave and/or in the case of adoption is “the adopter”, then the MoC will not be regarded as the Main Carer. However, Chambers understands that the role of the Main Carer may switch between partners over time, and the Reduced PL Rebate Scheme (below) is drafted with that in mind.
  
3. It is the aim of the PLP to:
  - a. Encourage MoCs following Parental Leave to return to Chambers and continue to build successful practices;
  - b. Prevent discrimination on the grounds of pregnancy, adoption and maternity;
  - c. Encourage and support MoCs in being able to take time off following the birth, surrogacy or adoption of a child without suffering financial hardship; and
  - d. Comply with the requirements of the BSB Handbook and accompanying guidelines.



4. This PLP is circulated to all members, clerks and staff all of whom are required to:
  - a. Read and understand the policy; and
  - b. Understand their role in relation to the policy.
  
5. Chambers' rent is payable at the applicable percentage rate in respect of all work done prior to, and during, the taking of a period of Parental Leave.

Parental Leave Benefits:

Parental Leave Rebate Scheme and Reduced Parental Leave Rebate Scheme

6. Chambers is aware that a reduction in income during or following a period of Parental Leave can cause cash flow difficulties for MoCs. In order to address this, a MoC is entitled to receive a rent rebate from Chambers ("the PL Rebate") on the following terms:
  - a. The PL Rebate is available to MoCs who take a period of Parental Leave at least 3 months immediately following the birth or adoption of a child;
  - b. The PL Rebate is a monthly payment, the amount of which shall be equivalent to the average monthly rental contribution of the relevant MoC in the 12 months prior to the start of the period of Parental Leave;
  - c. The PL Rebate shall be paid for a period of 3 months commencing not earlier than 3 months from the start of a qualifying period of Parental Leave and not later than 3 months after the MoC returns to practice following a period of qualifying Parental Leave; and
  - d. In the event that the MoC gives notice to leave Chambers within 18 months of any PL Rebate payments having been made then the MoC shall pay a sum to Chambers in an amount equivalent to the PL Rebate that the MoC



has enjoyed, such payment to be made within one month of the MoC giving notice to leave Chambers.

7. Chambers wishes to encourage non-traditional Main Carers to feel able to take time away from practice during the start of their child's life without suffering financial hardship. Chambers therefore offers the "Reduced PL Rebate" on the following terms:
  - a. The Reduced PL Rebate is available to MoCs who take a period of Parental Leave at least 3 months at any point commencing from the start of the 4<sup>th</sup> month after the birth or adoption of a child and ending before the end of the 12<sup>th</sup> month after the birth or adoption of a child;
  - b. The Reduced PL Rebate is a monthly payment, the amount of which shall be equivalent to 50% of the average monthly rental contribution of the relevant MoC in the 12 months prior to the start of the period of Parental Leave;
  - c. The Reduced PL Rebate shall be paid for a period of 3 months commencing not earlier than 3 months after the start of the period of qualifying Parental Leave and not later than 3 months after the MoC's return to practice following a period of qualifying Parental Leave;
  - d. In the event that the MoC gives notice to leave Chambers within 18 months of any Reduced PL Rebate payments having been made then the MoC shall pay a sum to Chambers in an amount equivalent to the Reduced PL Rebate that the MoC has enjoyed, such payment to be made within one month of the MoC giving notice to leave Chambers.
  
8. MoCs who have received any PL Rebate payments will not qualify for the Reduced PL Rebate.



9. While there is no prohibition on MoCs carrying out work during Parental Leave, any MoC who bills more than 33% of their average monthly billing (calculated by reference to the 12 months prior to the start of the period of Parental Leave) over any two months (not necessarily consecutive months) during any period of Parental Leave will automatically cease to be eligible to benefit from the PL Rebate and Reduced PL Rebate schemes for those months and any PL Rebate and Reduced PL Rebate that was paid for those months shall, unless the Head of Chambers decides in his discretion otherwise, be repayable on such terms and at such times as he may direct.

#### Parental Leave Discount Period

10. Where a MoC takes Parental Leave immediately following the birth or adoption of a child (i.e. this would exclude Members who enjoy the Reduced PL Rebate), then, following their return to practice, that MoC is entitled to a discount on Chambers' rent during a period ("the Discount Period"). The level of discount and the length of the Discount Period shall be as follows:
  - a. The Discount Period shall begin on a date to be agreed with Head of Chambers or the Chair of Chambers Management Committee and notified to the Clerks prior to the MoC's return to Chambers, and shall be no later than 15 months after the birth or adoption of a child.
  - b. Where the period of Parental Leave was 6 months or more, the Discount Period will be a 6-month period during which:
    - i. fees received from work undertaken in the first three months will be free of Chambers' rent; and



- ii. Fees received from work undertaken in the following three months will be at half of the usual percentage.
- c. Where the period of Parental Leave was shorter than 6 months, the Discount Period will be a period of the same length as the period of Parental Leave during which:
  - i. fees received from work undertaken in the first half of the Discount Period will be free of Chambers' rent; and
  - ii. Fees received from work undertaken in the second half of the Discount Period will be at half of the usual percentage.

#### General Leave

11. If a MoC or their partner gives birth to a child, becomes a parent via surrogacy or adopts a child, and the MoC is not the Main Carer of the child, the MoC shall nonetheless be entitled to up to 2 months' absence from Chambers. In this circumstance the MoC will not be entitled to the Parental Leave Benefits set out above. Should the MoC wish for a longer period of absence for this purpose, this should be discussed with Head of Chambers or the Chair of Chambers Management Committee and clerks on an individual basis.

#### Application of PLP During Periods of Compassionate Leave

12. In the unfortunate event that a MoC (or their partner) experiences a stillbirth (which is defined by the NHS as when a baby is born dead after 24 weeks of pregnancy) or the death of a child shortly after birth or adoption, then that MoC shall be entitled to take a period of compassionate leave from Chambers of up to 12 months, during which time the PL Rebate and the Parental Leave Discount Period



## SELBORNE CHAMBERS

shall apply to the MoC as if they were the Main Carer for a child on Parental Leave (and paragraph 11 shall not apply).

### Pre-Leave

13. Chambers (and in particular Chambers' clerks) will accommodate time-off for fertility treatment, antenatal care and related medical and other appointments, including compassionate leave following miscarriage (prior to 24 weeks of pregnancy).
14. MoCs are required to notify Chambers' Management Committee and clerks of their intention to take a period of Parental Leave not less than 3 months before the commencement of the period of leave indicating the estimated commencement date of leave and likely date of return. Chambers recognises that there will be circumstances in which it will not be possible to give any notice (for example, a premature birth).
15. If a MoC wishes to take Parental Leave for a period longer than 12 months, this should be discussed with the Head of Chambers or the Chair of Chambers' Management Committee. For the avoidance of doubt, any period of leave which is not Parental Leave is outside the scope of this Policy and is not intended to be affected by the PLP.
16. Prior to the commencement of Parental Leave, the MoC should meet with the Senior Clerk (or another appropriate clerk) to discuss and where appropriate agree:



## SELBORNE CHAMBERS

- 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. Whether s/he should suspend her/his 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 Parental Leave; and
- g. Whether s/he will be undertaking any work during Parental Leave.

### During Parental Leave

17. A MoC on Parental Leave is encouraged to maintain contact with Chambers at a level that the member is comfortable with.
18. Heads of Chambers and/or the clerks will ensure that the MoC is:
  - a. Offered opportunities to do appropriate work during Parental Leave if this is requested;
  - b. Invited to training events, social occasions, marketing events and Chambers meetings. Unless otherwise informed by the member, it should be assumed that s/he cannot attend chambers meetings and apologies for absence should be reflected in the minutes of those meetings. Minutes should be e-mailed to the barrister member where appropriate;
  - c. Consulted on any significant issues affecting the practice of Chambers.



19. At least two months prior to the MoC's return to practice from a period of Parental Leave the clerks (in conjunction with the Head of Chambers and/or the Management Committee, where appropriate) must give consideration to the following:
- a. The identification and appointment of a mentor who will assist the MoC 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. This should include agreement on any flexible or part-time working arrangements where appropriate;
  - c. Any need for the MoC to attend any professional training courses prior to their return to practice;
  - d. Reviewing the MoC's website profile in conjunction with the Senior Clerk (or other appropriate clerk) and Chambers' marketing director, and where necessary updating the profile;
  - e. Announcing the MoC's return to practice internally within Chambers and/or on Chambers' website and/or on LinkedIn;
  - f. Identifying a list of solicitors and writing to each of them announcing the MoC's return to practice.

#### Return From Leave

20. On their return to work MoCs may wish to work part-time or flexible hours or may have restrictions on travel to enable them to manage their family responsibilities. These matters should be discussed with the clerks on an individual and regular basis. Chambers recognises that some MoCs may have a greater need for flexible working than others – for example, where a child has a disability or medical condition.





## SELBORNE CHAMBERS

21. Wherever possible, the following adjustments will be made to accommodate the needs of MoCs returning from Parental Leave:
  - a. The timing of Chambers' meetings, team meetings and practice reviews should take into consideration the childcare needs of the MoC and attendance at evening/weekend meetings should not be expected;
  - b. Video/conference call facilities should be made available for a MoC wishing to participate in meetings from home; and
  - c. A review should take place with the clerks, between 3 and 6 months after the MoC's return to practice, at which the MoC's career and support needs are identified.
  
22. MoCs are responsible for ensuring their practising certificates and insurance are up to date upon return.

### Pupils and Prospective Pupils

23. Upon application, Chambers may defer the commencement of pupillage for prospective pupils who become pregnant prior to the commencement of pupillage for a period of up to 12 months.
  
24. Prospective pupils with existing childcare commitments may discuss with the Head of Pupillage how their working hours during pupillage can accommodate such commitments.
  
25. The following sub-paragraphs apply to all first- and second-six pupils:



- a. 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<sup>1</sup>;
- b. In the event that an exemption from the Bar Training Regulations is required, the pupil shall be responsible for obtaining written permission from the Bar Standards Board;
- c. Such deferral shall not affect the overall pupillage award which shall be paid monthly during the period(s) in which the pupil is undertaking pupillage;
- d. In the event of deferral and during the pupil's 'break' period, the pupil's supervisor shall be their point of contact with Chambers;
- e. 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 them;
- f. The need to work flexible hours for this reason should not, as far as possible, affect the allocation of court work during the practising period of pupillage. Pupils should however be aware of the demands of the court schedule and the necessity for evening and last-minute briefs and should arrange childcare with this in mind wherever possible;
- g. Pupils should be assured that if they need to work flexible hours for reasons of childcare, this will not in any way affect their prospects of being recruited as a tenant.

---

<sup>1</sup> i.e. that except with the written permission of the Bar Standards Board: (i) the non-practising period of pupillage must be undertaken for a continuous period of six months (regulation 31); and (ii) the practising period of pupillage must commence within 12 months of completion of the non-practising period and be completed within an overall period of 9 months (regulation 32).



## SELBORNE CHAMBERS

26. Paragraphs 25(e)-(g) apply to third-six pupils.

### Misuse of the PLP

27. Abuse of this PLP may form grounds for expulsion from Chambers (in accordance with Chambers' Constitution, paras 50-52).

28. Examples of abuse of the PLP are:

- a. Where a MoC represents themselves to Chambers as the Main Carer of a child during a period of leave in circumstances where the MoC's partner is in fact the Main Carer and/or where the child is cared for predominantly by a nursery, nanny or childminder;
- b. Where a MoC does not make the payments envisaged in paragraph 6(d) and 7(d)

29. Any individual found to have misused this policy may be referred to the Bar Standards Board on the basis that Core Duty 3 will have been breached.

30. Any MoC who wishes to make a complaint regarding a breach of the PLP should follow Chambers' Complaints & Grievances Procedure.

### Review of the PLP

31. At the date of this policy, Chambers' Equality and Diversity Officer is Daniel Webb, who may be contacted at [daniel.webb@selbornechambers.co.uk](mailto:daniel.webb@selbornechambers.co.uk) or 020 7420 9579. Daniel Webb should be the point of contact for all queries regarding this policy.



**SELBORNE CHAMBERS**

32. This PLP was adopted on the date below. Chambers' Equality and Diversity Officer is responsible for monitoring the effectiveness of this policy. It is intended that this policy, and its operation, should be regularly reviewed.

Approved by the Board as out of session business.

17 April 2023