

**PARENTAL LEAVE AND FLEXIBLE WORKING  
(MEMBERS OF CHAMBERS) POLICY**

*References to Chambers in this policy include Brick Court Chambers and its service company, Little Essex Street Service Company Ltd. References to employees are to former employees of Brick Court Chambers and current and former employees of Little Essex Street Service Company Ltd, as appropriate.*

**A. Introduction**

1. This is Chambers' Parental Leave and Flexible Working (Members of Chambers) Policy. Chambers is required to have such a policy under rules C110.3.k and C110.3.l of the Bar Standards Board Handbook. This policy is effective, in this version, from the date of its approval by the Executive Committee, set out below.
2. This is one of a number of specific policies aimed at achieving the objectives of Chambers' Equality and Diversity Policy, which sets out Chambers' overarching rules, principles and procedures for preventing discrimination, ensuring equality of opportunity, and promoting diversity, and which should be read together with this policy. Any queries, concerns, issues, complaints or grievances in respect of this policy should be raised with the Diversity Data Officer, or by one of the means set out in the Equality and Diversity Policy. Breaches of this policy will be dealt with as set out in the Equality and Diversity Policy.
3. Chambers will ensure that its clerks and staff are familiar with this policy, and that this policy is made available to be viewed by all members, clerks, staff and pupils on a shared drive.
4. The main aims of this policy include:
  - (1) Supporting all members of Chambers in taking parental leave, where they wish to do so;

- (2) With respect to female members of Chambers, seeking to encourage female members, following pregnancy leave, to return to Chambers and to continue to build a successful practice. Chambers recognises that this is critical in ensuring the success of Chambers as a whole; and
  - (3) Seeking to prevent any and all discrimination arising out of parental leave.
5. Any member of Chambers who requires, in advance of the birth of a child or their becoming a parent, additional support for which provision is not made in this policy is encouraged to request such support, which will be handled sensitively and in confidence. Any such request may be directed to Chambers' Equality & Diversity Officer, the senior clerks and/or the Heads of Chambers.

## **B. Scope**

6. This policy applies to any member of Chambers who is already taking parental leave on the date of its approval by the Executive Committee, or who wishes to take parental leave after that date. This policy applies equally to all members of Chambers, whether male or female, who are taking leave because they are about to become a parent through pregnancy, adoption or surrogacy.
7. In this policy, "parental leave" refers to leave taken from practice by a parent of a child prior to and following birth, adoption or surrogacy. This could be the mother or father of the child, and includes the married, civil or de-facto partner of a biological or adoptive parent. Parental leave includes a situation in which there is "shared parental leave", because more than one parent is a carer for the same child during the same period of time or during consecutive periods of time.

## **C. Parental leave**

8. A member of Chambers who becomes, or is expecting to become, the parent of a child may take a period (or a number of separate periods) of parental leave of up to 12 months in total during which that member is not practising from Chambers but is entitled to retain their room in Chambers without liability for rent or rates. During the period of parental leave the member's room may be used by Chambers for another purpose (including temporary use by another member of Chambers or a member of staff) unless the member elects voluntarily to pay the rent and rates as normal.
9. A member of Chambers who takes any period of parental leave (or any longer absence pursuant to paragraph 10 below) will remain liable to contribute to

Chambers' expenses assessed each quarter in the usual way (i.e. as a percentage of their receipts during the quarter), save that:

- (1) On commencing a period of parental leave, a member of Chambers may cancel any standing order for payments on account of Chambers' expenses. They will be expected to arrange a new standing order within 6 months of resuming practice from Chambers in an amount to be determined by the Treasurer commensurate with their anticipated liability for Chambers' expenses;
- (2) On resuming practice from Chambers following a period of parental leave of at least **three** months (or any longer absence pursuant to paragraph 10 below), a member of Chambers is entitled to a credit of a sum reflecting two months of that member's contributions in respect of Chambers expenses (subject to a floor of £6,000 that will apply in every case) against their liability for Chambers' expenses; the credit will be applied to the next quarterly bill and any subsequent quarterly bills until it is exhausted;
- (3) On resuming practice from Chambers following a period of parental leave of at least **six** months (or any longer absence pursuant to paragraph 10 below), a member of Chambers is entitled to a credit of a sum reflecting three months of that member's contributions in respect of Chambers expenses (subject to a floor of £10,000 that will apply in every case) against their liability for Chambers' expenses; the credit will be applied to the next quarterly bill and any subsequent quarterly bills until it is exhausted; and
- (4) For the purposes of sub-paragraphs (2) and (3) above:
  - (a) The value of the "month of Chambers expenses" will be calculated by reference to the value of 10% of the member's earnings averaged across the last 36 working months. (Thus any periods of parental leave in the last 36 months will not be taken into account.);
  - (b) Where in respect of one child a member takes two (or more) separate periods amounting to a total of six months (or more), sub-paragraph (3) will apply in respect of the total amount of time taken off; and

- (c) the Joint Heads of Chambers have a discretion, on an application made by any affected member, to increase the rebate available under the policy where parental leave of more than six months is taken.
- 10. If a member of Chambers does not resume practice from Chambers at the end of a period of parental leave, they are entitled to remain a member of Chambers for a guaranteed period of 3 years from the date when they began parental leave on terms that:
  - (1) While not practising from Chambers, they will have no liability for rent or rates and no right to a room in Chambers; and
  - (2) They may at any time resume practice from Chambers and a room or the use of a room will then be made available to them, upon giving at least one month's notice to the Joint Heads of Chambers.

If a member of Chambers wishes to remain a member and/or resume practice from Chambers after the end of the guaranteed period, they must apply to Chambers.

- 11. If in a particular case there is potential for financial hardship in connection with taking a period of parental or co-parental leave, a member of Chambers may request that a different financial arrangement from that set out in this policy be made. Any such request should be made in writing to the Joint Heads of Chambers, who will decide on it subject to the approval of the Executive Committee.

#### **D. Specific support for women**

- 12. Chambers (including clerks and any senior members of Chambers with whom the barrister is working) will accommodate, and will help and support the member of Chambers concerned in accommodating, time off for fertility treatment, antenatal care and related medical and other appointments. Chambers will also ensure that appropriate adjustments and support are offered in connection with pregnancy-related health issues, particularly during early pregnancy when the barrister may not have disclosed their pregnancy. Clerks should be proactive and discreet in offering support, and members should be encouraged to communicate any health-related needs in confidence.
- 13. Chambers recognises that not all pregnancies result in a live birth, and that fertility treatment, miscarriage, stillbirth, and related experiences can have a

profound physical and emotional impact. Chambers is committed to providing appropriate support to members affected by such events, which will be offered sensitively and in confidence – regardless of whether the pregnancy was previously disclosed or whether the member identifies the experience publicly.

**E. Protocol for practice review meetings in advance of departure and return from parental leave**

14. Any member of Chambers intending to take time off from Chambers for the purpose of parental leave is encouraged, where possible, to inform the head of their clerking team, in sufficient time to enable this policy to have effect.
15. Prior to the commencement of leave, the head of the member's clerking team should arrange to meet with the member to discuss arrangements for their leave, in accordance with Chambers' protocol for this purpose which is to be found on the Intranet.
16. The discussion may cover and where appropriate agree:
  - (1) The level and type of contact the member anticipates wishing to have during parental leave;
  - (2) The allocation of a mentor who is a silk or other senior member of Chambers, either before leave begins or at another suitable stage during pregnancy or period of leave;
  - (3) How current and ongoing cases will be managed, in accordance with paragraph 17 below;
  - (4) Any outstanding fee invoices to be sent to solicitors;
  - (5) A proposed estimated return date (recognising that the member may not wish or be able to give an indication in this regard, and that any proposal is subject to change);
  - (6) How, when and by whom relevant solicitors will be informed of the start and end date of parental leave;
  - (7) Arrangements for the forwarding of any post and reporting to the finance team regarding electronic bank payments;

- (8) Arrangements for the continued assistance from Chambers' finance team for the management of the member's fee income, payment of Chambers contributions or other charges, and production of any financial information necessary to enable the barrister/their accountant to file income tax or VAT returns;
  - (9) Arrangements for the continued assistance from the clerking team/other appropriate staff members to oversee the prompt payment of outstanding fee invoices from solicitors; and
  - (10) Whether the member of Chambers intends to undertake work during parental leave, and if so, what Chambers contributions will be charged in relation to such work.
17. In relation to current cases which are ongoing at the outset of the period of leave, the member should discuss and agree the following with the senior clerk (or another appropriate clerk), and a written record of any decisions taken shall be kept:
- (1) Whether the member wishes to remain instructed, and what steps will be taken, so far as reasonably practicable, to discuss the future conduct of the case with the instructing solicitors to achieve this outcome;
  - (2) Whether the support of an additional barrister(s) will be required during the period of leave and what arrangements will be made for this, including discussions with the instructing solicitors;
  - (3) If the instruction of an additional barrister(s) is required, what arrangements will be made to ensure, so far as reasonably practicable, the member remains instructed and re-commences work on the case at the end of the period of leave (if the case remains ongoing at that time), subject to discussions with the instructing solicitors.
18. At least one month prior to the member's return to practice consideration must be given to the following options (none of which is compulsory, but may be worth considering):
- (1) Identifying and appointing a mentor who will assist the member in settling back into practice and generally, if a mentor has not already been assigned to the barrister at the outset of the period of leave;
  - (2) The likely working hours, and the type, duration and location of any hearings that the member may undertake;

- (3) Any steps the member can take to ensure they are up to date with any legal developments in their relevant practice area;
- (4) Reviewing the member's website profile in conjunction with the relevant head of the clerking team (or other appropriate clerk) and Chambers marketing director, and where necessary updating the profile;
- (5) Announcing the member's return to practice, both within Chambers and externally on Chambers' website and any social media platform which Chambers regularly uses; and
- (6) Identifying a list of relevant solicitors and writing to each of them announcing the member's return to practice.

#### **F. Flexible working**

19. It is the policy of Chambers to make all reasonable efforts to assist any member of Chambers who takes time away or elects to work flexible hours or part-time or partly from home for the purpose of managing their family responsibilities, disability or serious illness. Such assistance may include a waiver or reduction of the member's liability for rent and rates and/or Chambers' expenses. Any financial arrangement made will depend upon the circumstances of the individual case, and will be decided by the Joint Heads of Chambers with the approval of the Executive Committee. 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.
20. The following adjustments are made to accommodate the needs of members:
  - (1) Chambers takes reasonable steps to accommodate the childcare responsibilities of members returning from parental leave, when scheduling Chambers meetings, other meetings (e.g. meetings of members in a particular practice area), and practice reviews. Attendance at evening or weekend meetings is not expected. Remote access to meetings is made available;
  - (2) More generally, remote access is made available to members wishing to participate in meetings from home.
  - (3) Chambers takes reasonable and appropriate steps to support the returning member in accommodating breastfeeding; and

- (4) Chambers provides active support for the returning member's reintegration into practice, including assistance with marketing initiatives and re-engaging with key clients and instructing solicitors.
- 21. Members are responsible for ensuring their practising certificates and insurance are current upon return.
- 22. Upon return from parental leave, a practice review should be held and attended by the member, the member's mentor (if the member wishes), and the relevant head of the clerking team. The discussion should address the considerations set out in Chambers' protocol for a return to work meeting and may include:
  - (1) The member's specific support needs - as set out above;
  - (2) Any other matters relevant to rebuilding their practice;
  - (3) The nature and types of work which the member wishes to undertake; and
  - (4) The proposed frequency of future practice reviews to monitor the rebuilding of their practice.
- 23. At subsequent practice reviews following return from leave, any earnings discrepancies identified through Chambers' monitoring procedures should be discussed, including any contributing factors and whether it is necessary, appropriate or desirable to take any remedial actions and what such actions are.

*Approved by Executive Committee as of December 2025.*

*To be reviewed by the EDI Committee periodically.*