

## Chambers' Policy on Parental Leave and Flexible Working

1. It is the aim of this policy to:
  - encourage Members of Chambers following parental leave to return to Chambers and continue to build successful practices;
  - prevent discrimination on the grounds of pregnancy, maternity or parental responsibility;
  - encourage and support Members taking time off following the birth or adoption of a child without suffering financial hardship; and
  - comply with the requirements of the Code of Conduct and accompanying guidelines.
2. Members of Chambers are free to perform their professional commitments when and where they choose, whether in Chambers or at home or elsewhere, and whether or not during normal working hours or during the working week. The contributions of Members to Chambers' costs are governed by the Chambers' Agreement, under which the basic principle is that all members in full time practice contribute the same proportion of receipts, although the Agreement contains some provision offering flexibility for a Member not in full time practice.
3. Rooms in Chambers are allocated to full-time Members<sup>1</sup>, with seniority as the most significant consideration and the starting point, taking into account other factors and specifically: (a) room utilisation (i.e. whether a member practices substantially from home), (b) "service to chambers" (e.g. if a member spends considerable time working on a chambers committee), and (c) levels of contribution to Chambers expenses. Room allocation will always be carried out to avoid any discrimination on grounds of gender, pregnancy, maternity or parental responsibility.
4. A Member of Chambers may, without relinquishing Membership of Chambers, take leave of absence in order to be the primary carer for a child upon the birth or adoption of a child by that Member for a period of up to 5 years on the occasion of each birth or adoption ("primary parental leave") To qualify as a period of primary parental leave: (1) the period must last at least 3 months; and (2) the Member must be the primary carer for the child in question. The primary carer is the person who in general and over a reasonably long period has sole or main responsibility for the child's everyday wellbeing and activities, such as dressing and feeding the child, arranging and taking it for medical appointments,

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<sup>1</sup> Some rooms are also allocated to individuals, usually retired judges, who sit as arbitrators. These arbitrators are not Members of Chambers: they are not party to the Chambers Agreement. However, they pay Chambers expenses and clerks fees on the same basis as Members in full-time practice.

arranging and accompanying it on most everyday activities, supervising it during the day, and so forth, and for whom providing care for the child is essentially that person's main and full-time activity during the period of primary parental leave. For the avoidance of doubt, a person may provide significant parental support for a child without being that child's primary carer. In the event of any issue arising as to whether the Member is a child's primary carer, the decision of the Head(s) of Chambers shall be final and binding, provided that the decision is taken in good faith and is such that a Head of Chambers could reasonably make.

5. In respect of any period of primary parental leave:
  - a. The Member concerned will retain the right to use their room in Chambers for a period of eighteen months from the commencement of leave, though the room may also be used by others during the Member's absence at the discretion of the Head(s) of Chambers, but after consulting the Member concerned.
  - b. If the Member concerned has not returned to practice in Chambers within eighteen months after the commencement of leave, the room may be re-allocated. If the Member subsequently returns to Chambers they will be allocated an available room, and will be entitled to room reallocation in the usual way (in accordance with the policy set out above) as and when one becomes available.

The Member of Chambers will not pay any Chambers' contribution on up to £250,000 of fees received in the period starting on the day when he or she returns to practice in Chambers after primary parental leave and ending: (i) a year after the day when he or she returns to practice; or (ii) thirty months after the commencement of primary parental leave, whichever is the sooner.

6. The Chambers Maternity or Parental Leave Checklist will be sent to the Member of Chambers concerned upon the communication of their intention to take a period of leave on the grounds of the birth or adoption of a child. Each point on the Checklist will be discussed with the Member of Chambers concerned and actioned by their clerking team.
7. Members of Chambers may, without relinquishing Membership of Chambers, take leave of absence on grounds of the birth of a child by the spouse or partner of that Member or the adoption of a child of sickness or of responsibility as primary carer for a child or family dependent, for a period of up to 12 months on each occasion, during which period they will retain the right to use their room in Chambers, though the room may also be used by

others, at the discretion of the Head(s) of Chambers after consulting the Member concerned, during the period of absence.

8. Career breaks on other grounds or for longer periods than those provided above may be negotiated with the Head(s) of chambers, subject to the terms of the Chambers' Agreement.
9. Members of Chambers while working at home or on leave of absence will so far as possible be kept in touch with matters which may affect their practice, such as Chambers' business, invitations to lectures and social occasions, etc.
10. Members of Chambers will give reasonable notice, and in any event not less than three months' notice, of when they intend to return to full or part-time practice. The Chambers Return to Work Checklist will be sent to each Member of Chambers upon the notification of their intention to return to work. Each point on the relevant Checklist will be discussed with the Members of Chambers concerned and actioned by their clerking team as they transition back to work. Following return to practice, the Senior Clerk will work with each Member of Chambers concerned to assist in re-establishing their practice.

Reviewed May 2023