# One Essex Court Maternity and Parental Leave Policy for Members of Chambers

1. "**Parental leave**" refers to leave from practice taken by a carer (whether or not the main carer) of a child preceding or following birth or adoption. This could be the mother, father or adoptive parent of either sex, and includes the married, civil, or de facto partner of a biological or adoptive parent.

**Aims and purpose**

2. This policy aims to:

   a. encourage members following parental leave to return to Chambers and continue to build successful practices;

   b. prevent discrimination on grounds of parental responsibility;

   c. encourage and support members taking time off preceding or following the birth or adoption of a child without suffering financial hardship;

   d. comply with the requirements of rule C110(3)k of Section D of Part 2 of the Bar Standards Board Handbook and other relevant BSB rules and guidance.

**Policy**

3. Members who are carers of children (through pregnancy, adoption or surrogacy) have the right to take parental leave and to return to Chambers after taking parental leave, both in accordance with the terms of this policy. The rights set out in this policy, including to parental leave and parental loans, are available equally to members following a miscarriage, stillbirth or death of a child shortly after birth.

4. Parental leave may extend for up to 2 years after the date of birth or adoption and this may include a reasonable period preceding birth. In the event of subsequent children being born or adopted, parental leave may extend for an additional 2 years without the member returning to Chambers. The 4-year period shall be increased as necessary to permit a member to take at least 1 year of parental leave per birth or adoption.

5. On request, Chambers may offer Members who are carers of a disabled dependent a period of leave to care for that dependent. The length of, and arrangements for, such leave will be a matter for discussion between Chambers and the Member concerned.

6. Members are encouraged to inform their clerks of their intention to take a period of parental leave not less than 2 months before the commencement of the period of leave, indicating the estimated commencement date and estimated date of return and to update such estimates if they change. Chambers recognises that there will be circumstances in which it will not be possible to give any notice (for example, a premature birth).

7. Chambers (and in particular Chambers' clerks) will accommodate time-off for fertility treatment, ante-natal care and related medical and other appointments.

8. If a member wishes to take parental leave for a period longer than permitted under paragraph 4 above, he or she must apply in writing to the Management Committee for permission, explaining in sufficient detail the reasons for such application.

9. Each application will be considered on its merits. In exercising its discretion, the Management Committee will comply with any applicable BSB rules on equality and diversity and have regard to any applicable BSB guidance, and, in particular, exercise its discretion in a way that does not discriminate unlawfully on prohibited grounds.

10. If a member is absent from Chambers for longer than permitted under paragraph 4 above without Management Committee's permission, his or her right to return to Chambers ceases.

11. Where membership ceases under paragraph 10 above, a former member may reapply to Chambers in the usual way.

**Arrangements during and after parental leave**

12. Members on parental leave are encouraged to maintain contact with Chambers.

13. The Senior Clerk will ensure that members on parental leave are:

    a. offered such opportunities as may be available to do appropriate fee earning work during parental leave, as requested by the member, without giving up other parental leave rights;

    b. given access to Chambers' IT resources;

    c. invited to Chambers' training events, social occasions, marketing events and meetings;

    d. kept informed of Chambers meetings, seminars or conferences to be held by Chambers relevant to the member's practice and, where possible seminars held by outside organisations; and

e. consulted on any significant issues affecting Chambers as any member not on parental leave would be.

f. Members on parental leave will continue to have full rights to attend and vote at Chambers' meetings.

14. Any earnings received during parental leave, or on returning from parental leave, will be subject to the payment of Chambers' expenses and clerks' fees in the usual way.

15. A member taking parental leave will be entitled to retain his or her room for 2 years. Thereafter, the room will be available to be re-allocated to another member. A member returning after more than 2 years of parental leave will be able to select any room available according to seniority in the usual way.

16. Members taking parental leave are encouraged to satisfy the CPD requirements which would be necessary for the retention of their Practising Certificate, whether or not they retain their Practising Certificate during parental leave. Members who suspend their Practising Certificate during parental leave must not hold themselves out as a barrister in connection with the supply of legal services. The BSB Guidance on CPD and extended leave can be found here: https://www.barstandardsboard.org.uk/for-barristers/cpd/cpd-and-extended-leave.html.

17. The Senior Clerk will ensure that members returning from parental leave are given clerking and other support to assist with re-establishing her or his practice. This should usually include (where requested) arranging a meeting with her or his clerking team before returning to work as well as a further meeting three to six months after returning to review progress and next steps. The clerks should appreciate that members returning to work may not be able to attend events and should otherwise be sensitive to child care responsibilities when arranging conferences and the like.

18. Members are responsible for ensuring their Practising Certificates and insurance are current upon return from parental leave.

19. Chambers' policy regarding flexible working covers, amongst other things, career breaks, part-time working, flexible hours, and working partly from home and is contained in its Flexible Working Policy.

20. Prospective and current pupils should refer to the parental leave and flexible working section of the Chambers' Pupillage Policy.

**Parental Loans**

21. Provided that the aggregate amount owing by the borrower under such loans will not exceed £160,000, on each occasion on which parental leave has been taken for a period exceeding 3 months, a returning member will be entitled to borrow from Chambers up to £80,000, interest-free ("**a Parental Loan**").

22. A Parental Loan must be repaid by a 10% surcharge on receipts following the

return to Chambers. If the borrower leaves Chambers, or fails to receive sufficient sums to repay the Parental Loan within 3 years of returning to Chambers (which period shall not run during any subsequent period of parental leave), the Parental Loan shall become repayable on demand.

23. Any member taking a loan in accordance with paragraph 22 above shall sign an agreement in the form attached as a Schedule to this policy. The Management Committee may, at its discretion, agree with the member to vary any term of this agreement, including terms as to the amount loaned and repayment.

24. The Management Committee has discretion to provide further financial assistance on a case-by-case basis and members are encouraged to get in touch with the Management Committee if they require such assistance.

**Related support**

25. Chambers (including clerks and other staff and any more 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 more widely. Clerks should be proactive and discreet in offering support, and members should be free to communicate any health-related needs in confidence if they wish to do so.

26. 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 (for example allowing periods of leave or reducing diary commitment) – regardless of whether the pregnancy was previously disclosed or whether the member identifies the experience publicly.

**Circulation**

27. This policy shall be included in the "Chambers Policies Barristers" folder on the OEC Sharepoint, the existence of which members shall be periodically reminded. The policy shall also be periodically notified to the clerks.

**Review**

28. This policy shall be reviewed by the Chambers Equality and Diversity officers every two years.

**Complaints**

29. Any member who wishes to make a complaint in relation to this policy should do so under the One Essex Court Complaints Procedure for Members and Pupils, which is contained in a separate document.

**SCHEDULE**

## Agreement between Chambers and a Member of Chambers

## taking a Parental Loan

### Terms and conditions for Parental Loans

1. A Parental Loan is only available to a member of Chambers ("**the Borrower**") who has taken parental leave for a period exceeding 3 months.

2. A Parental Loan may not exceed £80,000. It may be advanced to the Borrower on the day of returning to work in Chambers, or (by agreement) in instalments in the first year after returning to work.

3. A Parental Loan is, in the first instance, to be repaid by a charge of 10% levied on any receipts of the Borrower following the return to work. For the avoidance of doubt, this is in addition to any Chambers' expenses or clerks' fees which may also be payable.

4. If a Parental Loan has not been repaid within 3 years of the Borrower returning to work in Chambers from parental leave (which period shall not run during any subsequent period of parental leave), or if the Borrower leaves Chambers, then it shall immediately become repayable on demand.

### Agreement

I am a member of Chambers, having returned to work on [date] having taken parental leave between [date] and [date]. In accordance with the terms and conditions above, I seek a Parental Loan in the sum of £[amount] ([amount in words] pounds)

I agree to repay the Parental Loan in accordance with the terms and conditions above, and authorise One Essex Court to take by direct debit from my bank account, a charge each month calculated at 10% of any receipts – in addition to such Chambers' expenses, clerks' fees and other sums which are due – until the Parental Loan has been repaid.

### Signatures