

One Essex Court Parental Leave Policy for Members of Chambers

1. “**Parental leave**” refers to leave taken by the main carer of a child following birth or adoption. This could be the mother, father or adoptive parent of either sex.

Aims and purpose

2. This policy aims to:
 - (1) encourage members following parental leave to return to Chambers and continue to build successful practices;
 - (2) prevent discrimination on grounds of parental responsibility;
 - (3) encourage and support members taking time off following the birth or adoption of a child without suffering financial hardship;
 - (4) 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.

Circulation

3. This policy shall be circulated to all members, clerks and staff, all of whom are required to:
 - (1) read and understand the policy; and
 - (2) understand their role in relation to the policy.

Review

4. This policy shall be reviewed for effectiveness by Chambers’ Equality and Diversity Officer every two years.

Policy

5. Members have the right to return to Chambers after taking parental leave.
6. Parental leave may extend for up to 2 years after the date of birth or adoption. In the event of subsequent children being born or adopted, parental leave may extend up to 4 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.

7. 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.
8. If a member wishes to take parental leave for a period longer than permitted under paragraph 6 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 6 above without agreeing an extension with the Management Committee, 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 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:
 - (1) offered opportunities to do appropriate work during parental leave, as requested by the member;
 - (2) given access to Chambers' IT resources
 - (3) invited to Chambers' training events, social occasions, marketing events and meetings;
 - (4) consulted on any significant issues affecting Chambers as any member not on parental leave would be; and
 - (5) given all necessary clerking and other support to assist with the re-establishment of her or his practice on return to work, including (where requested) the arrangement of a meeting with her or his clerking team within two weeks before returning to work.
14. Members on parental leave will continue to have full rights to attend and vote at Chambers' meetings.

15. 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.
16. A member taking parental leave will be entitled to retain his or her room for 1 year. Thereafter, the room will be available to be re-allocated to another member. A member returning after more than 1 year of parental leave will be able to select any room available according to seniority in the usual way.
17. 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.

Return from leave

18. Where parental leave has been taken for a period exceeding 3 months, a returning member will be entitled to borrow from Chambers up to £40,000, interest-free ("**a Parental Loan**"). A Parental Loan must be repaid by a 10% surcharge on receipts following the return to Chambers; if the member of Chambers leaves Chambers, or fails to receive sufficient sums to repay the Parental Loan within 3 years of returning to Chambers, the Parental Loan shall become repayable on demand.
19. Any member taking a loan in accordance with paragraph 18 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.
20. 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 a separate document.

Complaints

21. Any member who wishes to make a complaint regarding a breach of this policy or in relation to this policy should in the first instance contact Chambers' Equality and Diversity Officer. Members are also entitled to pursue a complaint under Chambers' grievance procedure, which is contained in a separate document.

27 November 2014

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 £40,000. 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, or if the Borrower leaves Chambers, then it shall immediately become repayable on demand.

Agreement

I am a member of Chambers, [returning / having returned] to work on [date] having taken parental leave since [date]. In accordance with the terms and conditions above, I seek a Parental Loan in the sum of [amount, not exceeding £40,000]]. [Set out any instalment plan etc.]

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

[Signature of Borrower, and date]

[Signature of two members of the Management Committee, on behalf of Chambers, and date.]