

## The Barrister Group Parental Leave and Extended Leave Policy

### Introduction

This policy applies to those who work and engage with us. In view of the different natures of the contractual relationships we have, by necessity, different approaches may be taken to parental and extended leave. However, our overall approach will be one of transparency and fairness.

We recognise that our barristers and pupils are self-employed or entities in their own right and may wish to take extended leave for a variety of reasons.

Circumstances may mean that it may be more appropriate for an employee to make a request under the flexible working policy which gives them rights afforded by law.

Extended leave includes but is not limited to parental leave and shared parental leave.

The BSB has issued equality & diversity guidance in relation to parental leave (including shared parental leave). The Barrister Group's extended leave policy takes into account the BSB's parental leave guidance.

"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.

### Purpose

The aim of this policy is to:

- encourage members, staff and pupils following parental leave to return to Chambers and continue to build successful practices;
- prevent discrimination on grounds of 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 BSB code of conduct and accompanying guidelines.

### Our Approach

You have the right to take extended leave for any reason, including parental leave, for any period up to 12 months.

Your right is not limited to one period of time. Parental leave may be taken flexibly and allows the member of The Barrister Group to maintain their practice while on parental leave, including the ability to carry out fee earning work while on parental leave without giving up other parental leave rights.

You do not have the automatic right to take extended leave for any period where the total leave taken exceeds 12 months, but we may, in our reasonable discretion, nonetheless agree to a period of extended leave of more than 12 months depending on the particular circumstances.

The right to take extended leave includes the right to restrict your practice, for example, to paperwork only.

You are under no duty to inform us of the reason you wish to take extended leave, save that if you wish to take a period of extended leave exceeding 12 months, we are entitled, before agreeing to your request, to seek an explanation why you wish to take extended leave of more than 12 months.

You have the right to return to Chambers following the period of extended leave on the same terms as before subject:

- in the case of extended leave exceeding 12 months, to our agreement; and
- to the payment of any disbursements that we may reasonably require.

On your return from leave, you are entitled to work reduced hours and The Barrister Group will work with you to facilitate this.

### **Chambers Obligations**

Upon receiving your request for a period of extended leave we will agree to any reasonable request for a period of extended leave on the terms proposed, subject to the payment of any disbursements that we may reasonably require.

During the period of extended leave, we will:

- manage your practice, as reasonably appropriate and necessary, throughout the period of extended leave;
- continue to provide clerking services, including access to “Chambers 365”;
- make appropriate arrangements with you for your return to work at the end of the period of extended leave;
- ensure you are offered opportunities to do appropriate work if this is requested;
- invite you to training events, social occasions, marketing events and The Barrister Group meetings if you require;
- consult you on any significant issues affecting the practice of The Barrister Group in line with other members; and
- assist with the re-establishment of your practice on return to work including (where requested) the arrangement of a practice meeting within two weeks before you return to work.

The nature of our agreement with barristers and pupils, as set out in your agreement and The Barrister Group Equality Diversity and Inclusion Policy means that we do not have to do make specific arrangements with you in relation to “rent” as understood in the traditional sense of chambers.

Therefore, during the period of extended leave, we will make no charges save in relation to:

- work done prior to the period of extended leave for which fees are received during the period of extended leave;
- work done by you during the period of extended leave for which fees are received during the period of extended leave; and
- any disbursements requested by you relating to the period of extended leave.

### **Barrister Obligations**

If you wish to take extended leave, you are required to do the following, wherever reasonably practicable prior to the commencement of the period of extended leave:

- request extended leave, wherever possible by email, giving as much notice to us as is reasonably practicable;
- inform us of the extent to which you wish to continue working during the extended leave period;
- inform us of the extent of contact that you wish to have during the period of extended leave;
- provide us with sufficient information to enable us to manage your outstanding cases and provide appropriate cover wherever necessary;
- provide any outstanding information relating to billing;

- specify your proposed return date;
- give us authority to inform your clients of your extended leave and make any practical arrangements with them to arrange cover wherever necessary;
- give instructions for dealing with your post; and
- indicate whether or not you intend to suspend your practising certificate.

During the period of extended leave, you are required to:

- keep in contact to the level agreed; and
- continue promptly to pay fees and disbursements.

### **Complaints**

Any member who wishes to make a complaint regarding a breach of this policy should in the first instance contact The Barrister Group Equality and Diversity Officer. A formal complaint can be made under The Barrister Group Grievance Policy.

### **Communication**

A copy of this policy is provided to all those who work and engage with The Barrister Group and is available both on our website and the online The Barrister Group Operating Manual.