COMBAR Best Practice Guidance for Chambers

Fair Work Allocation, Earnings Monitoring and Reporting, Parental Leave and Retention and Progression

- COMBAR is committed to ensuring that all members of the profession have fair and equal opportunities to fulfil their potential and to progress. It aims to support and encourage chambers in achieving a standard of excellence in equality of opportunity that reflects the high professional standing of the Commercial Bar.

- To this end, COMBAR recommends the following best practice guidance for COMBAR member sets of chambers in areas of fair work allocation, earnings monitoring and reporting, parental leave and retention and progression.

- In following this guidance, COMBAR encourages chambers to pursue rigorous standards for equality and diversity, which are proportionate and tailored to their individual resources and management structures.

- This best practice guidance is intended to complement (and not replace) relevant requirements and guidance from the Bar Council and the Bar Standards Board[1]. In addition to this guidance, chambers are encouraged to support initiatives and organisations which are working to improve equality and diversity at the Bar[2].

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[1] The following links may be of assistance:

- BSB Equality Rules
- BSB Handbook Equality Rules
- Bar Council Fair Access to Work Guide
- Bar Council Earnings Monitoring Toolkit
- Bar Council Practice Review Guide for Barristers and Clerks (June 2023)
- Bar Council Maternity and Parental Leave Guidance
- Bar Council Positive Action Guide for Chambers 2020

[2] The following links may be of assistance: Women in Law Pledge and Black Talent Charter.

Fair Work Allocation

Work allocation refers to the distribution of work that has not been previously allocated to a named barrister by the lay or professional client. Work allocation is mostly undertaken by clerking teams – but may also be undertaken by barristers assembling a team. COMBAR encourages its member sets to take the following steps:

1. Take reasonable steps to support all members in accessing high quality and lucrative work within its core commercial practice areas.

2. Implement an effective written fair work allocation policy. A model fair work allocation policy is at Annex A. Chambers should adapt this policy to suit the characteristics and management structure of chambers as they see fit.

3. Ensure that, where chambers has a role in work allocation, unallocated work is allocated fairly, without regard to sex, race, ethnicity, disability or other protected characteristics.

4. Ensure that lists of members put forward to solicitors or clients for instruction include a fair representation of suitably qualified barristers who are women, from minority racial or ethnic groups, those with a disability and those with other relevant protected characteristics, having regard to the current composition of chambers and the known availability and willingness of members to be put forward. Where a selected list of members is proposed within a particular call band, fair and objective criteria should be used to determine who is included.

5. Implement an effective procedure for creating a written record of every work opportunity which is received for unallocated work (including led work), to be maintained in a form which ensures that confidential information relating to the case and client can be removed to enable the reports to be reviewed by the work allocation committee.

6. Establish a designated work allocation committee which meets regularly, ideally quarterly, but at least every six months to review unallocated and led work records, and to discuss discrepancies between members and whether it is necessary or appropriate to take any remedial actions.

7. Prepare an annual report on the distribution of unallocated work, to monitor allocation trends so that any disparities in opportunity can be identified and appropriately addressed, and to ensure that members with protected characteristics are not, in practice, disadvantaged in work allocation.

8. Arrange regular training for the clerking team on fair work allocation and non-discriminatory work practices, appropriate to the level of seniority.

9. In connection with work allocation within chambers (including led work), be alert to the risk of unconscious bias or affinity bias – the tendency to favour individuals who are similar in background or outlook – and take steps to mitigate its effects. Chambers may wish to consider offering training for members and staff to support awareness and fair decision-making.

Earnings Monitoring and Reporting

10. Monitor gross earnings at all levels of seniority by reference to sex, race or ethnicity, and disability, so far as those characteristics are known by chambers.

11. Identify a suitably qualified member of chambers management to prepare an annual report which reviews and reports on relative gross earnings by reference to sex, racial or ethnic group and disability, on an anonymised and aggregated basis[3], using the Bar Council Earnings Monitoring Toolkit[4]. Where possible, earnings should be monitored within suitable call bands and/or post-qualification experience (**PQE**); however, where small numbers of members of chambers within such groups might cause individual members and/or their earnings to be identified or capable of being identified (whether expressly or inadvertently), appropriate steps should be taken to prevent this occurring.

12. In connection with this report:

    a. Consider which methodologies in the Bar Council Earnings Monitoring Toolkit are most appropriate to the size and composition of chambers, and use "box and whisker" charts where possible; and

    b. Consider whether outliers should be discounted within any call or PQE band, but where this is done, ensure that the reasons for discounting outliers are recorded and that the report monitors earnings on both bases (i.e. including and excluding the outliers).

13. Implement a procedure whereby any significant earnings discrepancies are discussed with the relevant member as part of a practice review or meeting. Ensure that during the practice review:

    a. (If they wish) the member is provided with the mean and median earnings for their call or PQE band during the immediately preceding year (whether by calendar year or such other period as used in the annual report), as well as the range of hourly rates applicable to other members of chambers within their call or PQE band;

    b. The member is able to discuss the possible causes for any earnings discrepancy, and to consider whether remedial action is necessary, appropriate or desirable – and, if so, what form that action might take; and

    c. In discussion with the senior clerk or team leader, the member may (if they wish) set target earnings for the current or following year, to be monitored and revisited in future practice reviews.

14. Members returning from extended leave (including parental leave) should not be charged out at lower rates than comparably experienced members solely by reason of their absence.

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[3] Anonymisation of data applies only where chambers has chosen not to have earnings transparency.

[4] Bar Council Earnings Monitoring Toolkit

Parental Leave

15. Implement an effective written parental leave policy, the effectiveness of which is reviewed annually by the equality and diversity officers. A model policy is at Annex B. Chambers should adapt this policy to suit the characteristics of chambers as they see fit.

16. Ensure that this policy complies with the Bar Standards Board's Equality Rules (the **BSB Equality Rules**)[5] and supports all members in taking parental leave, where they wish to do so, and in particular:

    a. applies to all parents of either sex, and applies to all those who become parents through pregnancy, adoption or surrogacy;

    b. adopts terms which at a minimum reflect the Bar Council Maternity and Parental Leave Guidance[6], including as to the period of leave and the amount and period of financial relief afforded to members (as to which, see paragraph 17 below);

    c. ensures that chambers recognise the specific support which women may need, and accommodates, and helps and supports the member concerned in accommodating, time-off for fertility treatment, antenatal care and related medical and other appointments, as well as ensuring 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;

    d. encourages and supports members to return to practice following leave and to continue to build successful practices, and makes express provision for the active planning and management of a member's return to practice; and

    e. seeks to prevent any discrimination arising out of parental leave.

17. Ensure that this policy addresses the extent to which members are to be relieved from being required to contribute to chambers' rent and expenses during the period of Parental Leave, in relation to which:

    a. The purpose of such provision for financial relief is: (i) to alleviate pressure on members of chambers to return to practice earlier than they would otherwise wish within any 12-month period from the start of a period of Parental Leave; (ii) to support them in the process of their return to practice; and (iii) to seek to ensure that chambers' financial requirements are structured in such a way as to facilitate members of chambers returning to practice following any Parental Leave, rather than leaving the profession.

    b. COMBAR recognises that the level of financial relief may depend on, amongst other things: (i) the basis on which members are charged rent (if at all), whether on a flat rate basis or by including an element of contribution to chambers' expenses based on members' receipts; and/or (ii) the basis on which members are charged contributions to chambers' expenses, which in

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5 Bar Standards Board's Equality Rules

6 Bar Council Maternity and Parental Leave Guidance

some cases may be calculated exclusively by reference to members' receipts; and/or (iii) the extent to which members may continue to carry out fee earning work during Parental Leave.

c. The BSB Equality Rules require, as a minimum, that there is a rent-free period of six months, but this is only where rent is paid on a flat rate basis and applies only to rent and not to chambers expenses where these are calculated in some other way. COMBAR strongly recommends that chambers go beyond the bare minimum. Where rent is paid on a flat rate basis, there are a variety of ways in which chambers can make it easier for tenants to return to work, including by: (i) extending the rent-free period (or collecting a reduced rent) beyond six months; (ii) removing the requirement to pay chambers' expenses or deferring payment of chambers' expenses for a period of time; and/or (iii) some form of rebate.

d. Where chambers uses a method of calculating rent and/or expenses other than on a flat rate basis, chambers are strongly encouraged to formulate strategies which create a minimum six month rent-free period. Financial incentives of this kind can make the difference between members returning to the Bar or abandoning their careers. For example, a waiver of any flat rate element of rent can be combined with a waiver, discount and/or rebate applicable to payment of chambers' expenses based on receipts. Where rent is not paid on a flat rate basis, a waiver, discount and/or rebate directly applicable to chambers' expenses may be more appropriate[7].

e. In deciding the level of and method for affording financial relief to a member on leave, chambers may wish to consider whether the member is or is not the primary carer of a child and how this might affect the member's requirements for taking leave and the attendant financial relief.

Retention and Progression

18. Implement regular practice reviews between a senior clerk/team leader and all members on a regular basis, scheduled by the relevant senior clerk/team leader, unless a member decides not to have one.

19. Ensure practice reviews cover discussion of members' immediate and longer-term ambitions, including:

    a. quality and quantity of work;

    b. advocacy opportunities, including cross-examination of witnesses;

    c. sufficiency of led/unled work;

[7] Examples of different structures are identified in the Bar Council Maternity and Parental Leave Guidance.

d. earnings;

e. diversity and types of work or practice areas which the member wishes to establish or develop, and any changes in a member's practice over time; and

f. applications for silk or judicial appointments.

20. Ensure that opportunities to participate in marketing events and activities are fairly allocated between members practising in the practice areas relevant to such events, including where reasonably practicable taking due account of the nature and timing of marketing events.

21. Arrange, in the event of a member deciding to leave the Bar (whether following a period of Parental Leave or otherwise), an exit interview in order to understand and, if relevant, learn from the reasons for that decision.

ANNEX A

COMBAR Model Fair Work Allocation Policy

INTRODUCTION

1. This policy should be read in conjunction with [*insert reference to any overarching codes of conduct or other policies relating to equality and diversity, which are intended to prevent discrimination in chambers*].

2. References to "unallocated work" in this policy include:

   a. An inquiry or instruction which is received by the clerking team for an available member of chambers to be identified or recommended, without any identified barrister being requested by the instructing solicitors or client;

   b. An inquiry or instruction which is received by the clerking team where an identified barrister is not available;

   c. In cases where a member of chambers has the opportunity to bring another member into a case in which s/he has been or is to be instructed, a request to the clerking team: (i) from a silk for an available junior, or from a junior for an available junior; and (ii) from a silk for an available additional silk, or from a junior for an available silk.

3. The aims of this policy are to ensure that, and chambers is committed to ensuring that:

   a. Reasonable steps are taken to support all members of chambers in accessing high quality and lucrative work within chambers' core commercial practice areas;

   b. All members of chambers are considered for instructions on an equal opportunity basis, without regard to sex, race or ethnicity, disability or other relevant protected characteristics; and

   c. Chambers be alert to the risk of unconscious or affinity bias — including the tendency to favour individuals with similar backgrounds or characteristics — in the work allocation process.

4. Chambers will ensure that all clerks and staff are familiar with this policy through appropriate and regular training on fair work allocation and inclusive, non-discriminatory working practices. This may include awareness training on bias in decision-making, where appropriate, but the emphasis will be on practical steps to support fair and transparent allocation processes.

5. This policy shall be made available to be viewed by all members, clerks, staff and pupils on a shared drive.

PROCEDURE FOR WORK ALLOCATION

6. On each occasion that an inquiry, request or instruction is made to the clerking team in connection with unallocated work (including led work), the [*clerking team or smaller practice management team*] will ensure that:

    a. Lists of members put forward for consideration reflect a fair representation of suitably qualified barristers – including, where applicable, those who are women, from minority racial and ethnic backgrounds, those with a disability, or have other relevant protected characteristics, having regard to availability, willingness, and the known composition of chambers;

    b. Where a selected list of members is put forward within a particular call band or seniority level, fair and objective criteria are used to select those members; and

    c. All suitably qualified potential juniors or silks are considered on the basis of fair and objective criteria, without regard to protected characteristics, and with appropriate monitoring to ensure the process operates equitably in practice.

7. When considering who should be offered unallocated work, the clerking team is entitled to have regard to the existing workload, commitments and capacity of members of chambers, based on both a member's diary commitments and regular discussion between members and [*the appropriate clerk or team leader*]. In appropriate cases, the clerking team should where possible assign unallocated work to members who are short of work. The clerking team will ensure that regular discussions take place with all members to discuss and ascertain their current work commitments and capacity.

8. The [*clerking team or relevant team leaders*] will ensure that a written report of every work opportunity is made and retained by the clerking team, using [*insert appropriate software, e.g. MLC or LEX, or any other appropriate method*]. The reports should be maintained in a form which ensures that confidential information relating to the case and client can be removed to enable the reports to be reviewed by the work allocation committee. The reports will record:

    a. All the members of chambers to whom an opportunity has been offered;

    b. All members who were put forward;

    c. The member chosen by the solicitor or client; and

    d. Whether the solicitor or client agreed to give reasons for the final allocation and why the final allocation was made.

WORK ALLOCATION COMMITTEE

9. At all times there will exist a work allocation committee, composed of at least [*It is recommended that the work allocation committee includes the senior clerk and team leaders, the chambers director or equivalent, one male silk and one female silk, and the equality and diversity officers*].

10. The work allocation committee shall meet regularly, ideally quarterly, but at least every six months, and shall:

    a. Review the unallocated work records (including led work), which identify the instructing solicitors but are redacted to preserve confidentiality in relation to the case and client; and

    b. Identify any significant or recurring discrepancies in work allocation between members, and consider whether any remedial steps are necessary or appropriate. These may include discussions with relevant members of the clerking team, individual practice reviews with members, referral to chambers' management committee, or consideration of internal systems or processes that may be contributing to disparities.

11. The committee shall maintain a rolling action plan to record decisions, monitor follow-up actions, and track progress on promoting fair work allocation across chambers, which is to be reviewed at each meeting.

12. The work allocation committee will keep under regular review what data is collected and how it may be improved, as experience and technology develops, and ensure that clerks and staff receive appropriate training to make the best use of chambers software.

ANNUAL REPORT

13. The [*chambers director or appropriate member of staff management*] shall prepare an annual report on the distribution of unallocated work, which in the first instance shall be reviewed by the work allocation committee who shall recommend any changes to the report. The final report shall be considered by chambers management committee and distributed to members, and will remain available to be viewed by all members, clerks, staff and pupils on a shared drive.

GRIEVANCES AND REVIEW

14. If any member of chambers has a grievance in connection with work allocation, they should address their grievance to the Head of Chambers and chambers director (or equivalent), who will seek to take the appropriate steps for resolving the grievance.

15. Chambers' equality and diversity officers will review annually the effectiveness of this policy, and where appropriate will make proposals for change to chambers' management committee.

ANNEX B

COMBAR Model Parental Leave Policy

INTRODUCTION

1. 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.

2. 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.

3. Any member of chambers is entitled to up to twelve months' leave of absence from chambers for the purposes of Parental Leave to care for their child.

4. Parental Leave is to be commenced within twelve months of the birth of a child or a child entering a family (including as a result of, or with a view to the adoption of, that child).

5. Chambers will ensure that its clerks and staff are familiar with this policy through appropriate training, and that this policy is made available to be viewed by all members, clerks, staff and pupils on a shared drive.

AIMS

6. The main aims of this policy include:

   a. Supporting all members of chambers in taking Parental Leave, where they wish to do so;

   b. With respect, in particular, to female members of chambers, seeking to encourage female members following pregnancy and 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

   c. Seeking to prevent any and all discrimination arising out of Parental Leave.

FINANCIAL RELIEF DURING PARENTAL LEAVE

7. During the period of Parental Leave, a member shall be entitled to a period of up to twelve months of [*Chambers to insert financial relief to be given to members which is*

appropriate to chambers' charging structure, having regard to paragraph 17 of the COMBAR Best Practice Guidance][8].

SPECIFIC SUPPORT FOR WOMEN

8. 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.

9. 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.

PRE-LEAVE PLANNING

10. 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.

11. Any member of chambers intending to take time off from chambers for the purpose of Parental Leave is encouraged, where possible, to give written notice to [*Insert appropriate member of chambers or staff*], in sufficient time to enable this policy to have effect.

12. Prior to the commencement of leave, the senior clerk (or another appropriate clerk) and [*chambers director or equivalent*] should arrange to meet with the member to discuss and where appropriate agree:

    a. The level and type of contact the member anticipates wishing to have during Parental Leave;

    b. 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;

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[8] Examples of different structures are identified in the Bar Council Maternity and Parental Leave Guidance.

c. How current and ongoing cases will be managed, in accordance with paragraph 13 below;

d. Any outstanding fee invoices to be sent to solicitors;

e. A proposed estimated return date;

f. How, when and by whom relevant solicitors will be informed of the start and end date of Parental Leave;

g. Arrangements for the forwarding of post and reporting to the finance team regarding electronic bank payments;

h. 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 to file income tax or VAT returns;

i. 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

j. Whether s/he intends to undertake work during Parental Leave, and if so, what chambers contributions will be charged in relation to such work.

13. 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:

a. 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;

b. 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;

c. 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.

DURING LEAVE

Contact with Chambers

14. The senior clerk (or another appropriate clerk) should communicate regularly with the member, in particular to become apprised of any changes in the barrister's plans with regard to the matters set out in paragraphs 12 and 13 above.

15. Chambers through the senior clerk or the [*chambers director or equivalent*] (or other appropriate person) will ensure that the member is kept informed of chambers meetings, important chambers decisions, seminars or conferences to be held by chambers relevant to the member's practice, marketing events and, where possible seminars or marketing events held by outside organisations.

16. Unless otherwise informed by the member, it should be assumed that s/he cannot attend chambers and team meetings and apologies for absence should be reflected in the minutes of those meetings. Minutes should be e-mailed to the member where appropriate.

Preparation for return to practice

17. The below measures are aimed at ensuring the member's return to chambers after Parental Leave is properly planned and managed and that steps are taken to ensure work is available for the member upon their return and to assist in every way practical in rebuilding the member's practice. This is the responsibility of both the member and chambers through the senior clerk and the [*chambers director or equivalent*].

Keeping in Touch (KIT) days

18. Prior to the commencement of leave, the member and senior clerk or [*chambers director or equivalent*] should discuss how many KIT days should be arranged during the period of leave.

19. The purpose of a KIT day is to assist in making the return to work following leave easier for the member, and the content, frequency and number of KIT days should be designed to promote this purpose. With this in mind, dates should be arranged prior to the period of leave, although this should remain flexible.

20. Where possible the agenda for the KIT days should be planned in advance. There should be at least one meeting with the senior clerk (or another appropriate clerk) and the [*chambers director or equivalent*] which would be similar in content to a practice review. Consideration should be given to arranging a meeting with one or more barristers in the same practice area as the member. KIT days can also be used for any work-related activity e.g., chambers events or conferences and chambers meetings.

21. During the period of leave, the member should be reminded by the senior clerk (or other appropriate clerk) by e-mail of the dates of KIT days. For the avoidance of doubt, these days should not affect the financial relief arranged in accordance with paragraph 7 above.

Pre-return to practice meeting

22. At least three months prior to the member's return to practice consideration must be given to the following:

    a. 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;

b. The likely working hours, and the type, duration and location of any hearings that the member may undertake. This should include any request for flexible or part-time working;

c. Any steps the member can take to ensure s/he is up to date with any legal developments in their relevant practice area;

d. Reviewing the member's website profile in conjunction with the senior clerk (or other appropriate clerk) and chambers marketing director, and where necessary updating the profile;

e. 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

f. Identifying a list of relevant solicitors and writing to each of them announcing the member's return to practice.

RETURN FROM LEAVE AND CHILDCARE RESPONSIBILITIES

23. On return to work any member may work part-time or, at their request, have restrictions on work that entails travel, to enable them to manage their family responsibilities. 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.

24. The following adjustments should be made to accommodate the needs of members:

a. Chambers should take 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 should not be expected, and where such meetings are necessary, remote access should be made available;

b. More generally, remote access should be made available to members wishing to participate in meetings from home.

c. Chambers should take reasonable steps, where appropriate, to support the returning member in accommodating breastfeeding; and

d. Chambers should provide active support for the returning member's reintegration into practice, including assistance with marketing initiatives and re-engaging with key clients and instructing solicitors.

25. Members are responsible for ensuring their practising certificates and insurance are current upon return.

26. Upon return from Parental Leave, a practice review should be held and attended by the member's mentor, senior clerk (or another appropriate clerk) and [*chambers director or equivalent*]. At that meeting, chambers should confirm its commitment to supporting the member in re-establishing their practice. The discussion shall include:

a. The member's specific support needs as set out above;

b. Any other matters relevant to rebuilding their practice;

c. The nature and types of work which the member wishes to undertake; and

d. The proposed frequency of future practice reviews to monitor the rebuilding of their practice.

27. 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.

PUPILS

Prospective pupils

28. Upon application, chambers may defer the commencement of pupillage of prospective pupils who become pregnant prior to the commencement of pupillage for a period of up to 12 months.

29. Prospective pupils with existing childcare commitments may discuss with chambers' pupillage committee how their working hours during pupillage can accommodate such commitments and should be advised of their entitlement to flexible working hours in accordance with this policy.

Current pupils

30. This part of the policy applies to all pupils who are or are to become parents.

31. Pupils who become pregnant during pupillage may defer completion of the remainder of pupillage, subject to the requirements of Part V of the Bar Training Regulations[9].

32. Such a deferral shall not affect the overall pupillage award which shall be paid monthly during the period in which the pupil is undertaking pupillage. In the event of a rise in the pupillage award following deferral and prior to commencement of the deferred period the pupil shall be paid at the increased rate during the deferred period.

33. In the event of deferral and during the pupil's 'break' period, the senior clerk or [*chambers director or equivalent*] shall be their point of contact with chambers.

34. Chambers shall accommodate pupils' reasonable requests for flexible working hours in order to allow for childcare commitments. Such working hours should be discussed with the senior clerk or [*chambers director or equivalent*], where

[9] i.e., that except with the written permission of the Bar Standards Board: (i) the non-practising period of pupillage must be undertaken for a continuous period of six months (regulation 31); and (ii) the practising period of pupillage must commence within 12 months of completion of the non- practising period and be completed within an overall period of 9 months (regulation 32).

appropriate in consultation with the pupil's supervisor at the relevant time, in order to ensure that the pupil is able to complete the work that is required of them.

35. The need to work flexible hours for this reason should not, as far as possible, affect the allocation of court work during the practising period of pupillage. Pupils should, however, be aware of the demands of the court schedule and the necessity for evening and last-minute briefs and should arrange childcare with this in mind wherever possible.

36. Pupils should be assured that any need to work flexible hours for reasons of childcare will not in any way affect their prospects of being recruited as a tenant pursuant to [*the chambers' policy on recruitment of tenants from pupils*].

GRIEVANCES AND REVIEW

37. If a member considers that this policy has been breached or has a grievance about how it is being operated, they should address their grievance to the Head of Chambers and [*chambers director or equivalent*], who will seek to take the appropriate steps for addressing any breach or grievance. In so doing, chambers will ensure that appropriate steps are taken to prevent any discrimination arising out of Parental Leave.

38. Chambers' equality and diversity officers will review annually the effectiveness of this policy, and where appropriate will make proposals for change to chambers' management committee.

Helpful Information

- Barristers should be made aware of Practising Certificate discounts for those on Parental Leave[10];
- Bar Council Checklists and other links[11];
- Information about 'keeping in touch days' can be accessed via the gov.uk website[12];
- Information regarding maternity allowance can be found at the gov.uk website.

10 BSB Authorisation to practise

11 Bar Council Family Career Breaks Advice Pack

12 Gov.uk Employee rights when on leave