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# FLEXIBLE WORKING POLICY FOR MEMBERS

**Introduction**

As a set, we are supportive of flexible working and wish to support members in their careers in a way which is most suitable for them.

1.0 This Policy has been produced in accordance with the Bar Code of Conduct C.110.3 (l), which requires that - “…*chambers has a flexible working policy which covers the right of a member of chambers or employee to take a career break, to work part-time, to work flexible hours or to work from home so as to enable them to manage their family responsibilities or disability without giving up work.*”

This Policy has been written as a guide to how chambers will deal with members who wish to work flexibly for any of the above reasons; or for reasons of long term illness; as a precursor to retirement; in order to take up additional career opportunities or sabbatical. Employees should refer to their contracts and any staff policies for the different provisions that apply to them, rather than this Policy.

1.1 All members of chambers as self-employed individuals are able to set their own working patterns, subject firstly to their obligations under chambers’ Constitution to pay their chambers’ expenses and/or rent, unless specific provision is made in the Constitution for any reduction or modification of those expenses; and secondly, regardless of the ability to work flexibly, all members of chambers shall devote such time to their practice as shall be reasonably necessary to ensure that they provide proper professional services to lay and professional clients of their own or of chambers.

1.2 Chambers endeavours to work within the relevant statutory, regulatory and professional frameworks in relation to equality and diversity, and recognises that those with certain protected characteristics e.g. those with disabilities; those with caring responsibilities; and those in older age groups, are afforded protection from various types of discrimination in relation to flexible working and reasonable adjustments under equalities legislation.

1.3 This Policy is subject to review at chambers’ Management Committee meetings.

1.4 This Policy is made available and drawn to the attention of all members of chambers, clerks and staff, all of whom are required to:

i. Read and understand this Policy; and

ii. Understand their role in relation to this Policy.

1.5 This Policy will be reviewed by chambers’ Equality and Diversity Officer[s] no less than every two years, who will report to Chambers Management Committee on its effectiveness and make recommendations as required, to be approved or otherwise at the AGM or other Chambers Meeting.

**Areas Covered by this Policy**

2.0 This Policy will deal with -

1. General Guidelines with regard to flexible working
2. Procedure and Guidelines for working flexibly and/or in relation to any

provisions in the Constitution or Rules relating to alterations to Chambers’ expenses for flexible working; disability or illness; etc.

1. Complaints and review

**General Guidelines on Flexible Working**

3.0 Chambers recognises that, from time to time, members may decide they want to work flexibly, so as to enable them to manage childcare, family or other caring responsibilities; to manage the effects of any ill-health or disability that they or a family member may have; to move towards retirement; to take a secondment or other professional opportunity such as joining the judiciary or taking up an academic post; alongside the continuation of their practice. Generally, such arrangements are a matter of the member’s individual choice in accordance with 1.1 above.

3.1 These general guidelines apply to all members of chambers working flexibly whether or not they have applied to go on to one of the alternative charging structures under the Constitution/Rules**.**

3.2 In order to ensure that members working flexibly are not being discriminated against on any of the protected grounds under the Equality Act 2010 and for reasons of good practice management, they are encouraged to discuss with their Practice Managertheir wish to work flexibly and to discuss the ongoing arrangements in their practice reviews (see 3.6(i) below). They are also encouraged to declare that they are working flexibly when information is being gathered for the purposes of chambers’ collection of diversity information for the purposes of the Bar Standards Board’s Handbook E&D monitoring provisions.

3.3 Chambers recognises that it is in its long-term interests to retain all members, including those who work flexibly, in whose practices it has invested time and money and that accommodating and actively managing flexible working arrangements is likely to aid long-term retention of such members in chambers and in practice at the Bar.

3.4 Chambers shall encourage its staff to undertake training in relation to flexible working.

3.5 Chambers will ensure that a member working flexibly for whatever reason is:-

1. Invited to training events, social occasions, marketing events and chambers meetings;
2. Informed about and consulted on any significant issues affecting their practice and the practice of chambers.

3.6 The following guidelines should be followed by members and chambers (through the members’ clerking team):

i) When the member decides they wish to work flexibly, they should meet with the Chambers Director prior to starting flexible working to discuss the following: -

1. the reason that they wish to work flexibly (if appropriate);
2. the hours and days that they wish to work, where the member intends to be based (home or chambers);
3. any geographical limitations the member would like to be placed on work allocated to them;
4. how their proposed days and hours of work are likely to affect the other members of their practice group;
5. how the member wishes their flexible working to be referred to in conversations with clients and other members of chambers;
6. what arrangements the member is going to make to ensure good communications are maintained with the clerks and with solicitors and how chambers can support them with that;
7. logistical issues (pigeon-hole contents; IT; couriers; payment of cheques etc.) in conjunction with the revised Policy on Briefs;
8. any proposal to pay a level of fixed or percentage rent which is below the lowest level usually charged by chambers and the reasons for this.

ii) The Chambers Director will discuss the practical implications of the proposal with the relevant Practice Manager.

1. The proposal will then be put to the Management Committee for approval at their next meeting. Any agreement to pay a reduced rent will be subject to periodic review, and (if it is proposed to last for more than 12 months) must be put to the next AGM for approval. The decision about whether to approve any proposal will be at the discretion of the Management Committee who may agree part of a proposal and/or making it subject to conditions. When making a decision, the Management Committee will take into account the current and forecast workload and finances of Chambers.
2. A review will take place between four and six weeks after the start of the flexible working with the Chambers Director and Practice Manager.
3. In the members’ subsequent Practice Reviews, the staff member carrying out the Review will consider and discuss with the member, in addition to the other elements of the Practice Review:
   * 1. points i)(a)-(g) above and how well the arrangements are working in practice, and if they need amendment;
     2. the information on the monitoring of allocation of unassigned work in relation to the member.
4. If the period of flexible working involves a period where the member ceases undertake any work at all for a period (e.g. sabbatical, illness), chambers, through the members’ clerking team will ensure that the member returning to practice is assisted in the re-establishment of their practice.

4.0 Any member may at any time request a sabbatical period of up to 12 months during which he/she will not practise and will pay a reduced basic rent of £150 per month in addition to the prevailing percentage element. The Board will be sympathetic to any such request but will consider each one on its merits, taking into account the current and forecast workload and finances of Chambers during that period.

4.1 Any pupil may at any time apply to defer or suspend his or her pupillage. If the reason is the birth or adoption of a child by the pupil or his/her partner, where they have or share responsibility for that child and so that they can discharge that responsibility, Chambers will automatically agree to any reasonable application. If the application is for any other reason, the Tenancy and Pupillage Committee will consider it on its merits.

4.2 If a pupil does defer or suspend his or her pupillage, he or she will be expected to ensure that the Bar Standards Board is notified of the deferral / suspension, and that any guidelines regarding the completion of pupillage are being met.

4.3 Members of Chambers who do any work during a period of leave covered by this policy should ensure that they have a current practising certificate.

4.4 Members of Chambers taking a period of leave covered by this policy are expected to keep themselves up to date on any developments in the law related to his/her practice.

4.5 Chambers will seek to ensure that any member of Chambers taking a period of leave covered by this policy is kept abreast of any developments in Chambers business which will affect the member’s practice. Chambers will also ensure that the member is notified of any training events, Management Committee Meetings and Chambers’ Meetings and social occasions. Unless requested otherwise, communications shall be by email.

4.6 Chambers encourages flexible working, and has the following facilities available to facilitate working from home:

* Online legal resources (Westlaw / Lawtel / Jordans FLJ)
* Remote access to the Chambers diary
* Seamless transfer of incoming calls to home/mobile line
* Scanning of documents received at the last minute - which can then be emailed to a member of Chambers.
* Courier service (the cost of couriering to be borne by the recipient member of Chambers).

## Complaints and Other Information

5.0 Any member of chambers who wishes to make a complaint about the application of this Policy or raise any other matter in respect of flexible working should in the first instance contact one of the chambers’ Equality and Diversity Officers who will endeavour to resolve the complaint informally. If such attempt at a resolution fails, a grievance can be pursued under Chambers’ Internal Grievance Procedure.

5.1 Members who have a disability should also have reference to chambers’ Reasonable Adjustments Policy if necessary, and the government’s Access to Work scheme, which provides equipment and assistance to disabled individuals who may need additional equipment to be supplied to remove a disadvantage they suffer in the workplace.

**5**.2 This Policy will be reviewed two years from the date of its implementation and every two years thereafter.

AS APPROVED BY CHAMBERS MEETING 20/5/17.

VARIED TO REPLACE REFERENCES TO SENIOR CLERK BY REFERENCES TO PRACTICE CLERK 6/6/19.

UPDATED BY CHAMBERS MEETING 12/6/21