



BACK TO THE BAR
BEST PRACTICE GUIDE
RETENTION AND PROGRESSION AFTER PARENTAL LEAVE

**Built on sound evidence from [WCWF's Back to the Bar Survey](#),
this is a practical guide to help parents return to and thrive at the Bar**

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A: INTRODUCTION

Vision

This practical guide has been produced to help Chambers support barristers who take parental leave. We believe that if barristers are properly supported by their Chambers before, during and after parental leave, fewer will feel compelled to leave the profession. With the right support, we are confident that more women and those with caring responsibilities will remain at the Bar and go on to become successful senior barristers, QC's and judges.

Evidence Based

In 2017, the WCWF commissioned a survey to find out the reasons why so many women were leaving the profession. The survey showed that almost two-thirds of those who left the Bar over a 6-year period were women. These women told us that they found it difficult balancing work and family commitments and this was a major factor in their decision to leave. Out of those who have returned to the Bar after parental leave, 60% of survey respondents said that they found it difficult to return. But the survey showed that many more would be retained with achievable modifications to working patterns, financial support and culture.

We want to help make the return to work easier for barristers and for Chambers. Our step-by-step guide is produced with practical, achievable goals and ideas, based on evidence of good practice so all Chambers can support barristers taking leave. The key theme throughout is good communication to understand and meet the challenges.

The Western Circuit Women's Forum

October 2019

B: ESSENTIALS FOR CHAMBERS

1. ATTITUDE AND UNDERSTANDING:

- Ensure your HOC, EDO's, Management Committee and clerks have read [WCWF's Back to the Bar Survey](#) to understand potential hurdles and aids.
- Consider sending your HOC, EDO's and senior clerks/staff members on [training at the Bar Council](#), which can be bespoke and delivered in-house.
- Lead with visible recognition of obstacles and an expectation that Chambers will support and promote returners.
- Publish your policies and approach on your Chambers' website.
- Show commitment by timetabling communication/meetings.

2. HAVE BEST PRACTICE POLICIES:

- Compliance: Ensure Chambers' parental leave policies comply with current [Bar Standards Board requirements](#). This includes (as a minimum) the right of a member to return after a specified period of parental leave of at least one year and an obligation to offer at least 6 months' free of Chambers' flat rate rent.
- Imagination: Respond imaginatively to the minimum requirements – or risk losing your tenants to more progressive sets. [Bar Standards Board - 2019 Supporting Information BSB Handbook Equality Rules](#) and [Bar Council Parental Leave Guidance updated 2018](#) include good examples of policies.
- Consultation: Consult and tailor your policy to the particular needs of your barristers according to work type and geography. For example, find out when the help is most needed. Often the most difficult financial time for main carers is on return with decreasing aged debt and increasing childcare costs – does your policy help?

3. WCWF RECOMMENDATIONS FOR BEST PRACTICE POLICIES:

- The right to return after a generous period of parental leave – we recommend 2 to 3 years.
- An extension to the minimum flat rate rent-free period beyond 6 months – we recommend 12 months.
- An option to take all or part of the flat rate rent-free period after returning from parental leave.
- An agreement to limit a returning parent's geographical area of work if requested.
- A requirement for diarised agenda-based meetings to prepare for leave and return.
- Mentoring and Wellbeing policies and programmes in addition to parental leave and flexible working policies. Assistance for these can be found at the [LawCare](#) or the [Wellbeing at the Bar](#) websites.

C: PLANNING LEAVE – A STEP-BY-STEP GUIDE

1. ARRANGE A MEETING:

- Ideally face-to-face, soon after the barrister informs Chambers about their intended leave.
- At least the barrister and their clerk should attend but consider inviting others (Chambers' CEO, EDO, barrister's mentor). Check with the barrister who they would like to attend the meeting.

2. BEFORE THE MEETING:

"It would help if there were better training of clerks in how to plan ahead and offer flexible working patterns" (Respondent 63 from Back to the Bar Survey)

- Ensure the barrister has copies of Chambers' policies concerning Parental Leave, Flexible Working, Mentoring and Wellbeing.
- Ensure the barrister has Chambers' Career Break Guidance and links to the [Bar Council Family Career Break Advice Pack](#).
- Acknowledge the known challenges faced by those returning after a career break and explain the meeting will be used to consider balance, time, travel, finance, predictability of work and income.
- Anticipate the specific challenges which might apply to this barrister.
- Set an agenda with topics that need to be discussed (both the barrister and clerk should do this), so the meeting is structured and important issues are not forgotten.

3. AT THE MEETING:

Pre-leave work planning:

- Does the barrister want to alter their work patterns before leave starts?
- Consider handover of any work that cannot be finished before their leave.
- Consider what happens to the barrister's work space while they are on leave – can it be used by other members?
- Remind the barrister of their right to work flexibly/do Keeping In Touch (KIT) days without losing parental leave benefits.

Clients:

- Agree what, when and how solicitors/clients are to be told about the leave period.
- Agree with the barrister what the website will say about leave period (if anything).

Communication during leave:

- Agree how much communication the barrister wants whilst on leave. Does he or she want to receive minutes of meetings/invitations to attend Chambers or networking events/updates?
- Nominate key clerk to communicate with the barrister about Chambers' events.
- Suggest ongoing mentoring/contact with other barristers who have had similar leave periods.
- Diarise it – e.g. monthly telephone meetings with mentor and clerk.
- What, if any, work or ongoing CPD does the barrister need/want to do?

Financial Challenges:

- To be considered at all stages of planning.
- Identify the likely timing and extent of financial pressures.
- Review aged debt and how to maximise/regularise income before, during and after leave.
- Identify any particular effect of the financial terms offered by Chambers on this person's income (i.e. reduced rent/rent-free leave periods). Is it fair to this barrister and others in Chambers? Does it comply with the Bar Council recommendations? Does it require modification for this individual?
- How have others in a similar situation managed?

Administration:

- Use the Bar Council's comprehensive **Closing Down checklist**.
- Ensure the barrister has understood all relevant policies, including any rent reductions/rent-free periods.
- Discuss the plan for payments of practising certificate/insurance fees.
- Agree with staff how any cheques will be paid in and, importantly, how the barrister will be told that a cheque has come into Chambers for them.
- Consider whether the barrister is going to continue with Chambers' (or individual) subscriptions.
- Agree who is going to read/deal with emails (including whether the barrister wants to read/respond to them) and set up automatic response to emails setting out who to contact during the leave period.
- Agree how the diary will be accessed/managed over leave.
- Diarise the 'back to work' meeting at least 1 month before the barrister's anticipated return date to discuss managing the return to work.

D: PLANNING THE RETURN: A STEP-BY-STEP GUIDE

1. ARRANGE THE MEETING:

- The meeting should be at least 1 month prior to the barrister returning.
- Who will be present at the meeting? The barrister and their day-to-day/practice clerk should be present but also consider whether the mentor/buddy and any other members of staff should be there.
- Prepare an agenda.

2. AT THE MEETING:

Home/Work Balance:

"I am only able to work now I have children because my husband is self-employed and is able to share responsibility for drop offs etc. If I am away from my local court or required to sit late, it can get very tricky" (Respondent 42)

- Flexible work patterns: remind the barrister of their right to work flexibly and give examples of others who have succeeded.
- Diary management: consider set working days and/or timetabled preparation days/home working days.
- Maximise potential to work at home: review IT provision, online resources, use of local DX services.
- Ways to minimise travel: how much travelling can the barrister do, can they stay overnight, where are their preferred court centres.

Career Planning:

“Clerks need to appreciate I have to pick up and drop off children when listing in courts both in terms of location and timings” (Respondent 28)

- Consider examples of how others have managed to maximise work interest and career progression on return whilst maintaining balance.
- It is not always smaller, less complicated cases that a barrister wants to undertake on return from leave. For some, a better plan involves taking fewer, but more complex cases. Longer/more complex cases often involve preparation days that allow for flexible working.
- Actively encourage Leaders in Chambers to lead returning Juniors.
- For others, diversifying their career with different practice areas or part-time judicial work will help.
- Ask the barrister how Chambers can help.

Practical Support

“I would have liked to do a bit of ‘shadowing’. I could of course arrange this myself but having a specific scheme in place would be better. A structured back-to-work programme would be very useful...perhaps include meetings (before and after return to work)...training to get up-to-date...assign a ‘buddy’ to check in with the person returning” (Respondent 13)

- Consider a period of work shadowing and/or a phased return.
- Arrange meetings with others in the barrister’s team.
- If the barrister wants to develop new practice areas, facilitate discussion with relevant members of Chambers and identify courses and other resources available to develop another practice area.
- Explore how mentoring is going and enquire how it could be reinvigorated/improved in Chambers and/or on Circuit.

Communication:

- Agree how solicitors/clients will be told about the barrister's return.
- Consider whether an announcement on Chambers' news section on the website or an email to contacts would be appropriate in this barrister's case. Ask the barrister first whether they want this. It is their choice and their decision as to how to handle announcements (if any).

Financial Challenges:

"Within 3 months of my return I was expected to pay a fixed Chambers rent which meant that I could not easily afford to work anything other than full-time." (Respondent 3)

- Identify the likely timing and extent of financial pressures.
- Review aged debt and how to maximise/regularise income.
- Identify if the post-return financial terms of Chambers has a particular effect on the individual. Does the barrister understand the terms?
- How have others in a similar situation managed?
- How can income be maximised and made predictable on return? What does the barrister need to earn to meet their outgoings?

Administration:

- Use the Bar Council's comprehensive [Starting Up Again](#) list for administrative matters.

E: THE FIRST YEAR AFTER THE RETURN TO WORK

- This is perhaps the most crucial time. Communication is important!
- Have regular practice development meetings with the barrister – it is suggested there should be at least one a month in the first 6 months of the return to work.
- Ask if the barrister is happy with the workload and support from Chambers. This is an important opportunity to consider whether everything is working out as expected or whether there is a need to make any necessary adjustments.
- Review home/work balance, career planning, wellbeing and finances.
- Diarise networking events and seminars that fit with childcare and other commitments.
- Keep in touch with the WCWF and tell us about things that have helped (or not helped).