



Pregnancy Loss Policy

4-5 PREGNANCY LOSS POLICY

2025

PRE-AMBLE – SUPPORTING PARENTS WHO HAVE LOST A BABY

4-5 recognises that it is important to ensure that members and staff who have lost a baby are adequately supported not only during any leave they may choose to take but also upon their return to work.

Pregnancy loss is regrettably more common than people think or choose to speak about with an estimated one in four pregnancies in the UK ending in miscarriage. It is a deeply personal experience with both physical and emotional consequences for the person going through it as well as their partner, family and friends providing support. Chambers is committed to providing support for members and staff during what is a very difficult and challenging time.

The Parental Leave Policy provides in the pre-ambble that:

“4-5 also recognises the importance of providing support to those who experience stillbirth, death of an infant shortly after birth, or a miscarriage.

This policy applies equally to a member whose baby is stillborn or dies shortly after birth (in an employment setting, full maternity rights are available to a woman in this situation).”

4-5's core objectives in providing support are as follows:

- To be a modern and forward-thinking set of chambers with an up-to-date and clearly drafted Baby Loss Policy
- To enable leave to be taken flexibly and to support a member of chambers in managing and maintaining their practice and pre-existing diary commitments whilst on compassionate leave
- To communicate to members and staff that they will be supported during this difficult time

4-5 recognises that a one size fits all approach is not likely to be appropriate and that every individual will require a different approach with regard to the support that is required.

INTRODUCTION

1. A pregnancy loss is defined as a loss of a pregnancy during the first 23 weeks and can be for a range of reasons:-
 - Miscarriage – the spontaneous loss of a pregnancy during the first 24 weeks
 - Ectopic pregnancy – when a fertilised egg develops outside of the womb
 - Molar pregnancy – when an abnormal fertilised egg implants into the uterus
 - Embryo transfer loss – when an embryo transfer during fertility treatment does not result in a pregnancy
 - Abortion or termination of a pregnancy following a medical or surgical procedure
2. If you are affected by a pregnancy lost from 24 weeks for either of the following reasons:
 - Stillbirth – the loss of a baby from 24 weeks during labour or birth
 - Neonatal loss – the loss of a live born baby up to 28 days after the birth

you are entitled by law to leave which is detailed in the 4-5 Parental Leave Policy.

Confidentiality

3. Pregnancy loss is a very private and difficult experience and one that is treated with the utmost confidentiality.
4. Information would only be shared if there were serious concerns for safety or that of others in relation to the situation.

5. Support is available via the Equality Diversity & Inclusion Officers, the Senior Clerk and Chambers' Mental Health First Aiders and it is acknowledged that depending on the circumstances different individuals within Chambers are available to be contacted in order to provide the most appropriate support.
6. Members and staff are encouraged to speak to the most appropriate person that they feel comfortable sharing their experience with to ensure that the right support can be provided at the earliest opportunity.
7. Those who may not initially feel comfortable discussing with anyone in the work environment are encouraged to contact the additional support options detailed at the end of this policy in Annex A.
8. It is hoped that by publishing this policy and detailing the support available, it will help with understanding and ensuring the right support and guidance is provided throughout the business and experiences are shared so they can be supported.

COMPASSIONATE LEAVE

9. A period of 7 days paid compassionate leave for staff is available to initially support absence from work.
10. The length of time off required will vary with individual's experiences and there are no restrictions on how much time off is taken nor how that time is taken within our current policies or how it is processed at the discretion of the business, which will be discussed with the individual to determine the most appropriate support required.
11. Any time off taken for pregnancy loss will not trigger any absence management processes in relation to number of sick days required to be taken.

12. During the period of any compassionate leave, a barrister member shall be entitled to a waiver of their fixed monthly contributions for the duration of that leave.
13. The waiver does not extend to the percentage levied on a member's fees or expenditure incurred on behalf of an individual barrister (for example, practising certificate fees or postage charges other than the costs of postage referred to at paragraph 20 below).

MEDICAL APPOINTMENTS AND SUPPORT

14. Attending medical or additional support appointments will be facilitated and can be discussed in order to best support the requirements of the individual.
15. Chambers (and in particular Chambers' clerks) will ensure at the request of the barrister that time for related medical and other appointments is protected and accommodated.
16. Prior to the commencement of compassionate leave, a barrister should meet with the Senior Clerk (or another appropriate clerk) to discuss use of their desk during leave and where appropriate agree a plan in respect of:
 - i. The level and type of contact s/he would like to have during compassionate leave;
 - ii. Any outstanding cases and appropriate cover;
 - iii. Any outstanding billing;
 - iv. An anticipated return date where possible;
 - v. How, when and by whom solicitors may be informed of the start and end date of compassionate leave;

- vi. Arrangements for the forwarding of post and paying in of cheques;
- vii. Whether s/he should suspend her/his practising certificate. It should be borne in mind that while suspension means that the barrister member will be free from CPD obligations for the period of suspension, it also means that s/he will not be able to take on any work during the period of compassionate leave; and
- viii. Whether s/he anticipates they will be undertaking work during compassionate leave, although again that may not be known.

DURING LEAVE

Contact with Chambers

17. In accordance with Part IV of the Constitution, Chambers through the Senior Clerk (or other appropriate person) will ensure that the barrister member is kept informed of Chambers meetings and important Chambers decisions. Chambers will also ensure the barrister member is kept informed of seminars or conferences to be held by Chambers relevant to the barrister's practice and, where possible seminars held by outside organisations.

- 18. Where possible and requested, seminar materials should be emailed to the barrister if requested.
- 19. Barrister members on compassionate leave are warmly invited to attend Chambers and team meetings. However, there is no obligation to attend during leave. Minutes should be e-mailed to the barrister member where appropriate and where the barrister member has indicated that they would like to receive these.

Management of pigeonhole

20. During a period of compassionate leave the barrister member's pigeonhole should be monitored by the clerks on a regular basis. Where necessary the contents should be posted to the barrister at least monthly during the period of leave at no cost extra cost to the barrister.
21. Any cheques received during compassionate leave should be dealt with in accordance with the arrangement reached under paragraph 15.f above.

RETURN FROM LEAVE

22. A phased return to work, temporary change to working arrangements or home working may be appropriate and the options available will be discussed to ensure that any adjustments made are the most appropriate and facilitated in the most appropriate way. Any changes can also be reviewed once in place to ensure that any changes continues to remain appropriate for the needs of the employee.
23. On return to work each barrister member may work part-time or flexible hours. Chambers supports flexible working and also recognises that some members may have a greater need for flexible working than others.
24. All members of the clerking team will be made aware of the particular member's needs and requirements during their return to work phase.
25. All members of Chambers as self-employed individuals are able to set their own working patterns and accordingly to work flexibly subject to the reasonable needs of Chambers and taking into account the Chambers' Equality & Diversity policy and the applicable law.

PUPILS

Prospective pupils

26. Upon application, Chambers may defer the commencement of pupillage of prospective pupils who become pregnant prior the commencement of pupillage.
27. Prospective pupils with existing childcare commitments may discuss with the Management 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

28. This part of the policy applies to all first and second six pupils. Paragraphs 37-39 below (flexible working hours) also apply to third six pupils and squatters.
29. Pupils who suffer a pregnancy loss during pupillage may defer completion of the remainder of pupillage (the “deferred period”), subject to the requirements of Part V of the Bar Training Regulations (see paragraph 38 below for the relevant regulations).
30. In the event that an exemption from the Bar Training Regulations is required, the pupil’s supervisor shall be responsible for obtaining written permission from the Bar Standards Board.
31. 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.
32. In the event of deferral and during the pupil’s ‘break’ period, the pupil’s supervisor shall be their point of contact with Chambers.

33. Chambers shall accommodate pupils' reasonable requests for flexible working hours in the event of a pregnancy loss. Such working hours should be discussed with the pupil's supervisor in order to ensure that the pupil is able to complete the work that is required of him or her. 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 6 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).
34. 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, but should be subject to a degree of flexibility rather than a one size fits all approach.
35. 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.

MISUSE OF THIS POLICY

36. Abuse of this policy will be a breach of a member's duty under Part III paragraph 3.11(q) of Chambers' constitution (to act with honesty, integrity and in good faith at all times in their dealings with Chambers, the company, the staff and other members). Any individual found to have misused this policy will be referred to the Bar Standards Board on the basis that Core Duty 2 (Behaving Ethically) will have been breached.

COMPLAINTS AND GRIEVANCES

37. Any member of Chambers, pupil, mini-pupil or member of staff who is concerned about issues concerning this policy is encouraged to raise those concerns with the Equality and Diversity Officer.
38. Complaints may be raised informally in the first instance with Chambers' Equality and Diversity Officer, Head of Chambers or a member of the Management Committee who will agree an appropriate response. Formal complaints should be made under Chambers' grievance procedure, a copy of which will be made available on request.

REVIEW OF THIS POLICY

39. The Chambers' Equality and Diversity Officer(s) will review this policy annually, and where appropriate will make proposals for change to the Chambers' Management Committee. .

CIRCULATION

40. A copy of this policy will be filed in the shared Chambers' Q drive under the folder name "POLICIES".
41. All members of Chambers, pupils and staff are required to:
- i. Read and understand this Policy; and
 - ii. Understand their role in relation to this Policy.
42. A copy of this policy will also be provided, on request, to members, pupils and staff.

ANNEX A: HELPFUL INFORMATION:

Miscarriage Association

www.miscarriageassociation.org.uk

01924200799

info@miscarriageassociation.org.uk

Ectopic Pregnancy Trust

www.ectopic.org.uk

020 7733 2653

Sands

www.sands.org.uk

0808 164 3332

helpline@sands.org.uk

Petals provides specialist counselling services after a pregnancy loss

www.petalcharity.org

Arc offers support during antenatal screening and following a termination

www.arc-uk.org

Abortion Talk offers the opportunity to talk about abortion in supportive and non judgemental environment.

www.abortiontalk.com

To get in touch

www.4-5.co.uk | clerks@4-5.co.uk | 0207 404 5252