

PARENTAL LEAVE AT 4-5 GRAY'S INN SQUARE

Ramya Nagesh



Introduction

As a child of the '80s and '90s, I very much grew up in a society in which the expectation was that couples had to choose between having a career or having children. More often than not, the norm was that the father would continue his career whilst the mother would make the professional sacrifice to stay home, give birth and raise babies. My own mother, though, was very much the exception to the norm. As a freshly immigrated twenty-something junior doctor, in what was still a male-dominated profession back then, she managed somehow to do both. I watched her return to work only a week after giving birth to my sister, running out to feed the baby between patients and fielding constant, unjustified criticism about her ability to be a present mother. I thought she was superwoman: managing to have it all without sacrifice. Of course, as an adult I recognise that the sacrifices she and other parents like her must have made would have been far more fundamental. We recognise now that personal well-being is vital, but it has to be nearly impossible to nurture that when you are forced to split all your time between your children and your career, without support or sympathy.

Thankfully, society in general has moved on from forcing such draconian choices on most people. But that doesn't mean that those of us at the independent Bar necessarily feel secure when balancing our desires to be both professionals and parents. As self-employed barristers, we take pride in our independence. After all, it is what enables us to represent all without fear or favour. It enables us to manage our own working patterns and determine how much or how little we can take on. The flip side of that coin, of course, is that when we come to look at having children we still face some of the same

questions that my mother did all those decades ago: how can I ensure that my career prospects don't suffer if I take time out? How can I ensure that my family and I don't suffer financially? Or will I have to sacrifice my ambitions and financial security in order to have a child?

As someone who has been at the Bar for over eleven years and is due to give birth to her first child in a matter of days now I am all too aware of these concerns. I was therefore extremely pleasantly surprised when I took time to go through 4-5 Gray's Inn Square's freshly updated Parental Leave Policy ("the Policy"). I set out below the key points which might help those of you who are thinking of joining us and want to know how life with us could align with your family ambitions.

Overarching points: equality whilst recognising different challenges faced

At the outset, the Policy recognises the challenges in maintaining a career at the Bar and having a family. It emphasises that 4-5 Gray's Inn Square's approach is to "support those who wish to have a family".

It also recognises that, whilst both parents face their own challenges, mothers do face different challenges to fathers at the Bar. It makes direct reference to the negative stereotypes which exist in relation to working mothers more than working fathers and adds "There is no place for beliefs that working mothers are somehow less suitable for certain pieces of work". It also recognises the importance of providing support to those who experience stillbirth, death of an infant shortly after birth, or miscarriage – the Policy applies equally to those members as it does to members who are fortunate enough to have a living baby.

The Policy, in this overarching section and throughout, makes clear that it operates in line with the Equality Act 2010 as well as Rule C110.2.k of the Bar Code of Conduct.

Financial Concerns

The Policy recognises that financial concerns may weigh heavily on our minds, as independent practitioners. Therefore:

- Payment of Chambers' rent is suspended for the period of parental leave taken;
- On return to work, the barrister need only pay their percentage of receipts for the first six months rather than receipts plus rent. In that way, barristers have a phased financial return.

This means that we can take parental leave safe in the knowledge that our financial burden is removed when it comes to Chambers. Not only that, but when we return to work we will not suddenly be hit with a bill for rent, which may feel overwhelming when we are rebuilding a practice. We only need pay Chambers in direct proportion to what we are actually earning.

Concerns about Career Prospects

The Policy takes great care to set out how a barrister's career prospects can be managed so that they can hit the ground running again on their return to practice. After all, nobody wants to announce their return to practice only to spend weeks fruitlessly refreshing emails and waiting for the 'phone to ring.

Accordingly, 4-5 Gray's Inn Square has set out the following measures:

- Prior to commencing leave, the barrister and senior clerk should meet to discuss and, where appropriate, agree a plan

in respect of various matters whilst on leave. These include: the type of contact s/he would like to have during parental leave, outstanding cases and appropriate cover, an anticipated return date where possible (recognising that it is not always possible to be certain as to when you will return to work) and informing solicitors as to the duration of parental leave;

- Those on parental leave are “warmly invited” to return for ‘Keeping in Touch’ (KIT) days. KIT days refer to any work-related activities, such as training or team events. They help to ensure that the barrister does not just ‘disappear’ for the duration of parental leave if they do not want to;
- At least three months before the barrister’s anticipated return the Policy states that “consideration must [the Policy’s emphasis] be given to” various matters: a) the appointment of a mentor to help the barrister settle back into practice and more generally; b) decisions as to type, duration and location of hearings which includes decision to work flexibly; c) any need to attend refresher courses in the barrister’s relevant practice area(s); and d) ways of informing clients that the barrister will be returning to practice;
- On return to practice, 4-5 Gray’s Inn Square supports flexible working and recognises that different members will have different needs, such as where a child requires more care at home due to a medical condition. Regardless of the reason, all members of the clerking team are to be made aware of the particular barrister’s needs and should avoid requesting that the barrister undertake such work. If the clerks do offer such work they need to make clear that there is no obligation on the barrister to take that work on;
- 4-5 Gray’s Inn Square has also set up a room to enable pumping of breast milk in privacy and a dedicated storage space for breast milk.

The measures outlined above are only some of the various steps set out in the Policy to ensure that return to practice is smooth, successful and incorporates practical assistance to all parents.

Pupils who are Pregnant

As a pupil, you should never feel that your family must suffer in order to be taken seriously as a candidate for tenancy. I was therefore especially pleased to see that the Policy directly addresses the situation where pupils or prospective pupils become pregnant and/or have childcare responsibilities.

In summary:

- Prospective pupils who become pregnant before starting pupillage can ask 4-5 Gray's Inn Square to defer their pupillage;
- Prospective pupils who have existing childcare commitments are entitled to flexible working hours in accordance with the Policy;
- Pupils who become pregnant during pupillage may defer completion of the remainder of pupillage, subject to the requirements of the Bar Training Regulations of course. Such a deferral shall not affect the overall pupillage award nor shall it affect consideration of whether they will be taken on as tenants upon successful completion of their pupillage;
- 4-5 Gray's Inn Square shall accommodate pupils' reasonable requests for flexible working hours to allow for childcare commitments. The need for flexible hours for this reason should not be a 'one size fits all approach' and should not, so far as possible, affect the allocation of court work during the practising period of pupillage.

Conclusion

I have cantered through what I consider to be the key points in the Policy, but I do encourage you to take a look at the Policy for yourself and draw your own conclusions. For my part, I can certainly attest to the fact that I feel supported in my decision to take some time out to start a family. I know that I can do so without facing either explicit or implicit criticism from other members of Chambers or the clerking team. Quite the contrary - I feel that I can now enjoy my time with my new child safe in the knowledge that I need have no concerns about the impact on my finances or my career progression. When I return to practice, I am confident that I will be able to hit the ground running and make my practice work for me and my family. As it turns out, I may not need to be superwoman after all.

