

**FLEXIBLE WORKING POLICY FOR MEMBERS**

1. This Policy has been produced in accordance with the Bar Code of Conduct C.110.3 (l), It is the policy of Chambers to make all reasonable efforts to assist any member of chambers to work flexible or part-time or partly from home to assist with managing their family responsibilities or disability. Flexible working may lead to financial implications and any financial arrangement will be assessed upon the circumstances of the individual case by the Management Committee.
2. Chambers will also fully consider applications from members to take career breaks, whilst retaining their membership in Chambers.
3. All members of chambers as self-employed individuals are able to set their own working patterns, subject firstly to their obligations under chambers’ Constitutionto pay their chambers’ rent and clerks fee*s,* 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.
4. 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.
5. This Policy is subject to the Management Committee’sabsolute discretion in relation to chambers’ expenses as set out in the constitution.
6. This Policy is made available and drawn to the attention of all members of chambers, clerks and staff, all of whom are required to:
   1. Read and understand this Policy; and
   2. Understand their role in relation to this Policy.
7. This Policy will be reviewed by chambers’ Equality and Diversity Officer every two years, who will report to the Management Committeeon its effectiveness and make recommendations as required.

**Areas Covered by this Policy**

1. This Policy will deal with -

i)  General Guidelines with regard to flexible working

ii)  Procedure and Guidelines for working flexibly (including financial arrangements in the event of long term illnessor disability as per Chambers’ constitution.)

iii)  Complaints and review

**General Guidelines on Flexible Working**

1. Chambers recognises that, from time to time, members may decide they want to work more flexibly than is customary in full-time self-employed practice at the Bar, so as to enable them to manage childcare, family or other responsibilities, or to manage the effects of any ill-health or disability that they or a family member may have, alongside the continuation of their practice. Generally, such arrangements are a matter of the member’s individual choice.
2. These general guidelines apply to all members of chambers working flexibly whether or not they are subject to an alternative charging structures as per the constitution.
3. 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 Senior Clerk their wish to work flexibly and to discuss the ongoing arrangements in their practice reviews. 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.
4. 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.
5. Chambers shall encourage its clerks to undertake training in relation to flexible working and the EDO will monitor the numbers/types of flexible working arrangements and act as a source of information on flexible working for members, and a source of guidance and information for clerks in relation to their responsibilities under this Policy and the BSB Code of Conduct.
6. 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. ii)  Informed about and consulted on any significant issues affecting their practice and the practice of chambers.
7. The following guidelines should be followed by members and chambers (through the members’ clerking team): When the member decides they wish to work flexibly, they should meet with their Senior Clerk prior to starting flexible working to discuss the following: -

a)  the reason that they wish to work flexibly (if appropriate);

b)  the hours and days that they wish to work, where the member

intends to be based (home or chambers);

c)  any geographical limitations the member would like to be placed on

work allocated to them;

d)  how their proposed days and hours of work are likely to affect the

other members of their practice group;

e)  how the member wishes their flexible working to be referred to in

conversations with clients and other members of chambers;

f)  what arrangements the member is going to make to ensure good

communications are maintained with the clerks and with solicitors;

g)  logistical issues (pigeon-hole contents; IT; couriers; payment of

fees etc.)

h)Upon starting to work flexibly, the member shall be informed that they can meet with the EDO to discuss the arrangements*;*

1. A review meeting will take place between four and six weeks after the start of the flexible working at which the member and Senior Clerk *[and the EDO if the member requests their attendance]* to see if the arrangements made are working in practice, and adjusted if necessary.
2. In the members’ subsequent Practice Reviews, the Senior Clerk or other clerk carrying out the Review will consider and discuss with the member, in addition to the other elements of the Practice Review:

a)   how well the arrangements are working in practice, and if they need amendment;

b)  the information on the monitoring of allocation of unassigned work in relation to the member.

1. 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.

**Application Process**

1. Members who wish to work flexibly should make a written application to the Management Committee including details about how they want to work flexibly and when they want to start.
2. The Management Committee will reply in writing within 14 days to acknowledge that the request has been granted.
3. If the request is not granted in writing then a meeting will be arranged within 28 days from receipt of the application to discuss in more detail.
4. A decision in writing will be provided to the member of Chambers within 14 days of the meeting.

**Appeals**

1. In the unlikely event that an application is refused the letter from the Management Committee should set out:

(i) the business reasons for rejecting the application

(ii) an explanation about how flexible working affects their business

(iii) how the member can appeal

1. A member of chambers may appeal to the Management Committee against a flexible working decision on any ground.
2. The Management must hold a meeting with the member within 14 days after the member has lodged the appeal. Both sides must agree on the date.
3. The Management Committee must write to the member saying what the decision is within 14 days of the meeting.
4. If the member misses 2 appeal meetings without a good reason, Chambers can treat the appeal as withdrawn. The member will not be able to make another flexible working application for 12 months.

**Complaints and Other Information**

1. Any member of chambers who wishes to make a complaint about the application of this Policy or any other matter in respect of flexible working should in the first instance contact the EDOwho will endeavour to resolve the complaint informally. If such attempt at a resolution fails, a grievance can be pursued under Chambers’ Internal Grievance Procedure.
2. 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.

**FLEXIBLE WORKING POLICY FOR STAFF**

1. It is the policy of Chambers on flexible working to give employees an opportunity to formally request a change of working pattern. Flexible working policy will not form part of the employee’s terms and conditions of employment.
2. If you have more than 26 weeks continuous service and parental responsibility for a child under the age of 17 or 18 in the case of a disabled child or carer for a dependant adult you may qualify for the right to request flexible working. All requests will be considered seriously by chambers.
3. Requests for flexible working may include a request for a change in number of hours you work, place of work or change to the pattern of hours worked.
4. All requests must be put in writing to the Management Committee.
5. A meeting will then be arranged with the Management Committee and staff member to discuss the proposed changes, the potential effects and any alternative arrangements which might suit both parties.
6. Each request will be dealt with individually, consideration will be given to the likely effects it may have on Chambers or to other colleagues. Agreement of one request will not set a precedent to create a right for another employee to be granted a change to his/her working pattern.
7. Chambers will notify you of the decision. If the request is accepted, or where Chambers propose alternative arrangements to your request, Manager will write to you confirming details of the new working arrangements, agreed trial period, date of commencement and any changes to your contract of employment. You will be asked to sign and date the letter and confirm acceptance of the offer.
8. There will be circumstances where due to business or operational requirements, Chambers are unable to agree to flexible working requests. Chambers Practice Manager will write to you giving you the business reasons, why they apply in your case and your right to appeal.
9. Reasons when flexible working may be rejected : Additional costs to business, lack of ability to meet customer demands, other staff are unable to reorganise their workload, inability to recruit additional staff, quality of service provided, impact on performance and insufficiency of work during your proposed hours, planned changes by the business.
10. If your request is rejected, you will have the right to appeal. This must be made in writing detailing the grounds within 14 days of receipt of your written rejection from Practice Manager. All appeals will be dealt with by Management Committee who will invite you in to discuss your appeal; this will be done within 14 days of receipt of your grounds. The Management Committee will make a decision on your appeal. If it is upheld, you will be advised of your new working arrangements, details of any trial period and an explanation of changes to your contract of employment and date of commencement. You will be asked to sign and return a copy of the letter.
11. If your appeal is rejected, you will be provided with full written reasons and why they apply in your case.
12. Further formal requests for flexible working will not be allowed for 12 months from the date of your original application.
13. Any amendments to terms of employment will be permanent and you will not be able to make another formal request until 12 months after the date of your original application.
14. Employees have the right to be accompanied and may bring a colleague or union rep to any formal meetings.
15. Every effort will be made to adhere to the above timescales and procedures, however if this is not possible, Chambers will seek to agree an extension with you.
16. Chambers reserves the right to amend this policy from time to time.

**Review**

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