



Continuing Professional Development (CPD) Guidance for Barristers Taking Parental Leave

This guide has been produced to assist barristers who are taking, or are planning to take, a period of parental leave.

Code Requirements

If you are going on parental leave, then you have the option to suspend your practising certificate. Dependant on which CPD programme you are subject to, this will either automatically reduce or suspend your CPD requirements until you return to practice.

If you are on the New Practitioners Programme and continue to hold your practising certificate whilst on parental leave, then you are open to apply for a waiver or extension of your CPD requirements. If you unregister during your leave then the three year period will pause for the period that you are away from practise. For example, if there are twelve months remaining when you unregister as a barrister, there will still be 12 months remaining when you regain your practising certificate.

If you are subject to the established practitioners programme and retain your practising certificate while you are on leave, you will need to create and retain a record which says that you are unable to complete CPD as you are on leave. Established Practitioners are not required to obtain a waiver or an extension from the CPD requirements.

Where an application for a waiver or extension is being made on the ground of parental leave, you are open to seek a waiver of the application fee and the fee waiver policy is attached at Annex A for your information.

Similarly, if you have financial hardship, it is possible to request that the Qualifications Committee waives the application fee and this should be requested within the application form.

Those who suspend their practising certificate must not hold themselves out as a barrister in connection with the supply of legal services.

'Keeping Your Hand In'

The BSB encourages barristers taking a period of parental leave to, if possible, keep their practising certificate and complete their required CPD hours. This is to help barristers on parental leave (most of whom are women) to maintain their practice, keep themselves up to date and place them in a stronger position once they return to work. 'Keeping in touch' days can also be beneficial (see page 4 of this guide).

The Data

The retention of women at the self-employed Bar is a problem: The 2011 Biennial Survey of the Bar¹ showed that numbers of female barristers decline after approximately 12 years' experience. This drop-off point may coincide with the time at which many women decide to start a family. If women do have children, they are far more likely to take main responsibility for providing and organising childcare (two thirds of female barristers with children do this, compared to just four per cent of men)². In turn, this means that only 12.3% of self-employed QCs are female (compared to the 32.5% of all self-employed barristers who are female)³.

Online and Distance Learning CPD Providers

You do not necessarily have to pay a lot of money or travel to classrooms or lecture halls to comply with your CPD requirements. There are many various CPD providers who provide courses online. Here is list of online and/or distance learning CPD Providers.

Please note that this list is a guide only and is not exhaustive. The BSB does not endorse or recommend these CPD Providers over other CPD Providers.

Online CPD Providers:

- Infolaw Limited - www.infolaw.co.uk/cpd
- Amanda Millmore - www.Legaltraining.co.uk
- Family Law Week – www.familylawweek.co.uk/site.aspx?i=ed68394
- Crimeline Training Limited – www.crimeline.info/courses
- Stubb Legal Ltd - www.stubblegal.co.uk
- Jordan Publishing Ltd – www.jordanpublishing.co.uk

BSB: E&D Webinar:

BSB Webinar on Equality rules of the BSB Handbook – free

http://ll5.workcaststr.net/10384/9039990667087490/media/10384_20120724101958_bar_standards_ondemand.mp4

1. Barristers' Working Lives – A Biennial Survey of the Bar 2011,

www.barstandardsboard.org.uk/media/1385164/barristers_working_lives_30.01.12_web.pdf

2. Barristers' Working Lives – A Biennial Survey of the Bar 2011,

www.barstandardsboard.org.uk/media/1385164/barristers_working_lives_30.01.12_web.pdf

3. Bar Barometer- Trends in the profile of the Bar 2014,

https://www.barstandardsboard.org.uk/media/1599997/bsb_barometer_report_112pp_june_13.pdf

DVDs/Videos/CD Roms

The Western Circuit (provides CDs and DVDs) - www.westerncircuit.org.uk/

The South Eastern Circuit (DVDs of previous circuit lectures available to purchase) - www.southeastcircuit.org.uk/education/previous-south-eastern-circuit-lectures-available-to-purchase.

Gray's Inn (lectures on DVD) - <http://www.graysinn.org.uk/education/cpd>

Equality Rules in the BSB Handbook

There are a number of equality rules, introduced in September 2012, that have been designed to assist self-employed barristers with parental responsibilities. The rules at section rC110 require chambers to:

- Have in place a written parental and adoption leave policy which covers:
 - i) The right of a member of chambers to return to chambers after a specified period (which must be at least 1 year) of parental or adoption leave
 - ii) The extent to which a member of chambers is or is not required to contribute to chambers' rent and expenses during parental leave. This includes, but is not limited to, the method of calculation of any waiver, reduction or reimbursement of chambers' rent and expenses during parental leave
 - iii) The procedure for dealing with grievances under the policy
 - iv) Chambers' commitment to review regularly the effectiveness of the policy
- Where rent is paid on a flat rate basis, chambers must offer members taking a period of parental leave, or leave following adoption, a minimum of 6 months free of chambers' rent.
- Chambers must have a written flexible working policy which covers the right of a member of chambers to take a career break, to work part time, to work flexible hours or to work from home to enable them to manage their family responsibilities or disability and remain in practice.
- If you have any queries or concerns about the approach your chambers is taking you can call the Bar Council's equality and diversity helpline for an anonymous and confidential discussion. The number is 0207 611 1310.

'Keeping in Touch' Days

Barristers taking a period of parental or adoption leave are encouraged to maintain contact with chambers. Keeping in touch (KIT) days are intended to help you keep in touch with your chambers and can help ease your return to work. You are allowed to work as a self-employed person for up to 10 KIT days during your Maternity Allowance period without losing any MA. If you want to do any billable work during your KIT days then you will need your practising certificate and CPD hours to be up to date.

It is recommended that Heads of Chambers take steps to ensure that a member is:

- Offered opportunities to do appropriate work if this is requested;
- Invited to training events, social occasions, marketing events and chambers meetings;
- Consulted on any significant issues affecting the practice of chambers;
- Assisted with the re-establishment of their practice on return to work, including (where requested) the arrangement of a "practice meeting" with the relevant clerk within two weeks before the member returns to work.

Even if you have suspended your practising certificate (and hence your CPD requirements) and you are unsure as to when or whether you will return to practice, it is still recommended that you arrange a series of 'ice-breaker' sessions with your chambers with the aim of helping to make your return to work easier and less daunting.

Bar Standards Board Contact Details

For further information contact:

- For CPD Supervision / Compliance – cpdrecords@barstandardsboard.org.uk
- For Equality & Diversity – Jessica Prandle (Senior Policy Officer),
JPrandle@BarStandardsBoard.org.uk or Equality@BarStandardsBoard.org.uk
- Bar Standards Board switchboard – 0207 611 1444

Annex A: Qualifications Committee – Policy for Waiver of Application Fees Objectives of Application Fees and Waivers

1. The objective of charging fees for applications to the Qualifications Committee is to seek to recover the full costs of the work by the Qualifications Committee and the Qualification Regulations section of the Bar Standards Board required to deal with the applications.

2. The current fees charged are set out on the declaration page at the end of each application form. Forms can be found on the BSB website:

<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/applications-authorisations,-exemptions,-waivers-and-reviews/>

3. The Qualifications Committee has a discretion to waive the relevant application fee if it is satisfied that it is necessary to do so in order to avoid injustice or real hardship. This document sets out the factors to which the Committee will have regard when considering any application for a waiver of the relevant fee.

The Overriding Objective

4. The overriding objective when considering any application for a fee waiver is to ensure fairness.

5. Ensuring fairness, includes, so far as is practicable, by:

i) recognising that the general rule is that those seeking a waiver from any rule or requirement should pay the relevant fee and that the granting of a fee waiver is an exceptional course which is required to be justified;

ii) taking into account the circumstances in which the need to make an application for which a waiver of the fee is sought has arisen, and the extent to which the applicant is responsible for these circumstances; and

iii) taking into account all the circumstances of the applicant, for example, where the applicant supplies evidence of receipt of a UK means-tested benefit (e.g. Income Support, Housing Benefit, Income based Jobseekers Allowance), or an equivalent benefit received overseas.

6. Applications for a fee waiver must be supported by evidence, including any particular evidence that the Committee considering the request for a fee waiver may reasonably require. An applicant must ensure that all supporting evidence is sent with the Application, and any failure to do so may result in delays in dealing with the Application, or in cases of refusal to provide such evidence, the Qualifications Committee reserves the right to reject such Applications. In every case, the Qualifications Committee has the power to request further information or documentation be supplied in support of an Application, but applicants should note that it is the primary responsibility of the applicant to provide all relevant information and supporting evidence rather than the task of the Qualifications Committee to ask for it.

Specific Considerations

7. When dealing with the following specific applications, the Committee will also have regard to the following criteria when considering the overriding objective:

i) In the case of applications for Certificates of Academic Standing (Credit Transfer), the Qualifications Committee will waive the application fee where an applicant has been compelled to transfer credit from one institution to another because of illness or other special circumstances. Full independent evidence of the circumstances surrounding the credit transfer will usually be required with the application, e.g. medical evidence where the reason is illness together with supporting evidence from the relevant institution(s).

ii) In the case of applications for Retrospective Registration of Pupillage, the Qualifications Committee will usually waive the application fee where the applicant supplies a "Certificate of Posting" showing that an application for registration of pupillage was in fact posted to the Bar Standards Board prior to commencement of pupillage.

iii) The Qualifications Committee will usually waive the application fee for any type of application where the applicant provides evidence that the need for the application arose as the result of an administrative or similar error on the part of the Bar Standards Board.

iv) In the case of applications for waivers or extensions of time in relation to CPD requirements, the Qualifications Committee will usually waive the application fee where the waiver or extension of time sought is equivalent to the length of a break in practice on the basis of serious illness, bereavement, maternity/paternity leave or caring responsibilities for a dependent.

All applications must be accompanied by

- Evidence of the circumstances leading to the break in practice (e.g. medical evidence); and*
- Confirmation from the applicant's Head of Chambers or employer (or in the case of an application by a Head of Chambers or a sole practitioner, some other independent confirmation) of the break in practice.*

v) In the case of applications for extensions of time in relation to CPD requirements, the fact that an applicant has completed his/her requirements very shortly after the deadline will not, in itself, justify a waiver from the application fee.

Procedure for Applying for a waiver from an Application Fee

8. Those applying for a waiver from an application fee can do so by either of the following ways:

i) By submitting the request for waiver from the application fee together with the application itself, including the application fee. If a waiver from the fee is granted, the application fee will be refunded; or

ii) By submitting the request for waiver from the application fee together with the application itself, but without the application fee. If the fee waiver is granted, the application will be considered. If the fee waiver is not granted, the application will not be considered until the application fee is paid.

Review

9. An applicant who is unhappy with the decision on his/her application for a fee waiver may request a review of the decision by the full Qualifications Committee. There is no fee payable for an application for review of a decision on a fee waiver application.

Monitoring of Waiver Provisions

10. This policy has been subjected to an Equality Impact Assessment.

11. All applications for waiver from application fees and the outcome of such applications including reasoned decisions are recorded.

12. The records of all applications for waiver from application fees will be monitored on an annual basis, to ensure that the objectives of charging application fees and granting waivers from them are being met. The policy will be amended if it is found that they are not.

Qualifications Committee